



Ada County Zoning Ordinance

Draft-For Discussion Only

April 12, 2022

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This draft includes Chapters 2-5 of the new Ada County Zoning Ordinance. The following chapters are coming later:

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Chapter 2 Zoning Districts

Purpose: This Chapter establishes zoning districts and sets out permitted and conditional uses in each zoning district. The zoning districts are shown on the Zoning Map (see Section 8-2-3 (Zoning Map)).

Article 1 Generally

8-2-1. District Structure

- A. Applicability.** The use, erection, alteration, or relocation of any building or use, or the alteration of land, shall comply with the regulations for the zoning district where that building, or land is located.
- B. Permitted and Special Uses.** Section 8-2-23 of this chapter (*Use Table*) establishes uses which are permitted, specially authorized, and prohibited in each zoning district.
- C. Dimensional Standards.** Each zoning district includes dimensional standards, including density, setback, and building height. These are defined in Chapter 10 and summarized below:

Table 8-2-1-1 Summary / Description of Dimensional Standards

Note: See Chapter 9 for definitions of the terms below.

Density and Development

Density	Density is expressed as gross density (see Chapter 10) unless otherwise indicated. Although maximum densities are listed, they are not guaranteed and are determined based on a variety of factors. Permitted densities may or may not be achievable on every lot in a given district due to specific site constraints of particular parcels or lots.
Lot Area	This is a minimum (in square feet or acreage) for the entire lot where a lot area standard applies.
Lot Depth	This is a minimum (in feet) for the entire lot where a lot depth standard applies.
Lot Width	This is a minimum (in feet) for the entire lot where a lot width standard applies.
Building Area	This is expressed as the maximum per building, in gross floor area (gfa). The building area is determined using the methodology established in the building code.
Building Height	Building height is measured as the vertical distance from the grade plane to the average height of the highest roof surface.

Common Open or Civic Space	These are open or civic space requirements calibrated to the district's character.
Setbacks	<i>Note: Chapter 3 explains the relationship between setbacks and related standards such as landscaping and buffers.</i>
Front Setback	The minimum required distance between the front property line and nearest structure.
Side Street Setback	The minimum required distance between the side street (right-of-way) curb and nearest structure.
Interior Side Setback	The minimum required distance between the side property line and nearest structure.
Rear Setback	The minimum required distance between the rear property line and nearest structure.

8-2-2. Districts Established

- A. **Generally.** Table 8-2-2-1 (*Zoning Districts*):
1. Establishes the zoning districts for the County;
 2. Associates the districts to the future land use designations from the Ada County 2025 Comprehensive Plan that each district implements; and
 3. Translates the former zoning districts from the zoning districts in the predecessor Base District Regulations and Overlay Districts, to the new zoning districts in this title.

Table 8-2-2-1 Zoning Districts

New Zoning Districts	Base Districts	
	Future Land Use Designations	Former Zoning Districts
Rural Preservation (RP)	Agriculture	Same (Rural Preservation (RP))
	Rangeland	
	Rural Residential	
	State and Federal Rangelands	
	Open Space, Parks, and Recreational Facilities	
Rural Residential (RR)	Agriculture	Same (Rural Residential (RR))
	Rangeland	
	Rural Residential	
	State and Federal Rangelands	
	Open Space, Parks, and Recreational Facilities	
Rural Urban Transition (RUT)	Residential	Rural Urban Transition (RUT)
	Rural Residential	Rural Urban Transition (RUT) Existing

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Chapter 2 Zoning Districts | 8-2-3 Zoning Map

Base Districts		
New Zoning Districts	Future Land Use Designations	Former Zoning Districts
	Open Space, Parks, and Recreational Facilities	
Southwest Community Residential (RSW)	Residential	Southwest Community Residential (RSW)
	Rural Residential	Southwest Community Residential (RSW) Existing
	Open Space, Parks, and Recreational Facilities	
Estate Residential (R1)	Residential	Estate Residential (R1) Estate Residential – Manufactured Home (R1M)
Low Density Residential (R2)	Residential	Low Density Residential (R2)
Medium Low Density Residential (R4)	Residential	Medium Low Density Residential (R4)
Medium Density Residential (R6)	Residential	Medium Density Residential (R6)
Medium High Density Residential (R8)	Residential	Medium High Density Residential (R8) Medium High Density Residential – Manufactured Home (R8M)
High Density Residential (R12)	Residential	High Density Residential (R12)
Very High Density Residential (R20)	Residential	Very High Density Residential (R20)
Limited Office (LO)	Commercial	Limited Office (LO)
Neighborhood Commercial (C1)	Residential	Neighborhood Commercial (C1)
	Commercial	
	Public / Quasi Public	
Community Commercial (C2)	Commercial	Community Commercial (C2) Regional Commercial (C3)
Light Industrial (I1)	Emerging Industrial Centers	Technological Industrial (T1)
	Industrial	Limited Industrial (M1)
General Industrial (I2)	Emerging Sand and Gravel Locations	General Industrial (M2)
	Emerging Industrial Centers	
	Industrial	
Airport Industrial (I3)	Industrial	Airport Industrial (M3)
	Boise Airport Influence Area	
Planned Communities (PC)	Planned Communities	Planned Communities (PC)
Overlay Districts		
New Overlay Districts	Former Overlay Districts	
Boise Air Terminal Airport Influence Areas (BAT)	Boise Air Terminal Airport Influence Areas	
Wildland – Urban Fire Interface (WUFI)	Wildland – Urban Fire Interface	
Southwest Planning Area (SPA)	Southwest Planning Area	
Planned Unit Development (PUD)	Planned Unit Development	
Area of Military Influence (AMI)	Area of Military Influence	
Flood Hazard (FH)	Flood Hazard	
Boise River Greenway (BRG)	Boise River Greenway	
Hillside (HS)	Hillside	

8-2-3. Zoning Map

- A. Official Zoning Map Adopted.** Zoning districts are shown on the map entitled "Zoning Map" of the County of Ada. An official copy of the map is on file and available for inspection during regular business hours at the Development Services Office.

- B. Force and Effect.** The Zoning Map, together with all legends, references, symbols, boundaries, and other information, is part of, and has the same force of law, as the text of this title.
- C. Status of the Zoning Map.** The Zoning Map controls if there is a conflict between the Zoning Map that is on file and any other paper or digital reproduction of the Zoning Map.
1. Base Zoning Districts. All property within the County has an associated base zoning district. A base zoning district applies a uniform set of standards, including:
 2. Permitted, conditional, and prohibited uses;
 3. Development standards; and
 4. Use regulations.
- D. Overlay Districts.** Overlay districts apply only to certain areas within the jurisdiction of this title, as shown on the Zoning Map. They establish additional standards that supplement the base districts.
- E. Interpreting the Zoning Map.** Refer to section 8-10-1 of this title (General Rules of Interpretation) for criteria and procedures for interpreting the boundaries depicted on the Zoning Map.

Article 2 Base Districts

8-2-4. Rural Preservation (RP)

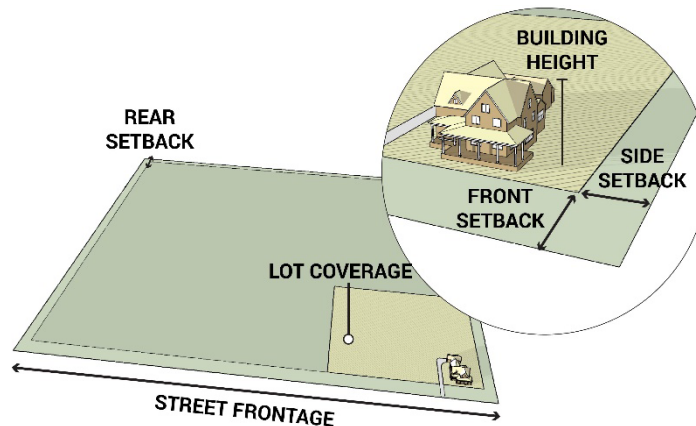
Purpose. *The Rural Preservation (RP) District:*

- accommodates the continued use of agricultural lands, rangelands, and wildlife management areas,
- limits development of hazardous areas, and
- allows a limited number of uses with significant space requirements or buffering needs on non-prime agricultural lands.

A. Development and Dimensional

B. Standards.

Table 8-2-4-1 Rural Preservation (RP) Dimensional Standards



Density and Development		
1	Lot Size (min acreage)	40
2	Density (max dwelling units per 40 acres)	1 ¹
3	Building Height (max feet)	35'
4	Lot Coverage (max percentage)	10
5	Street Frontage (min feet)	100'
Setbacks		
6	Front Yard Setback (min)	50'
7	Side Street Setback (min)	30'
8	Interior Side Setback (min)	25'
9	Rear Setback (min)	25'

¹One Accessory Dwelling Unit, Additional Farm Dwelling, Caretaker Dwelling, or Temporary Living Quarters is permitted on an RP lot in addition to the principal use, and does not count towards the maximum density.

NOTE: See section 8-2-1.C, Table 8-2-1-1 (Summary / Description of Dimensional Standards). See Chapter 4 (Use Standards) for additional or supplemental standards for use types, such as Accessory Dwelling Units.

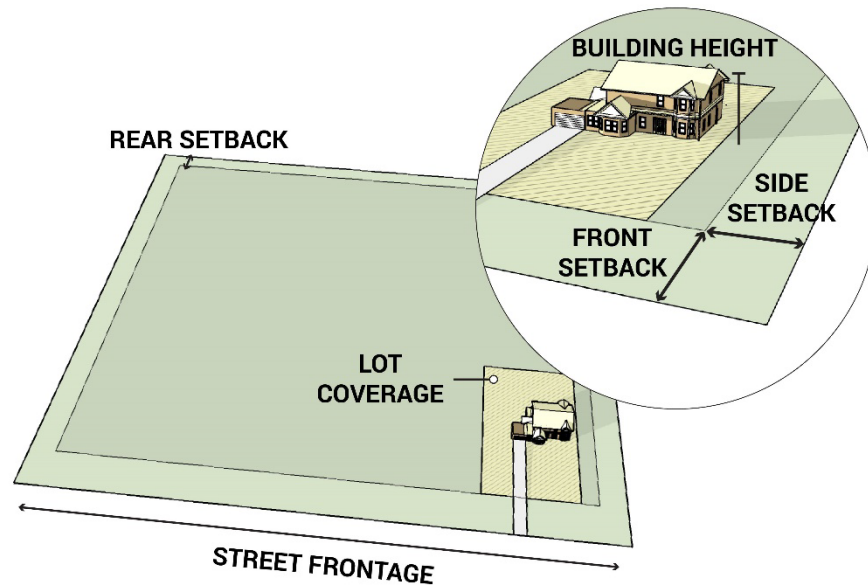
C. Permitted Uses. Refer to section 8-2-23 of this chapter (Use Table).

8-2-5. Rural Residential (RR)

Purpose. *The Rural Residential (RR) District accommodates an agrarian lifestyle on large tracts of land where the property is annexed into a fire district, public street access is available, and development does not require excessive expansion of public services.*

A. Development and Dimensional Standards.

Table 8-2-5-1 Rural Residential (RR) Dimensional Standards



Density and Development		
1	Lot Size (<i>min acreage</i>)	10
2	Density (<i>max dwelling units per 10 acres</i>)	1 ¹
3	Building Height (<i>max feet</i>)	35'
4	Lot Coverage (<i>max percentage</i>)	5%
5	Street Frontage (<i>min feet</i>)	100'
Setbacks		
6	Front Yard Setback (<i>min</i>)	50'
7	Side Street Setback (<i>min</i>)	30'
8	Interior Side Setback (<i>min</i>)	25'
9	Rear Setback (<i>min</i>)	25'

¹ One Accessory Dwelling Unit, Additional Farm Dwelling, Caretaker Dwelling, or Temporary Living Quarters is permitted on an RR lot in addition to the principal use, and does not count towards the maximum density.

NOTE: See section 8-2-1.C, Table 8-2-1-1 (Summary / Description of Dimensional Standards). See Chapter 4 (Use Standards) for additional or supplemental standards for use types, such as Accessory Dwelling Units.

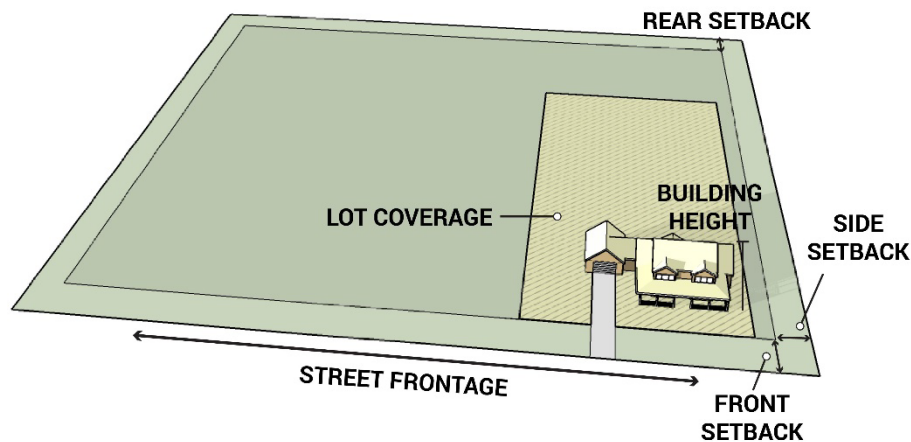
B. Permitted Uses. Refer to Section 8-2-23 of this chapter (Use Table).

8-2-6. Rural Urban Transition (RUT)

Purpose. The Rural Urban Transition (RUT) District accommodates single-family residential and limited agricultural uses within areas of city impact (ACIs). Although low density development mostly characterizes this district, redevelopment should accommodate higher density development when urban public facilities are extended. This district provides development patterns to achieve the desired Rural Urban transition.

A. Development and Dimensional Standards

Table 8-2-6-1 Rural Urban Transition (RUT) Dimensional Standards



Density and Development		
1	Lot Size (min acreage)	5
2	Density, Gross (max dwelling units per 5 acres)	1 ¹
3	Lot Coverage (max percentage)	20
4	Building Height (max feet/stories)	35'
5	Street Frontage	250'
6	Common Open Space (min, sf per dwelling, for applications proposing at least 10 dwellings)	1,000 sf
Setbacks		
7	Front Setback from Arterial or Collector Street (min)	30'
8	Interior Side Setback (min)	25'
9	Rear Setback (min)	25'

¹ One Accessory Dwelling Unit, Additional Farm Dwelling, Caretaker Dwelling, or Temporary Living Quarters is permitted on a lot of at least 5 acres in addition to the principal use, and does not count towards the maximum density.

NOTE: See section 8-2-1.C, Table 8-2-1-1 (Summary / Description of Dimensional Standards). See Chapter 4 (Use Standards) for additional or supplemental standards for use types, such as Accessory Dwelling Units.

B. Permitted Uses. Refer to section 8-2-23 of this chapter (Use Table).

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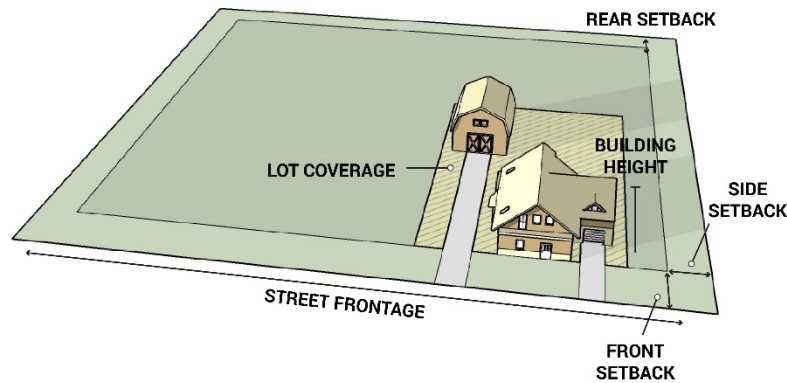
Chapter 2 Zoning Districts | 8-2-7 Southwest Community Residential (RSW)

8-2-7. Southwest Community Residential (RSW)

Purpose. The Southwest Community Residential (RSW) District accommodates single-family residential and limited agricultural uses within the Southwest Planning Area. Although low density development mostly characterizes this district, redevelopment should accommodate higher density development when urban public facilities are extended. This district provides conventional and cluster development patterns to achieve the appropriate Southwest Community Residential characteristics.

A. Development and Dimensional Standards

Table 8-2-7-1 Southwest Community Residential (RSW) Dimensional Standards



Density and Development ¹		
1	Lot Size (min acreage)	2.5
2	Density, Gross (max dwelling units per 5 acres)	1 ¹
3	Lot Coverage (max percentage)	15
4	Building Height (max feet/stories)	35'
5	Street Frontage	250'
6	Common Open Space (min, sf per dwelling, for applications proposing at least 10 dwellings)	1,000 sf
Setbacks		
7	Front Setback from Arterial or Collector Street (min)	30'
8	Front Setback from Local Street or Private Road (min)	25'
9	Front Setback if providing alley access, a side loaded garage, or rear garage (min)	25'
10	Interior Side Setback (min)	25'
11	Side Setback from Local Street or Private Road (min)	20'
12	Rear Setback (min)	25'

¹ One Accessory Dwelling Unit, Additional Farm Dwelling, Caretaker Dwelling, or Temporary Living Quarters is permitted on a lot of at least 2.5 acres in addition to the principal use, and does not count towards the maximum density.

NOTE: See section 8-2-1.C, Table 8-2-1-1 (Summary / Description of Dimensional Standards). See Chapter 4 (Use Standards) for additional or supplemental standards for use types, such as Accessory Dwelling Units.

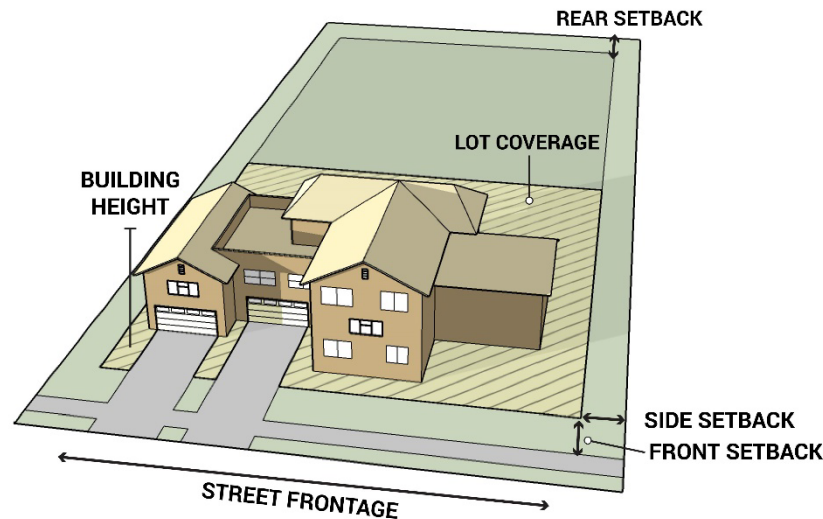
B. Permitted Uses. Refer to section 8-2-23 of this chapter (Use Table).

8-2-8. Estate Residential (R1)

Purpose. The Estate Residential (R1) District primarily includes single-family detached residences developed at densities lower than typically found in urban and suburban areas. It is located away from activity centers, and in locations where development characteristics feature large lots.

A. Development and Dimensional Standards.

Table 8-2-8-1 Estate Residential (R1) Dimensional Standards



Density and Development		
1	Lot Size (<i>min acreage</i>)	1
2	Density, Gross (<i>max dwelling units per acre</i>)	1 ¹
3	Lot Coverage (<i>max percentage</i>)	35%
3	Building Height (<i>max feet/stories</i>)	35'
5	Street Frontage	100'
6	Common Open Space (<i>min, sf per dwelling, for applications proposing at least 10 dwellings</i>)	1,000 sf
Setbacks		
7	Front Setback from Arterial or Collector Street (<i>min</i>)	30'
8	Front Setback from Local Street or Private Road (<i>min</i>)	25'
9	Front Setback if providing alley access, a side loaded garage, or rear garage (<i>min</i>)	20'
10	Interior Side Setback (<i>min</i>)	10'
11	Side Setback from Local Street or Private Road (<i>min</i>)	20'
12	Rear Setback (<i>min</i>)	20'

¹One Accessory Dwelling Unit, Additional Farm Dwelling, Caretaker Dwelling, or Temporary Living Quarters is permitted on an R1 lot in addition to the principal use, and does not count towards the maximum density.

NOTE: See section 8-2-1.C, Table 8-2-1-1 (Summary / Description of Dimensional Standards). See Chapter 4 (Use Standards) for additional or supplemental standards for use types, such as Accessory Dwelling Units.

B. Permitted Uses. Refer to section 8-2-23 of this chapter (Use Table).

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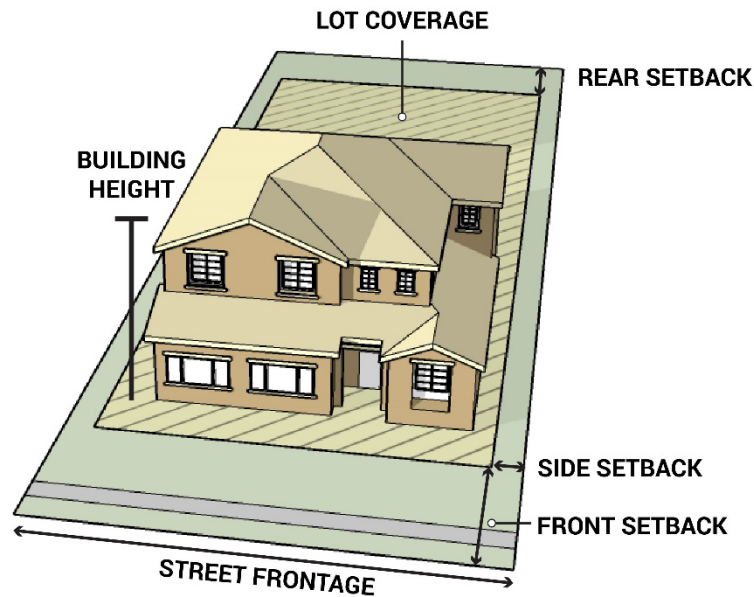
Chapter 2 Zoning Districts | 8-2-9 Low Density Residential (R2)

8-2-9. Low Density Residential (R2)

Purpose. The Low Density Residential (R2) District primarily accommodates single-family and low intensity multi-unit residences developed outside of commercial areas. It is suburban and more densely developed than the Rural and Estate Residential districts.

A. Development and Dimensional Standards.

Table 8-2-9-1 Low Density Residential (R2) Dimensional Standards



Density and Development		
1	Lot Size (<i>min square feet</i>)	16,000
2	Density, Gross (<i>max dwelling units per acre</i>)	1 ¹
3	Lot Coverage (<i>max percentage</i>)	N/A
4	Building Height (<i>max feet/stories</i>)	35'
5	Street Frontage	75'
6	Common Open Space (<i>min, sf per dwelling, for applications proposing at least 10 dwellings</i>)	500 sf
Setbacks		
7	Front Setback from Arterial or Collector Street (<i>min</i>)	30'
8	Front Setback from Local Street or Private Road (<i>min</i>)	25'
9	Front Setback if providing alley access, a side loaded garage, or rear garage (<i>min</i>)	20'
10	Interior Side Setback (<i>min</i>)	5'
11	Side Setback from Local Street or Private Road (<i>min</i>)	20'
12	Rear Setback (<i>min</i>)	20'

¹ One Accessory Dwelling Unit, Additional Farm Dwelling, Caretaker Dwelling, or Temporary Living Quarters is permitted on an R2 lot in addition to the principal use and does not count towards the maximum density.

NOTE: See section 8-2-1.C, Table 8-2-1-1 (Summary / Description of Dimensional Standards). See Chapter 4 (Use Standards) for additional or supplemental standards for use types, such as Accessory Dwelling Units.

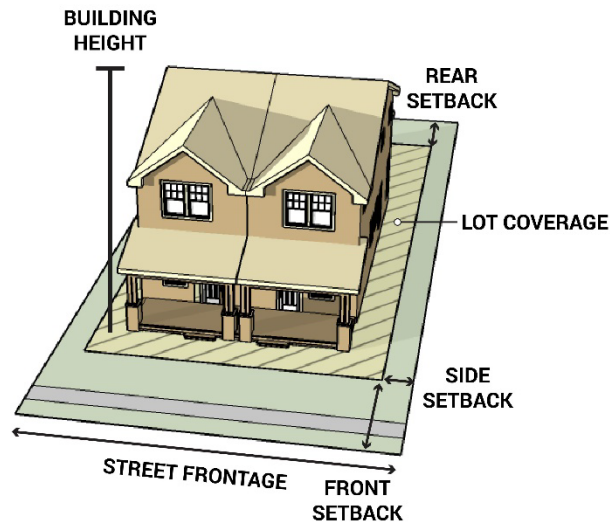
B. Permitted Uses. Refer to section 8-2-23 of this chapter (Use Table).

8-2-10. Medium Low Density Residential (R4)

Purpose. The Medium Low Density Residential (R4) District primarily accommodates single-family and low intensity multi-unit residences developed outside of commercial areas. It is suburban and more densely developed than the Rural, Estate Residential, and Low-Density districts.

A. Development and Dimensional Standards.

Table 8-2-10-1 Medium Low Density Residential (R4) Dimensional Standards



Density and Development		
1	Lot Size (min square feet)	8,000
2	Density, Gross (max dwelling units per acre) ¹	4
3	Lot Coverage (max percentage)	N/A
4	Building Height (max feet/stories)	35'
5	Street Frontage	60'
6	Common Open Space (min, sf per dwelling, for applications proposing at least 10 dwellings)	1,000 sf
Setbacks		
7	Front Setback from Arterial or Collector Street (min)	25'
8	Front Setback from Local Street or Private Road (min)	20'
9	Front Setback if providing alley access, a side loaded garage, or rear garage (min)	15'
10	Interior Side Setback (min)	5'
11	Side Setback from Local Street or Private Road (min)	15'
12	Rear Setback (min)	15'

¹ One Accessory Dwelling Unit, Additional Farm Dwelling, Caretaker Dwelling, or Temporary Living Quarters is permitted on an R4 lot in addition to the principal use, and does not count towards the maximum density.

NOTE: See section 8-2-1.C, Table 8-2-1-1 (Summary / Description of Dimensional Standards). See Chapter 4 (Use Standards) for additional or supplemental standards for use types, such as Accessory Dwelling Units.

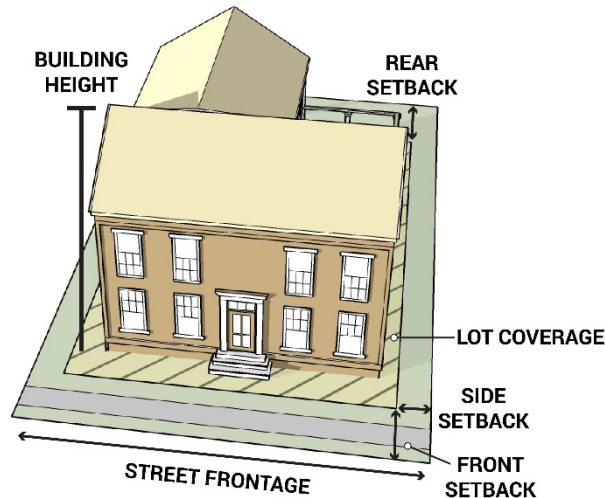
B. Permitted Uses. Refer to section 8-2-23 of this chapter (Use Table).

8-2-11. Medium Density Residential (R6)

Purpose. The Medium Density Residential (R6) District primarily accommodates single-family detached and attached residences, duplexes, zero lot line homes, and townhomes. A limited degree of multi-unit houses may be developed with moderate density adjacent to commercial uses. This district provides housing diversity at appropriate scales for a suburban context.

A. Development and Dimensional Standards.

Table 8-2-11-1 Medium Density Residential (R6) Dimensional Standards



Density and Development		
1	Lot Size (min square feet)	6,000 ¹
2	Density, Gross (max dwelling units per acre) ²	6
3	Lot Coverage (max percentage)	N/A
4	Building Height (max feet/stories)	35'
5	Street Frontage (min)	60'
6	Common Open Space (min, sf per dwelling, for applications proposing at least 10 dwellings)	500 sf
Setbacks		
7	Front Setback from Arterial or Collector Street (min)	20'
8	Front Setback from Local Street or Private Road (min)	10'
9	Front Setback if providing alley access, a side loaded garage, or rear garage (min)	10'
10	Interior Side Setback (min)	5'
11	Side Setback from Local Street or Private Road (min)	15'
12	Rear Setback (min)	15'

¹ For a Duplex, the minimum lot size is 9,000 square feet.

² One Accessory Dwelling Unit, Additional Farm Dwelling, Caretaker Dwelling, or Temporary Living Quarters is permitted on an R6 lot in addition to the principal use, and does not count towards the maximum density.

NOTE: See section 8-2-1.C, Table 8-2-1-1 (Summary / Description of Dimensional Standards). See Chapter 4 (Use Standards) for additional or supplemental standards for use types, such as Accessory Dwelling Units.

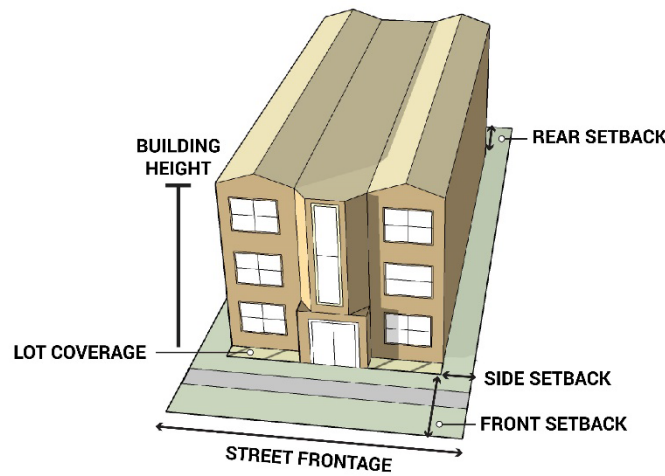
B. Permitted Uses. Refer to section 8-2-23 of this chapter (Use Table).

8-2-12. Medium High Density Residential (R8)

Purpose. The Medium High Density Residential (R8) District primarily accommodates single-family detached and attached residences, duplexes, zero lot line homes, and townhomes. A limited degree of multi-unit houses may be developed with moderate density adjacent to commercial uses. This district provides housing diversity at appropriate scales for a suburban context at a higher density than the R6 district.

A. Development and Dimensional Standards.

Table 8-2-12-1 Medium Density Residential (R8) Dimensional Standards



Density and Development		
1	Lot Size (min square feet)	5,000 ¹
2	Density, Gross (max dwelling units per acre) ²	8
3	Lot Coverage (max percentage)	N/A
4	Building Height (max feet/stories)	35'
5	Street Frontage	45'
6	Common Open Space (min, sf per dwelling, for applications proposing at least 10 dwellings)	750 sf
Setbacks		
7	Front Setback from Arterial or Collector Street (min)	20'
8	Front Setback from Local Street or Private Road (min)	15'
9	Front Setback if providing alley access, a side loaded garage, or rear garage (min)	10'
10	Interior Side Setback (min)	5'
11	Side Setback from Local Street or Private Road (min)	15'
12	Rear Setback (min)	15'

¹ For a Duplex, the minimum lot size is 7,500 square feet.

² One Accessory Dwelling Unit, Additional Farm Dwelling, Caretaker Dwelling, or Temporary Living Quarters is permitted on an R8 lot in addition to the principal use, and does not count towards the maximum density.

NOTE: See section 8-2-1.C, Table 8-2-1-1 (Summary / Description of Dimensional Standards). See Chapter 4 (Use Standards) for additional or supplemental standards for use types, such as Duplexes.

B. Permitted Uses. Refer to section 8-2-23 of this chapter (Use Table).

Zoning Ordinance

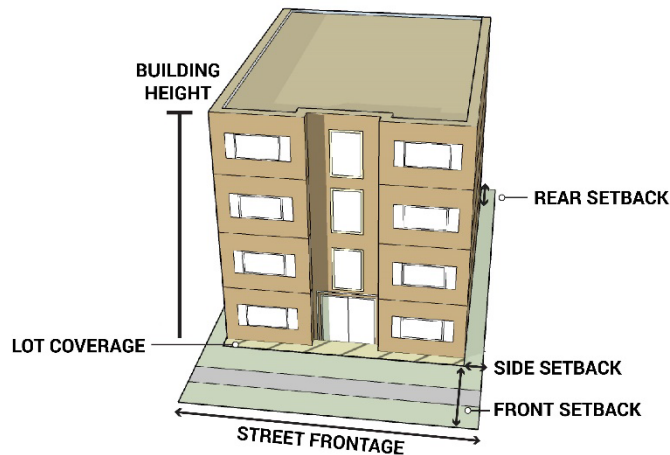
Chapter 2 Zoning Districts | 8-2-13 High Density Residential (R12)

8-2-13. High Density Residential (R12)

Purpose. The High Density Residential (R12) District accommodates a mixture of housing types from single-family attached to multi-family dwellings and is higher in density. This district is designed to be located along arterial streets, near transit locations, and within proximity to activity centers where residents can enjoy a mix of supporting uses. The R12 district provides housing diversity at appropriate scales within the County's residential development context.

A. Development and Dimensional Standards.

Table 8-2-13-1 High Density Residential (R12) Dimensional Standards



Density and Development		
1	Lot Size (<i>min square feet</i>)	3,500 ¹
2	Density, Gross (<i>max dwelling units per acre</i>) ²	12
3	Lot Coverage (<i>max percentage</i>)	N/A
4	Building Height (<i>max feet/stories</i>)	40'
5	Street Frontage	45'
6	Common Open Space (<i>min, sf per dwelling, for applications proposing at least 10 dwellings</i>)	500 sf
Setbacks		
7	Front Setback from Arterial or Collector Street (<i>min</i>)	20'
8	Front Setback from Local Street or Private Road (<i>min</i>)	15'
9	Front Setback if providing alley access, a side loaded garage, or rear garage (<i>min</i>)	10'
10	Interior Side Setback (<i>min</i>)	3'
11	Side Setback from Local Street or Private Road (<i>min</i>)	10'
12	Rear Setback (<i>min</i>)	10'

¹ For a Duplex, the minimum lot size is 5,000 square feet.

² One Accessory Dwelling Unit, Additional Farm Dwelling, Caretaker Dwelling, or Temporary Living Quarters is permitted on an R12 lot in addition to the principal use, and does not count towards the maximum density.

NOTE: See section 8-2-1.C, Table 8-2-1-1 (Summary / Description of Dimensional Standards). See Chapter 4 (Use Standards) for additional or supplemental standards for use types, such as Duplexes.

B. Permitted Uses. Refer to section 8-2-23 of this chapter (Use Table).

Zoning Ordinance

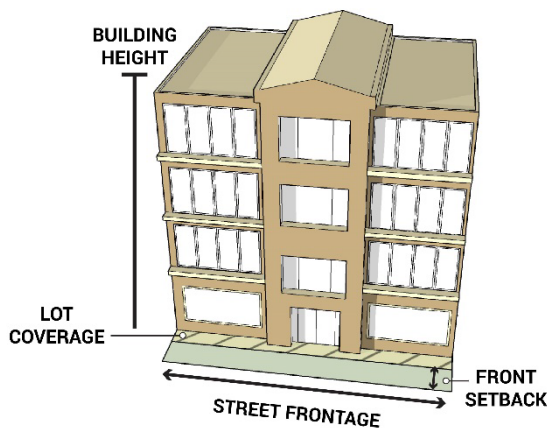
Chapter 2 Zoning Districts | 8-2-14 Very High Density Residential (R20)

8-2-14. Very High Density Residential (R20)

Purpose. The Very High Density Residential (R20) District accommodates a mixture of housing types from single-family attached to multi-family dwellings and is the highest density district. This district is designed to be located along arterial streets, near transit locations, and within proximity to activity centers where residents can enjoy a mix of supporting uses. The R20 district provides housing diversity at appropriate scales within the County's residential development context.

A. Development and Dimensional Standards.

Table 8-2-14-1 Very High Density Residential (R20) Dimensional Standards



Density and Development		
1	Lot Size (<i>min square feet</i>)	2,000 ¹
2	Density, Gross (<i>max dwelling units per acre</i>) ²	20
3	Lot Coverage (<i>max percentage</i>)	N/A
4	Building Height (<i>max feet/stories</i>)	40'
5	Street Frontage	45'
6	Common Open Space (<i>min, sf per dwelling, for applications proposing at least 10 dwellings</i>)	750 sf
Setbacks		
7	Front Setback from Arterial or Collector Street (<i>min</i>)	10'
8	Front Setback from Local Street or Private Road (<i>min</i>)	5'
9	Front Setback if providing alley access, a side loaded garage, or rear garage (<i>min</i>)	5'
10	Interior Side Setback (<i>min</i>)	0'
11	Side Setback from Local Street or Private Road (<i>min</i>)	5'
12	Rear Setback (<i>min</i>)	10'

¹ For a Duplex, the minimum lot size is 4,000 square feet.

² One Accessory Dwelling Unit, Additional Farm Dwelling, Caretaker Dwelling, and Temporary Living Quarters is permitted in addition to the principal use on an R20 lot, and does not count towards the maximum density.

NOTE: See section 8-2-1.C, Table 8-2-1-1 (Summary / Description of Dimensional Standards). See Chapter 4 (Use Standards) for additional or supplemental standards for use types, such as Duplexes.

B. Permitted Uses. Refer to section 8-2-23 of this chapter (Use Table).

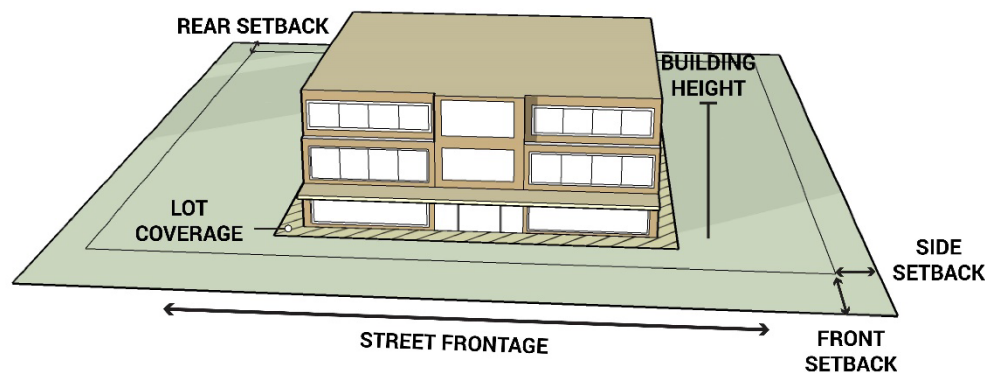
8-2-15. Limited Office (LO)

Purpose. *The Limited Office (LO) District:*

- *Provides administrative, professional, medical, and business office uses that complement the surrounding residential areas,*
- *Accommodates the limited sale of convenience goods and personal services for daily living needs of the immediate neighborhood, and*
- *Limits larger developments to arterial streets away from intersections or gateway locations.*

A. Development and Dimensional Standards.

Table 8-2-15-1 Limited Office (LO) Dimensional Standards



Intensity and Development		
1	Building Height (<i>max feet</i>)	35'
2	Lot Coverage (<i>max percentage</i>)	50%
3	Street Frontage (<i>min feet</i>)	30'
Setbacks		
4	Front Yard Setback (<i>min</i>)	20'
5	Front Yard Setback Abutting Residential (<i>min</i>)	20'
6	Side Street Setback (<i>min</i>)	20'
7	Side Street Setback Abutting Residential (<i>min</i>)	20'
8	Interior Side Setback (<i>min</i>)	10'
9	Interior Side Setback Abutting Residential (<i>min</i>)	10'
10	Rear Yard Setback (<i>min</i>)	10'
11	Rear Yard Setback Abutting Residential (<i>min</i>)	20'

NOTE: See section 8-2-1.C, Table 8-2-1-1 (Summary / Description of Dimensional Standards). See Chapter 4 (Use Standards) for additional or supplemental standards for use types.

B. Permitted Uses. Refer to section 8-2-23 of this chapter (Use Table).

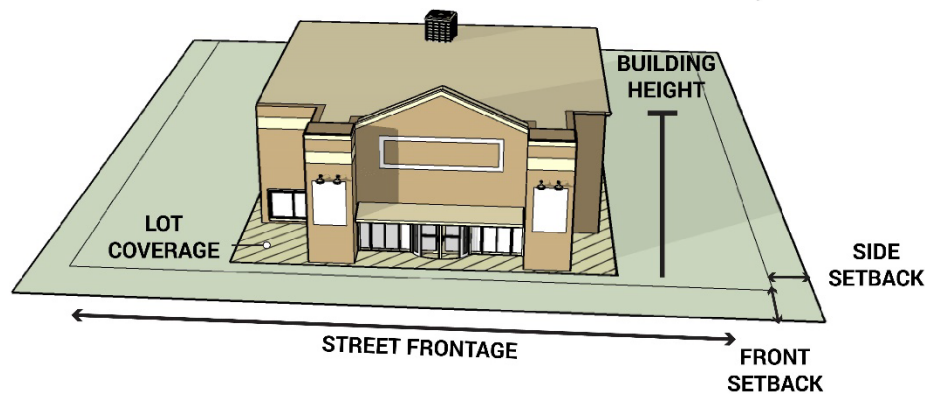
8-2-16. Neighborhood Commercial (C1)

Purpose. *The Neighborhood Commercial (C1) District:*

- Accommodates the sale of convenience goods (such as a grocery store or pharmacy) and personal services (laundry, dry cleaning, etc.) for daily living needs of the immediate neighborhood,
- Complements the surrounding residential and commercial uses by allowing for medical, legal, banking, insurance and similar professional office uses, and
- Limits larger developments to arterial streets away from intersections or gateway locations.

A. Development and Dimensional Standards.

Table 8-2-16-1 Neighborhood Commercial (C1) Dimensional Standards



Intensity and Development		
1	Building Height (<i>max feet</i>)	35'
2	Lot Coverage (<i>max percentage</i>)	50%
3	Street Frontage (<i>min feet</i>)	30'
Setbacks		
4	Front Yard Setback (<i>min</i>)	15'
5	Front Yard Setback Abutting Residential (<i>min</i>)	20'
6	Side Street Setback (<i>min</i>)	10'
7	Side Street Setback Abutting Residential (<i>min</i>)	15'
8	Interior Side Setback (<i>min</i>)	0'
9	Interior Side Setback Abutting Residential (<i>min</i>)	10'
10	Rear Yard Setback (<i>min</i>)	0'
11	Rear Yard Setback Abutting Residential (<i>min</i>)	15'

NOTE: See section 8-2-1.C, Table 8-2-1-1 (Summary / Description of Dimensional Standards). See Chapter 4 (Use Standards) for additional or supplemental standards for use types.

B. Permitted Uses. Refer to section 8-2-23 of this chapter (Use Table).

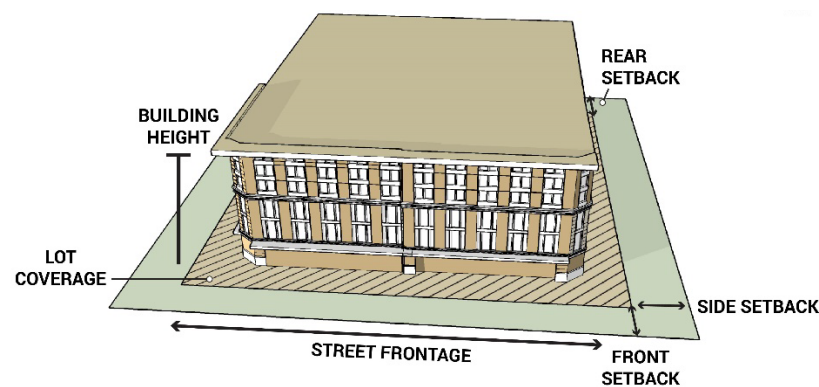
8-2-17. Community Commercial (C2)

Purpose. *The Community Commercial (C2) District*

- *Accommodates areas for community shopping and clustered commercial activities along arterial streets provide for the sale of a full range of merchandise and services required of persons living within several neighborhood service areas, and rural trade areas,*
- *Accommodates large-scale, high-intensity commercial structures, and*
- *Limits large-scale, high-intensity developments to interstates and principal arterial roadways that serve the Treasure Valley.*

A. Development and Dimensional Standards.

Table 8-2-17-1, Community Commercial (C2) Dimensional Standards



Intensity and Development		
1	Building Height (<i>max feet</i>)	50'
2	Lot Coverage (<i>max percentage</i>)	50%
3	Street Frontage (<i>min feet</i>)	100'
Setbacks		
4	Front Yard Setback (<i>min</i>)	15'
5	Front Yard Setback Abutting Residential (<i>min</i>)	25'
6	Side Street Setback (<i>min</i>)	20'
7	Side Street Setback Abutting Residential (<i>min</i>)	25'
8	Interior Side Setback (<i>min</i>)	20'
9	Interior Side Setback Abutting Residential (<i>min</i>)	35'
10	Rear Yard Setback (<i>min</i>)	20'
11	Rear Yard Setback Abutting Residential (<i>min</i>)	35'

NOTE: See section 8-2-1.C, Table 8-2-1-1 (Summary / Description of Dimensional Standards). See Chapter 4 (Use Standards) for additional or supplemental standards for use types.

B. Permitted Uses. Refer to section 8-2-23 of this chapter (Use Table).

C. Retail and Office Uses. The following uses (see Use Table for categories) may occupy up to 10% of the gross floor area or 15,000 square feet (whichever is less) of an industrial building in the C2 district:

1. Retail Store,

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Chapter 2 Zoning Districts | 8-2-17 Community Commercial (C2)

2. Personal Services, or
3. Office.

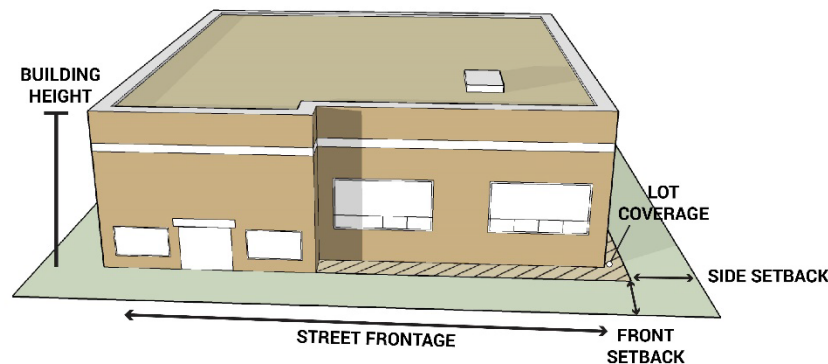
8-2-18. Light Industrial (I1)

Purpose. *The Light Industrial (I1) District:*

- Accommodates an environment for, and conducive to, light industrial uses and the development of technological industrial uses, and
- Supports light assembly, warehousing, administrative facilities, research institutions, and specialized manufacturing organizations, and
- Accommodates professional offices and similar uses if they provide services to light industrial uses.

A. Development and Dimensional Standards.

Table 8-2-18-1 Light Industrial (I1) Dimensional Standards



Intensity and Development		
1	Building Height (<i>max feet</i>)	50'
2	Lot Coverage (<i>max percentage</i>)	80%
3	Street Frontage (<i>min feet</i>)	30'
Setbacks		
4	Front Yard Setback (<i>min</i>)	20'
5	Front Yard Setback Abutting Residential (<i>min</i>)	20'
6	Side Street Setback (<i>min</i>)	15'
7	Side Street Setback Abutting Residential (<i>min</i>)	20'
8	Interior Side Setback (<i>min</i>)	0'
9	Interior Side Setback Abutting Residential (<i>min</i>)	15'
10	Rear Yard Setback (<i>min</i>)	0'
11	Rear Yard Setback Abutting Residential (<i>min</i>)	15'

NOTE: See section 8-2-1.C, Table 8-2-1-1 (Summary / Description of Dimensional Standards). See Chapter 4 (Use Standards) for additional or supplemental standards for use types.

B. Permitted Uses. Refer to section 8-2-23 of this chapter (Use Table).

C. Retail and Office Uses. The following uses (see Use Table for categories) may occupy up to 10% of the gross floor area or 15,000 square feet (whichever is less) of an industrial building in the I1 district:

1. Retail Store,

Zoning Ordinance

Chapter 2 Zoning Districts | 8-2-18 *Light Industrial (I1)*

2. Personal Services, or
3. Office.

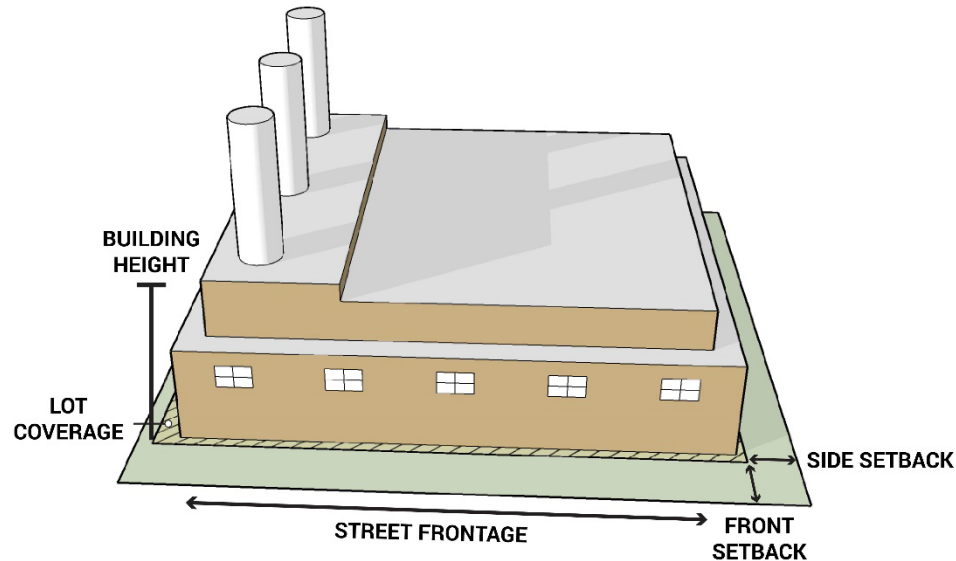
8-2-19. General Industrial (I2)

Purpose. *The General Industrial (I2) District:*

- Accommodates medium to high intensity industrial uses,
- Provides for development with higher intensities than industrial developments in the Light Industrial (I1) district.

A. Development and Dimensional Standards.

Table 8-2-19-1 General Industrial (I2) Dimensional Standards



Intensity and Development		
1	Building Height (<i>max feet</i>)	50'
2	Lot Coverage (<i>max percentage</i>)	80%
3	Street Frontage (<i>min feet</i>)	30'
Setbacks		
4	Front Yard Setback (<i>min</i>)	20'
5	Front Yard Setback Abutting Residential (<i>min</i>)	20'
6	Side Street Setback (<i>min</i>)	15'
7	Side Street Setback Abutting Residential (<i>min</i>)	20'
8	Interior Side Setback (<i>min</i>)	0'
9	Interior Side Setback Abutting Residential (<i>min</i>)	15'
10	Rear Yard Setback (<i>min</i>)	0'
11	Rear Yard Setback Abutting Residential (<i>min</i>)	15'

NOTE: See section 8-2-1.C, Table 8-2-1-1 (Summary / Description of Dimensional Standards). See Chapter 4 (Use Standards) for additional or supplemental standards for use types.

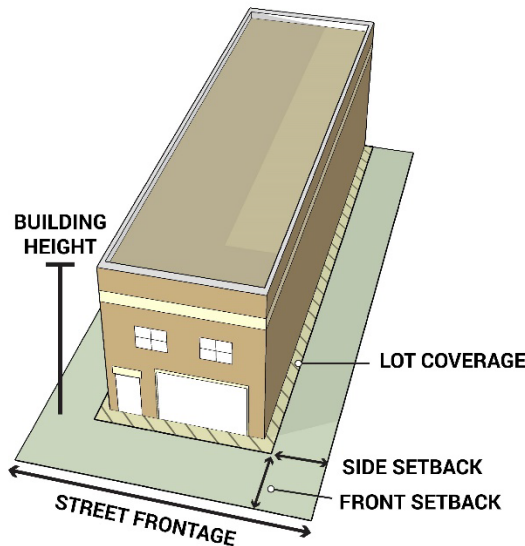
B. Permitted Uses. Refer to section 8-2-23 of this chapter (Use Table).

8-2-20. Airport Industrial (I3)

Purpose. The Airport Industrial (I3) District accommodates industrial uses that are compatible with the safe operation of the Boise Air Terminal (Gowen Field). This district is intended for non-noise sensitive manufacturing, industrial, and commercial uses.

A. Development and Dimensional Standards.

Table 8-2-20-1 Airport Industrial (I3) Dimensional Standards



Intensity and Development		
1	Building Height (<i>max feet</i>)	50'
2	Lot Coverage (<i>max percentage</i>)	80%
3	Street Frontage (<i>min feet</i>)	30'
Setbacks		
4	Front Yard Setback (<i>min</i>)	20'
5	Front Yard Setback Abutting Residential (<i>min</i>)	20'
6	Side Street Setback (<i>min</i>)	15'
7	Side Street Setback Abutting Residential (<i>min</i>)	20'
8	Interior Side Setback (<i>min</i>)	0'
9	Interior Side Setback Abutting Residential (<i>min</i>)	15'
10	Rear Yard Setback (<i>min</i>)	0'
11	Rear Yard Setback Abutting Residential (<i>min</i>)	15'

NOTE: See section 8-2-1.C, Table 8-2-1-1 (Summary / Description of Dimensional Standards). See Chapter 4 (Use Standards) for additional or supplemental standards for use types.

B. Permitted Uses. Refer to section 8-2-23 of this chapter (Use Table).

8-2-21. Planned Communities (PC)

Purpose: *This section provides for master planned communities both within and outside areas of city impact in accord with the comprehensive plan. The Planned Community (PC) district allows small town or urban type development when urban public facilities and services can be provided, and pursuant to community specific subarea comprehensive plans and zoning regulations for each Planned Community.*

(Ord. 738, 2-23-2010)

A. Generally

1. Planned Communities follow the regulations specifically expressed in the Planned Communities Appendix.
2. Specific overlay districts are designated for each Planned Community. Each Planned Community district regulations identify distinct allowed uses, dimensional standards and regulations that are specific to each Planned Community established on the official zoning map of Ada County as Planned Community (PC).

B. **Approved Planned Communities.** The following Planned Communities are approved, and the regulations for those PC districts are codified in Appendix A to this title:

1. Avimor Planned Community District
2. Cartwright Ranch Planned Community District
3. Dry Creek Planned Community District
4. Hidden Springs Planned Community District

(Ord. 738, 2-23-2010).

8-2-22. Planned Unit Development (PUD)

Purpose: *The Planned Unit Development (“PUD”) district provides a discretionary review process to permit flexibility in zoning and site standards where the applicant demonstrates that the proposed development standards are equivalent or superior the base district standards and meet the intent of the Comprehensive Plan. The PUD district responds to unique physical characteristics of property its surrounding area, where more flexible zoning than achievable through a base district is desirable. This provides for creative, high-quality development incorporating:*

- *Well designed and integrated open space and/or recreational facilities and of a scale proportionate to the use;*
- *A system of circulation and access that supports multimodal forms of mobility;*
- *Preservation of significant aspects of the lot, including natural features, views and/or cultural resources.*
- *Building design, site design, and amenities that create a unique and more sustainable alternative to conventional development.*
- *An appropriate scale for a property owner or homeowner association to manage future maintenance responsibilities.*
- *Single or multiple land use activities organized in a comprehensive manner and designed to work together in common and in a synergistic manner to benefit both the project and the neighboring properties.*

A. Applicability

1. The proposed project area shall lie entirely within an area of city impact.
2. The minimum project area is five (5) acres.
3. A PUD district is required for any development or subdivision proposal that involves at least one of the following:
 - a. A mix of uses that are not allowed as principal permitted or conditional uses in the same base district;
 - b. Any commercial development with a building area more than 100,000 square feet;
 - c. Clustering of residential units away from physical constraints or hazardous areas. Examples of physical constraints include flood hazards, unstable geologic conditions, soil conditions, topography, identified high ground water areas, and other characteristics that could threaten public health and/or safety; or
 - d. Deviation of dimensional standards to achieve dedicated open space and provide amenities not found in traditional subdivisions.

(Ord. 389, 6-14-2000)

B. Process

Zoning Ordinance
Chapter 2 Zoning Districts | 8-2-22 Planned Unit Development (PUD)

1. The applicant shall comply with the regulations for a zoning map amendment in chapter 6 of this title.
2. The applicant shall concurrently submit and obtain approval of (*see chapter 6 of this title*):
 - a. a master site plan;
 - b. a development agreement; and
 - c. a subdivision plat.
3. The Commission and Board shall apply the standards in subsection C and the findings in subsection D to determine whether to approve, approve with conditions, or deny the PUD.

(Ord. 389, 6-14-2000)

C. Standards

1. *General Use Standards.* The development agreement shall designate all uses permitted in the PUD.
2. *Connectivity.* An interconnected system of roadways and/or pathways shall connect all uses in a PUD.
3. *Residential Density Standards.*
 - a. *Generally.* The allowable density for residential uses is the density established by the comprehensive plan. Where the comprehensive plan does not indicate an urban density for development, the maximum density is three (3) dwelling units per acre. The County may approve higher densities as provided in subsection b below.
 - b. *Density Bonus.* An increase in the average residential density may be allowed by incorporating dedicated open space or public use dedications into the planned unit development. All dedications shall be shown on the master site plan.
 - (1) *Additional Open Space Dedication:* For each full additional percentage point of property in dedicated open space above the minimum requirements, the average residential density may be increased by the same percentage. The maximum density for residential areas shall not exceed an additional twenty five percent (25%) over the base density.
 - (2) *Public Amenity Dedications:* A density bonus may be approved for dedications of facilities or interests in real property for public amenities. The maximum density bonus shall be as set forth in Table 8-2-22-1. See subsection D regarding required findings for mandatory dedication of facilities.

- (3) *Public Amenity Defined:* For the purposes of this section, the term "public amenity" includes the following: school site, bike path, transit facility, park site, park and ride lot, and public safety facility such as police, fire, or emergency medical facilities.

Table 8-2-22-1 Density Bonus as Percent of Total Project

Area of Land Designated as Public Use Facility Dedication as Percent of Total Project Area		Maximum Density Bonus
	15%	5%
	20%	10%
	25%	15%

4. *Dedicated Open Space Uses.* Dedicated open space uses shall comply with the regulations of chapter 3 of this title.
5. *Commercial Uses.* The following design standards apply to any proposed commercial uses within a planned unit development:
 - a. Joint parking facilities shall be planned to use common access points to public streets.
 - b. Screening shall be provided on the perimeter of commercial uses abutting the residential areas as provided in section 8-3-8.F (Landscaping and Screening- F. Perimeter Landscaping and Screening) of this title.
 - c. Commercial buildings and structures:
 - (1) Shall share common design themes in landscaping, signs, architecture, and building bulk with other uses within the planned unit development; and
 - (2) Shall not exceed a gross floor area of twenty thousand square feet.
6. *Industrial Uses.* The following design standards apply to any proposed industrial uses within a PUD:
 - a. Landscaping shall be provided as required in section 8-3-8 of this title for parking areas, loading areas, and outdoor storage areas of industrial materials.
 - b. Screening shall be provided on the perimeter of industrial uses abutting residential areas as provided in section 8-3-8 of this title.
 - c. Structure location shall promote efficient installation of utilities.
 - d. Industrial uses buildings and structures:

- (1) Shall share common design themes in landscaping, signs, architecture, and building bulk with other uses within the planned unit development; and
 - (2) Shall not exceed a gross floor area of ten thousand (10,000) square feet.
- 7. *Improvements.*
 - a. Improvements, consistent with the standards established in the area or as designated in any officially adopted comprehensive plan, are required as a condition of approval of a PUD.
 - b. If any improvements required as part of the PUD cannot be completed prior to submission of a final plat and/or signing of the master site plan, the applicant or owner shall deposit a surety as set forth in section 8-3-5 of this title.
- 8. *Deviations.* As part of the original application, the applicant may request, in writing, a deviation from the dimensional standards of this title. Where applicable, the proposed deviations shall be noted on the master site plan.
- 9. *Alternative Development Standards.* The development agreement may include alternative development standards when the overall design, as proposed by the applicant, meets or exceeds the intent and requirements of this section and are not detrimental to the public health, safety, and welfare. The development agreement may also allow the Director to approve alternative development standards pursuant to standards and procedures identified in the agreement.

(Ord. 389, 6-14-2000; amd. Ord. 738, 2-23-2010)

D. Required Findings

- 1. The arrangement of uses and/or structures conforms to the topography and natural landscape features;
- 2. The arrangement of uses and/or structures in the development does not cause damage, hazard, or nuisance to persons or property in the vicinity;
- 3. The internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive influence upon the activities and functions contained within the development, or place an undue burden upon existing transportation and other public services in the surrounding area;
- 4. Community facilities, such as a park, recreational, and dedicated open space areas are functionally related and accessible to all dwelling units via pedestrian and/or bicycle pathways. Dedicated open space shall abut any lots that are reduced below the minimum average lot size of adjacent

residentially-zoned subdivisions and multi-family development within the PUD;

5. The proposal complies with the density standards set forth in this section;
6. The PUD conforms to the applicable comprehensive plan, future acquisition maps, area of city impact ordinance, and other applicable ordinances; and
7. Additional required findings for mandatory public use facility dedications or improvement:
 - a. The dedication of the public use facility is substantiated by the governing board responsible for the facility;
 - b. The public use facility shall serve the public interest in the PUD's location;
 - c. The public use facility is consistent with the comprehensive plan; and
 - d. The capacity, area and location of property to be dedicated to the public use facility is proportionate to the demand generated by the proposed development.

(Ord. 389, 6-14-2000)

8-2-23. Use Table

- A. Purpose.** This section identifies the uses permitted in each zoning district, and how those uses are permitted (i.e., by right or as a conditional use). Each use is defined in Chapter 10 (Definitions).
- 1. Use Table.** The Use Table (Table 8-2-23-2, below) establishes principal uses permitted within each zoning district, and how they are permitted.
 - 2. Use Designations.** The use designations in the Use Table are defined as follows:

Table 8-2-23-1 Use Table Legend

Symbol	Meaning	Description
P	Permitted by Right	A "P" in a zoning district column indicates that a use is permitted by right if it meets the supplementary use standards referenced in the far right "Standards" column of the use table, if applicable. These uses are subject to all other applicable regulations of this title. Master site plan review is required, unless the use is [bracketed] (see below and section 8-6-16)
C	Conditional Use	A "C" in a zoning district column indicates that a use requires conditional use review and approval (see section 8-6-25).
[]		Master Site Plan review is not required.
{ }		Partial Master Site Plan review is required (see section 8-6-17).
*		Administrative Application (see section 8-6-12).
1		A Zoning Certificate is not required.
	Use not Permitted	A blank cell in a column indicates that a use is not permitted as a principal use in the zoning district.
Use Not Listed	See subsection C (unlisted Uses), below	

Note: The Use Table only establishes the principal uses allowed in each zoning district. Accessory Uses are regulated by Chapter 4 (Use Standards).

- B. Standards Column.** The "Standards" column provides a reference to associated standards for certain uses permitted by right and for conditional uses. Where "NA" is in the column, there is no associated standard. Where "Y" is in the column, there are associated standards.
- C. Un-named Uses.** If a proposed use is not specifically named in the Use Table, the Director shall determine whether the use is permitted or not. This determination shall be based upon the similarity in nature and character to one or more uses that are listed in the Use Table. This provision allows the Director to determine that the proposed use that is not expressly named is prescribed in advance by the Use Table because of the way a listed use is defined, but not to authorize a use not allowed by the Use Table. In making this determination, the Director may refer to the following factors as guidance:
- 1. Criteria**

- a. Whether the use has similar visual, traffic, environmental, parking, employment, and other impacts as an expressly listed use. The Director may refer to empirical studies or generally accepted planning or engineering sources in making this determination. The burden is on the applicant to establish that the use is to the same use as the expressly listed use; or
 - b. Whether the use is within the same industry classification as another permitted use. In making this determination, the Director may refer to the most recent edition of the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget)(“NAICS”). If the use is not defined in the NAICS, the Director may refer to the American Planning Association, Land-Based Classification Standards LBCS Tables.
2. *If Not Authorized Then Prohibited.* If the Director determines that a proposed use does not fit within a given use type and is not functionally the same as a permitted, accessory, or conditional use, then the use is a prohibited use.
3. *Appeal.* The Director’s determination pursuant to subsections 1 or 2 above are appealable pursuant to section 8-6-28.

Zoning Ordinance
Chapter 2 Zoning Districts | 8-2-23 Use Table

Table 8-2-23-2 Use Table

[No Master Site Plan] - {Partial Master Site Plan} - Administrative Application* - No Zoning Certificate Required¹

Proposed Use	Rural		Transi-tional		Residential				Commercial			Industrial			Use Specific Standards
	RP	RR	RUT	RSW	R1	R2, R4	R6, R8	R12, R20	LO	C1	C2	I1	I2	I3	
Residential															
Dwelling, Single Family Detached	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]							
Dwelling, Single Family Attached						[P]	[P]	[P]	€	€	€				
Dwelling, Duplex	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	€	€	€				
Dwelling, Multi-Family							[C]	P	C	C	C				
Manufactured home	[P]	[P]	[P]	[P]	[P]	-	-	-				-			
Manufactured Home Park	-	-			C	C	C	C				-			
Lodging / Group Living															
Bed and Breakfast Establishment	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]				Y
Boarding House									[C]	[C]	[C]				
Continuing Care Facility	C	C	C	C	C	C	C	C	P	P	P				
Drug & Alcohol Treatment Facility	C	C	C						C	C	P				
Foster Home, Group	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]							Y
Hotel / Motel									C	C	P				
Agriculture															
Agricultural Service	{C}	{C}													
Agricultural Use	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	
Equestrian Event Facility	[C]	[C]	[C]												Y
Livestock confinement < 300	[P] ¹	[P] ¹	[P]	[P]	[P]	[P]	[P]								Y
Livestock confinement 301-999	{P}	{P}													Y
Livestock confinement 1,000+	{C}	{C}													Y
Nursery, Wholesale	[P]	[P]	[P]									[P]	[P]	[P]	
Produce stand, roadside	[P]*	[P]*	[P]*	[P]*	[P]*	[P]*	[P]*	[P]*	[P]*	[P]*	[P]*				
Seasonal Farmworker Housing	C	C													Y
Stable	[P]*	[P]*	[P]*	[P]*	[P]*										Y
Winery	C	C	C							C	C	P	P	P	Y
Commercial / Office															
Animal Services															
Kennel, Commercial	C	C	C						C	C	C	C			Y
Veterinary Services	C	C	C	C	C				C	P	P	P			Y
Day Care															

Zoning Ordinance

Chapter 2 Zoning Districts | 8-2-23 Use Table

[No Master Site Plan] - {Partial Master Site Plan} - Administrative Application* - No Zoning Certificate Required¹

Proposed Use	Rural		Transi-tional		Residential				Commercial			Industrial			Use Specific Standards
	RP	RR	RUT	RSW	R1	R2, R4	R6, R8	R12, R20	LO	C1	C2	I1	I2	I3	
Day care center			C	C	C	C	C	C	C	P	P				Y
Day Home	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*							Y
Group Day Care Facility	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]*	[A]*					
Financial Services															
Financial Institution									P	P	P				
Food & Beverage Sales / Service															
Bar									C	C	P				
Brewpub										P	P				
Nightclub										C	C				Y
Restaurant									C	P	P	C	C	C	Y
Office, Business & Professional															
Office								C	P	P	P	P			
Personal / Business Services															
Personal Services								C	C	P	P	P			
Postal Services									P	P	P	P	P	P	
Retail sales															
Auction Facility	C	C									C	C	C		
Farm, garden, lumber, or building supply store										P	P	P	P		
Fuel Sales										C	P	P	P	P	
Heavy Equipment Sales or Service											P	P	P	P	
Nursery, Retail		C	C							P	P	P			Y
Retail Store								C	C	P	P	P			
Automotive															
Car Wash										C	C	P	P	P	Y
Vehicle Repair, Light										C	P	P	P	P	Y
Vehicle Repair, Heavy											C	P	P	P	Y
Vehicle Sales											P	P	C	C	Y
Entertainment / Recreation															
Adult Entertainment											C	C			Y
Agritainment, small	P	P	C												
Agritainment, large	C	C	C												Y

Zoning Ordinance

Chapter 2 Zoning Districts | 8-2-23 Use Table

[No Master Site Plan] - {Partial Master Site Plan} - Administrative Application* - No Zoning Certificate Required¹

Proposed Use	Rural		Transi-tional		Residential				Commercial			Industrial			Use Specific Standards
	RP	RR	RUT	RSW	R1	R2, R4	R6, R8	R12, R20	LO	C1	C2	I1	I2	I3	
Amusement or Recreation, Indoor								C	C	C	P	C			
Amusement or Recreation, Outdoor		C	C	C					C	C	P				Y
Campground	C	C													
Golf course and country club	C	C	C	C	C	C	C	C							
Racetrack	C	C									C				
Shooting range (indoor only)										C	P	C	C	C	Y
Shooting range (outdoor only)	C	C													Y
Civic															
<i>Assembly</i>															
Event Center	C	C	C	C						C	C				
Religious Land Use	C	C	C	C	C	C	C	C	C	P	C				
Social Meeting Place	C	C	C	C				C	C	P	P				
<i>Death Care Services</i>															
Cemetery	C	C	C	C	C	C	C	C							Y
Crematory									C	C	P	P			
Funeral services										C	P¹	P¹			
<i>Government / Non-Profit</i>															
Public or quasi-public use	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
<i>Education</i>															
School	C	C	C	C	C	C	C	C	C	C	C				
Studio					-			C	C	P	P	P			
Technical School	C	C	C						C	P	P	P	P	P	
<i>Medical</i>															
Clinic (dental or medical)									P	P	P				
Medical Care Facility									C	P	P				
Industrial															
<i>Manufacturing & Employment</i>															
Asphalt or concrete ready mix plant													P	C	
Contractor Yard	C	C	C									P	P	P	
Explosive manufacturing or storage	C												P	C	
Manufacturing, Heavy													P	C	
Manufacturing, Light											C	P	P	P	
Meatpacking/ Slaughterhouse Facility	{C}	{C}											C		
Pit, mine, or quarry	C	C	C										C	C	Y

Zoning Ordinance

Chapter 2 Zoning Districts | 8-2-23 Use Table

[No Master Site Plan] - {Partial Master Site Plan} - Administrative Application* - No Zoning Certificate Required¹

Proposed Use	Rural		Transi-tional		Residential				Commercial			Industrial			Use Specific Standards
	RP	RR	RUT	RSW	R1	R2, R4	R6, R8	R12, R20	LO	C1	C2	I1	I2	I3	
Processing Plant, agricultural and dairy products	{C}	{C}										P	P	P	
Research and Development Facility	C	C	C							C	C	P	P	P	
Sawmill	C												P	C	
Wood, Metal, and Stone Crafts											C	P	P	P	
Warehousing, Storage & Distribution															
Energy Storage													P	C	
Grain Elevator	[P]	[P]										[P]	[P]		
Manufactured Home Storage	-	-	-	-	-	-	-	-				P	P	P	
Storage Facility, Self-Service							C	C	C	C	P	P	P	P	
Wholesale Distribution and Warehousing												P	P	P	
Infrastructure															
Transportation / Parking:															
Airport	C	C										C	C	C	
Freight / Truck Terminal												P	P	P	
Ground Passenger Transportation (e.g. taxi, charter bus)											P	P		P	
Heavy Truck Wash Facility	C											C	C	C	
Off Street Parking Facility										C	C	P	P	P	
Railroad Switching Yard	C											P	P	P	
Recreational Vehicle Park										C	C				Y
Transit Facilities										P	P	C	C	C	
Truck Stop	C	C									P	P	P	P	
Utilities															
Centralized Power Facility	C	C										C	C	C	
Distributed power facility, wind freestanding tower	[P]	[P]										C	C	C	Y
Distributed power facility, wind rooftop	[P]*	[P]*													Y
Electric Distribution / Subtransmission Line	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	
Electric Transmission Line	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Electric Substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Communications															
Radio and television broadcasting station										C	P	P			
Tower or antenna structure, commercial	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	Y

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Chapter 2 Zoning Districts | 8-2-23 Use Table

[No Master Site Plan] - {Partial Master Site Plan} - Administrative Application* - No Zoning Certificate Required¹

Proposed Use	Rural		Transi-tional		Residential				Commercial			Industrial			Use Specific Standards
	RP	RR	RUT	RSW	R1	R2, R4	R6, R8	R12, R20	LO	C1	C2	I1	I2	I3	
Tower or antenna structure, private	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[C]	Y
Waste-related:															
Composting Facility	{C}	{C}											P	P	
Junkyard or automobile wrecking yard													C	C	
Recycling Center											P	P	P	P	
Recycling Plant													P	P	
Sanitary Landfill	C	C											C		
Septage Treatment and Disposal Facility	C														
Soil / Water Remediation	[C]														
Soil / Water Remediation, onsite	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	
Vehicle impound yard													P	P	
Accessory Uses															
Accessory Retail Sales	A*	A*	A*	A*	A*	A*	A*	A*	A	A	A	A	A	A	Y
Accessory Office	A¹	A¹	A¹	A¹	A¹	A¹	A¹	A¹	A¹	A¹	A¹	A¹	A¹	A¹	Y
Accessory Outdoor Storage	A¹	A¹	A¹	A¹	A¹	A¹	A¹	A¹	A¹	A¹	A¹	A¹	A¹	A¹	Y
Accessory Power Facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Accessory Structure	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	A*	A*	A*	A*	A*	A*	Y
Additional Farm Dwelling	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*							
Caretaker Dwelling	[A]*	[A]*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	
Dwelling, secondary attached or detached	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*							
Agricultural Structure	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]							
Automotive, hobby	A	A	A	A	A	A	A	A	A	A					Y
Fuel Cell	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Home Occupation	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*				
Kennel, Hobby	A*	A*	A*	A*	A*	A*									Y
Portable Classroom	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	Y
Produce stand, agricultural	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	
Small Wireless Facility	[A]	[A]	A	A	A	A	A	A	A	A	A	A	A	A	Y
Swimming Pool, Private	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]				

Zoning Ordinance

Chapter 2 Zoning Districts | 8-2-23 Use Table

[No Master Site Plan] - {Partial Master Site Plan} - Administrative Application* - No Zoning Certificate Required¹

Proposed Use	Rural		Transi-tional		Residential				Commercial			Industrial			Use Specific Standards
	RP	RR	RUT	RSW	R1	R2, R4	R6, R8	R12, R20	LO	C1	C2	I1	I2	I3	
Temporary Construction Office	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Temporary Living Quarters	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*							
Temporay Uses															
Seasonal stands	P	P	P						P	P	P				
Seasonal events*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	
Fireworks stands									P	P	P				
Subdivision model home/real estate offices	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]	[P]				
Small pit, mine or quarry	[P]*	[P]*	[P]*	[P]*	[P]*	[P]*	[P]*	[P]*	[P]*	[P]*	[P]*	[P]*	[P]*	[P]*	
Live in an existing dwelling while constructing a new dwelling*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*	[A]*				
Other															
Billboards	[C]	[C]									[C]*	[C]*	[C]*	[C]*	
Dangerous or protected animals facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Drive-up Establishments									C	C	C	C			

Article 3 Overlay Districts

8-2-24. Boise Air Terminal Airport Influence Areas Overlay District (BAT)

Purpose: *The purpose of the Boise Air Terminal Airport Influence Areas Overlay (BAT) district is to:*

- *Implement the goals, objectives, and policies of the applicable comprehensive plan as it relates to airport influence areas;*
- *Provide for land uses that are compatible with aircraft noise, approach zones, and airport operations; Establish the boundaries of the Boise Air Terminal Airport Influence Areas overlay district;*
- *Promote the public health, safety, and welfare by limiting and/or placing additional restrictions on land use activities within the overlay district.*

A. Applicability. These regulations apply to new subdivisions, new construction, and the alteration, movement or change of use of residential, commercial, or industrial structures within the overlay district as identified on the Boise Air Terminal Airport Influence Areas Map, the limits of which are adopted by ordinance 391 on file at the Development Services Department, or as amended.

(Ord. 389, 6-14-2000)

B. Influence Areas. Boise Air Terminal Airport Influence Areas (“influence areas”) are established within this overlay district consistent with the federal aviation regulations part 150 noise compatibility study for Boise Air Terminal. This section establishes use restrictions and noise attenuation standards for uses subject to noise levels of up to the levels established in Table 8-2-24-1 below:

Table 8-2-24-1 Influence Areas and Noise Levels

Intensity and Development	Noise Levels
Influence Area A	65 dNL
Influence Area B	70 dNL
Influence Area B-1	60 dNL, while acknowledging existing residential uses
Influence Area C	> 75 dNL

C. General Standards.

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Chapter 2 Zoning Districts | 8-2-24 Boise Air Terminal Airport Influence Areas Overlay District (BAT)

1. Prior to issuance of a zoning certificate, the applicant shall provide written documentation that the property owner has filed an avigation easement with the Boise air terminal.
2. Despite any other regulations of this title, no use is permitted within the airport influence areas that creates hazards to aircraft and/or impairs landing, takeoff, or maneuvering of aircraft.
3. Any principal permitted use within airport influence area C requires conditional use approval. Agriculture is exempt from this regulation.
4. Within airport influence area B-1, new residential subdivisions shall not exceed a maximum density of five (5) dwelling units per acre, if compatible with the existing residential development in the area.
5. Within airport influence area B, new dwellings and/or new residential subdivisions are prohibited unless the subject property is designated for a residential land use in the applicable comprehensive plan.
6. No increase in residential density is allowed for properties within airport influence area B.
7. Within the runway approach zones, population density shall not exceed forty (40) people per acre within a structure and/or seventy-five (75) people per acre outside a structure.

D. Additional Standards by Influence Area. The underlying base district establishes allowed uses. Table 8-2-24-2 of this section lists the additional standards by use:

Table 8-2-24-2 Additional Standards by Use and Airport Influence Area

Use	A	B-1	B	C
Accessory Office	*	25 dBA	25 dBA	25 dBA
Accessory Outdoor storage	*	25 dBA	25 dBA	25 dBA
Accessory structure	*	*	*	*
Adult entertainment	*	25 dBA	25 dBA	25 dBA
Agricultural service	*	25 dBA	25 dBA	25 dBA
Agricultural structure	*	*	*	*
Aircraft landing field (private ownership)	*	25 dBA	25 dBA	25 dBA
Airport (public ownership)	*	25 dBA	25 dBA	25 dBA
Amusement or recreation, indoor	*	25 dBA	25 dBA	25 dBA
Amusement or recreation, outdoor	*	25 dBA	25 dBA	Prohibited
Asphalt or concrete ready mix plant	*	25 dBA	25 dBA	25 dBA
Auction facility, outdoor	*	25 dBA	25 dBA	Prohibited
Automotive, hobby	*	25 dBA	25 dBA	25 dBA
Bar	*	25 dBA	25 dBA	25 dBA
Bed and breakfast establishment	25 dBA	30 dBA	Prohibited	Prohibited
Boarding house	25 dBA	30 dBA	Prohibited	Prohibited
Brewery or distillery	*	25 dBA	25 dBA	25 dBA
Brewpub	*	25 dBA	25 dBA	25 dBA

Zoning Ordinance

Chapter 2 Zoning Districts | 8-2-24 Boise Air Terminal Airport Influence Areas Overlay District (BAT)

Use	A	B-1	B	C
Campground	25 dBA	Prohibited	Prohibited	Prohibited
Car wash	*	25 dBA	25 dBA	25 dBA
Caretaker dwelling	25 dBA	30 dBA	35 dBA	35 dBA
Cemetery	*	*	*	25 dBA
Clinic (dental or medical) (excluding animal or veterinary)	25 dBA	25 dBA	25 dBA	25 dBA
Composting facility (commercial only)	*	25 dBA	25 dBA	25 dBA
Continuing Care Facility (other than nursing facility, skilled or residential care facility)	25 dBA	Prohibited	Prohibited	Prohibited
Contractor yard	*	25 dBA	25 dBA	25 dBA
Crematory	*	25 dBA	25 dBA	25 dBA
Dangerous or protected animals facility	*	*	*	*
Day home	25 dBA	30 dBA	Prohibited	Prohibited
Daycare center	25 dBA	Prohibited	Prohibited	Prohibited
Drive-up establishments	*	25 dBA	25 dBA	25 dBA
Drug & alcohol treatment facility	25 dBA	30 dBA	Prohibited	Prohibited
Duplex ¹	25 dBA	30 dBA	Prohibited	Prohibited
Dwelling, additional farm ¹	25 dBA	30 dBA	Prohibited	Prohibited
Dwelling, Multi-Family	25 dBA	30 dBA	Prohibited	Prohibited
Dwelling, secondary attached or detached ¹	25 dBA	30 dBA	Prohibited	Prohibited
Dwelling, single-family attached ¹	25 dBA	30 dBA	Prohibited	Prohibited
Dwelling, single-family detached ¹	25 dBA	30 dBA	35 dBA	Prohibited
Equestrian Event Facility	25 dBA	25 dBA	25 dBA	Prohibited
Explosive manufacturing or storage ²	*	25 dBA	25 dBA	25 dBA
Farm, garden, lumber, or building supply store	*	25 dBA	25 dBA	25 dBA
Fence, barbed wire, electric wire, or other	*	*	*	*
Financial Institution	*	25 dBA	25 dBA	25 dBA
Flammable substance storage ²	*	25 dBA	25 dBA	25 dBA
Freight / truck terminal	*	25 dBA	25 dBA	25 dBA
Fuel cell	*	*	*	*
Fuel sales ²	*	25 dBA	25 dBA	25 dBA
Golf course and country club ²	*	25 dBA	25 dBA	Prohibited
Grain elevator	*	25 dBA	25 dBA	25 dBA
Group day care facility	25 dBA	Prohibited	Prohibited	Prohibited
Group home	25 dBA	30 dBA	Prohibited	Prohibited
Heavy equipment sales or service	*	25 dBA	25 dBA	25 dBA
Home occupation	*	*	*	*
Hospital ²	25 dBA	30 dBA	Prohibited	Prohibited
Hotel or motel	25 dBA	30 dBA	Prohibited	Prohibited
Junkyard or automobile wrecking yard	*	25 dBA	25 dBA	25 dBA
Kennel, commercial	*	25 dBA	25 dBA	25 dBA
Kennel, Commercial, with outside runs	*	25 dBA	25 dBA	25 dBA
Kennel, hobby	*	25 dBA	25 dBA	25 dBA
Laundry or linen supply	*	25 dBA	25 dBA	25 dBA
Livestock confinement	*	25 dBA	25 dBA	25 dBA
Manufactured home park ¹	25 dBA	30 dBA	Prohibited	Prohibited
Manufactured home storage	*	25 dBA	25 dBA	25 dBA
Manufactured home subdivision or park in a manufactured home district	25 dBA	30 dBA	Prohibited	Prohibited
Manufactured home ¹	25 dBA	30 dBA	Prohibited	Prohibited

Zoning Ordinance

Chapter 2 Zoning Districts | 8-2-24 Boise Air Terminal Airport Influence Areas Overlay District (BAT)

Use	A	B-1	B	C
Manufacturing, heavy ²	*	25 dBA	25 dBA	25 dBA
Manufacturing, light	*	25 dBA	25 dBA	30 dBA
Meatpacking/ Slaughterhouse Facility	*	25 dBA	25 dBA	25 dBA
Mortuary	*	25 dBA	25 dBA	25 dBA
Nightclub	*	25 dBA	25 dBA	25 dBA
Nursery, retail	*	25 dBA	25 dBA	25 dBA
Nursery, wholesale	*	25 dBA	25 dBA	25 dBA
Nursing facility, skilled ²	25 dBA	30 dBA	Prohibited	Prohibited
Off street parking facility	*	25 dBA	25 dBA	25 dBA
Office	*	25 dBA	25 dBA	25 dBA
Personal Services	*	25 dBA	25 dBA	25 dBA
Pit, mine, or quarry	*	*	*	*
Portable classroom	25 dBA	Prohibited	Prohibited	Prohibited
Postal Services	*	25 dBA	25 dBA	25 dBA
Processing plant, agricultural or dairy products	*	25 dBA	25 dBA	25 dBA
Produce stand, roadside	*	*	*	*
Product fabrication, assembly, or packaging	*	25 dBA	25 dBA	25 dBA
Public or quasi-public use, indoor	*	25 dBA	25 dBA	25 dBA
Public or quasi-public use, outdoor	*	25 dBA	25 dBA	Prohibited
Racetrack ²	*	25 dBA	25 dBA	Prohibited
Radio or television broadcasting station	*	25 dBA	25 dBA	25 dBA
Railroad switching yard	*	25 dBA	25 dBA	25 dBA
Recreational vehicle park	25 dBA	Prohibited	Prohibited	Prohibited
Recycling center	*	25 dBA	25 dBA	25 dBA
Recycling plant	*	25 dBA	25 dBA	25 dBA
Religious Land Use ²	*	25 dBA	25 dBA	25 dBA
Research and development facility	*	25 dBA	25 dBA	30 dBA
Residential care facility	25 dBA	30 dBA	Prohibited	Prohibited
Restaurant	*	25 dBA	25 dBA	25 dBA
Retail sales relating to an approved use	*	25 dBA	25 dBA	25 dBA
Retail store	*	25 dBA	25 dBA	25 dBA
Sanitary landfill	*	25 dBA	25 dBA	25 dBA
Sawmill	*	25 dBA	25 dBA	25 dBA
School ²	25 dBA	Prohibited	Prohibited	Prohibited
Seasonal farmworker housing ¹	25 dBA	30 dBA	Prohibited	Prohibited
Shooting range (indoor only)	*	25 dBA	25 dBA	25 dBA
Shooting range (outdoor only)	*	25 dBA	25 dBA	25 dBA
Slaughterhouse	*	25 dBA	25 dBA	25 dBA
Social Meeting Place ²	*	25 dBA	25 dBA	25 dBA
Soil or water remediation	*	25 dBA	25 dBA	25 dBA
Storage facility, self-service	*	25 dBA	25 dBA	25 dBA
Structure >10,000 square feet	*	25 dBA	25 dBA	25 dBA
Studio	*	25 dBA	25 dBA	25 dBA
Swimming pool, private	*	*	*	*
Tannery	*	25 dBA	25 dBA	25 dBA
Technical School ²	25 dBA	Prohibited	Prohibited	Prohibited
Temporary Construction Office	*	*	*	*
Temporary living quarters ¹	25 dBA	30 dBA	Prohibited	Prohibited
Tower or antenna structure, commercial	Compliance with federal aviation regulations 14 CFR 77			
Tower or antenna structure, private				

Zoning Ordinance**Chapter 2 Zoning Districts | 8-2-24 Boise Air Terminal Airport Influence Areas Overlay District (BAT)**

Use	A	B-1	B	C
Transit facilities	*	25 dBA	25 dBA	25 dBA
Truck stop	*	25 dBA	25 dBA	25 dBA
Vehicle impound yard	*	25 dBA	25 dBA	25 dBA
Vehicle Repair, Heavy	*	25 dBA	25 dBA	25 dBA
Vehicle Repair, Light	*	25 dBA	25 dBA	25 dBA
Vehicle Sales	*	25 dBA	25 dBA	25 dBA
Veterinary Services'	*	25 dBA	25 dBA	25 dBA
Wholesale Distribution and Warehousing	*	25 dBA	25 dBA	25 dBA
Winery	*	25 dBA	25 dBA	25 dBA

Notes:

1. Not to exceed a density of 5 dwelling units per acre in the B-1 overlay district. Calculation shall be based on the individual property or on proposed development area for the master site plan, as applicable.
2. Prohibited in the runway approach zones.

Legend:

25 dBA - Sound attenuation measures to achieve a noise level reduction of 25 dBA are required for residential dwellings or establishments providing overnight lodging facilities. For commercial or industrial uses, measures to achieve a noise level reduction of 25 dBA shall be incorporated into the design and construction of reception, office, sleeping, animal confinement, and other noise sensitive areas.

30 dBA - Sound attenuation measures to achieve a noise level reduction of 30 dBA are required for residential dwellings or establishments providing overnight lodging facilities. For commercial or industrial uses, measures to achieve a noise level reduction of 30 dBA shall be incorporated into the design and construction of reception, office, sleeping, animal confinement, and other noise sensitive areas.

35 dBA - Sound attenuation measures to achieve a noise level reduction of 35 dBA shall be incorporated into the design and construction of reception, office, sleeping, eating, animal confinement, and other noise sensitive areas.

Prohibited - Any new use is prohibited. Existing uses are deemed nonconforming uses and are subject to the regulations of chapter 7 of this title.

Zoning Ordinance

Chapter 2 Zoning Districts | 8-2-24 Boise Air Terminal Airport Influence Areas Overlay District (BAT)

* - The underlying base district regulates the use. No additional standards are required.

(Ord. 389, 6-14-2000; amd. Ord. 582, 5-25-2005; amd. Ord. 591, 7-27-2005; amd. Ord. 675, 11-14-2007; amd. Ord. 772, 7-27-2011; amd. Ord. 804, 11-14-2012)

8-2-25. Wildland–Urban Interface Overlay District (WUI)

Purpose: *The Wildland – Urban Interface (WUI) overlay district protects the public health, safety, and welfare by establishing standards to:*

- *Minimize the potential of spreading fire from wildland areas to structures;*
- *Establish special standards that apply to new construction, and the alteration, movement or change of use of habitable structures, with the intent to reduce the threat of loss of life and property from fire;*
- *Require vehicle turnouts on new private roads with the intent to provide better emergency access to remote areas where needed; and*
- *Require that new subdivisions and planned unit developments provide water supply systems and suitable access for firefighting crews, with the intent to increase the resources available to such crews and minimize the spread of fire.*

Ada County has adopted the [*International Wildland-Urban Interface Code, 2018 edition*](#) (Ada County Code section 7-2-3). This section supplements that code with zoning and development standards.

(Ord. 389, 6-14-2000)

A. Applicability

1. *Generally.* These regulations apply to new subdivisions, new private roads, new construction, and the alteration, movement or change of use of residential, commercial or industrial structures within the overlay district as identified on the Wildland-Urban Interface overlay district map, the limits of which are adopted by ordinance 391 on file at the County Development Services Department, or as amended.
2. *Nonhabitable Structures.* Nonhabitable structures are exempt from these regulations, except when located within the defensible space as set forth in the regulations of subsection (B)(1) below.

(Ord. 389, 6-14-2000)

3. *Clearing.* For purposes of this section, the terms "clear," "cleared" or "clearing" means the removal of all vegetation except:
 - a. single specimens of trees, ornamental vegetation, cultivated ground cover (such as green grass, ivy, succulents, or similar plants), and
 - b. native grasses and weeds that do not readily transmit fire trimmed to a maximum height of four inches (4"). The Director may approve heights of 4- to 6-inches where needed to minimize erosion due to steep slopes.
4. *Relocation.* This section does not require an owner to relocate existing habitable structures, driveways, or utilities.

Zoning Ordinance

Chapter 2 Zoning Districts | 8-2-25 Wildland–Urban Interface Overlay District (WUI)

5. *Plant Species.* In this section, references to plant species that do **not** “form a means of readily transmitting fire” means:
 - a. The plant has a score of at least 8 for the applicable zone, as defined in the [*Fire Resistance of Plants Master Database & Placement of Species Within Firewise Landscape Zones For Southern Idaho*](#) developed by the federal Bureau of Land Management, the College of Western Idaho Horticulture and the Idaho Botanical Garden and published by Idaho Firewise, or
 - b. The applicant or property owner demonstrates, and the Director finds, that the plant is [*fire resistant*](#) because it:
 - (1) has a high moisture content in its leaves,
 - (2) has little seasonal buildup of dead vegetation,
 - (3) has a low, compact growth form,
 - (4) is high in soap or pectin content,
 - (5) has green stems, and
 - (6) is drought tolerant.
6. *Abutting Property.* This section does not require an owner to remove vegetation from an abutting property.

B. Vegetation Control Standards.

1. *Defensible Space.*
 - a. This subsection 1 applies to any “**modification**,” defined as any new construction, or the alteration, movement or change of use of a habitable structure.
 - b. A modification requires a minimum fifty foot (50′) **defensible space** around the perimeter of any habitable structure. Property owners shall maintain the defensible space, unless that responsibility is transferred to another party through a binding contract. The defensible space shall meet the criteria in subsections c through j below.
 - c. Only single specimens of trees, ornamental vegetation, cultivated ground cover (such as green grass, ivy, succulents, or similar plants), or native grasses and weeds trimmed to a maximum height of four inches (4”), are allowed within the defensible space. Plants shall not form a means of readily transmitting fire. All other vegetation shall be removed from the defensible space. See Figure 8-2-25-1 below.

Zoning Ordinance

Chapter 2 Zoning Districts | 8-2-25 Wildland–Urban Interface Overlay District (WUI)

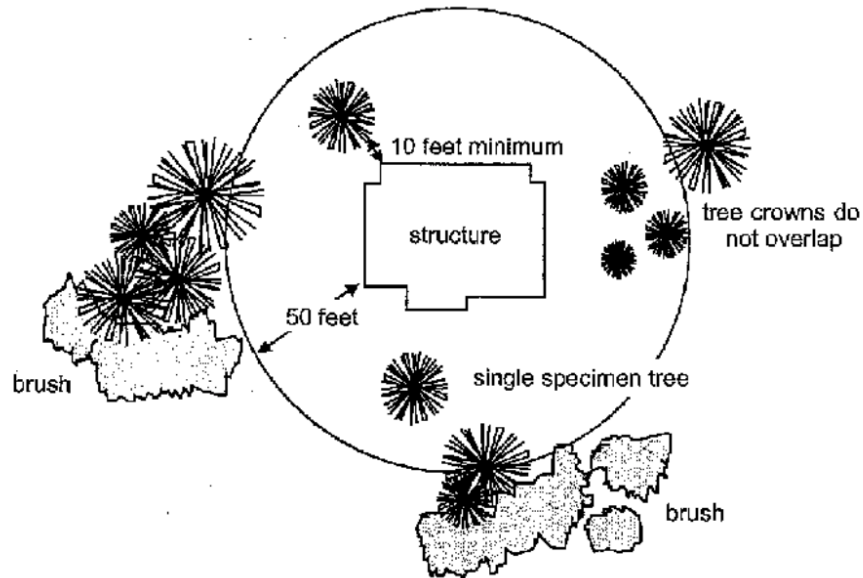


Figure 8-2-25-1 Defensible Space

- d. All deadwood shall be removed from trees within the defensible space. Clusters or groups of trees shall be thinned so tree crowns do not overlap. Trees within the defensible space shall be pruned: Prune trees up to six to ten feet from the ground; for shorter trees do not exceed $\frac{1}{3}$ of the overall tree height. See Figure 8-2-25-2 below.

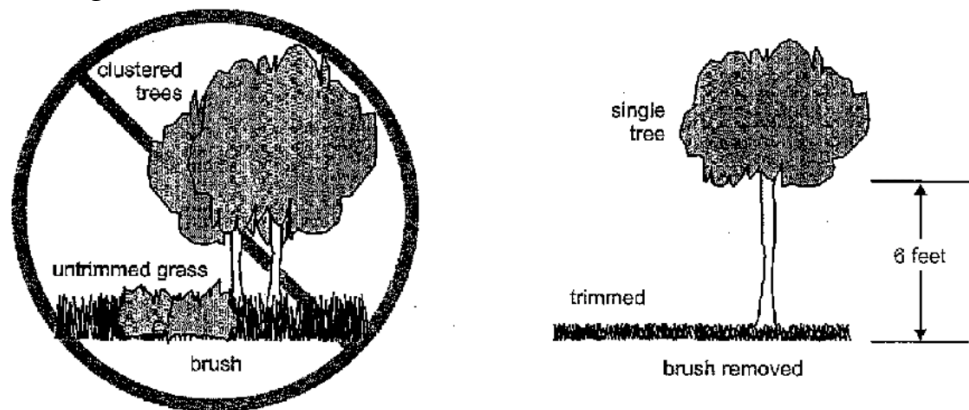


Figure 8-2-25-2 Defensible Space Pruning

- e. Tree crowns shall be pruned to maintain a minimum horizontal clearance of ten feet (10') from any structure or chimney outlet.
- f. Liquefied petroleum gas containers shall not be located within the defensible space in accord with the applicable code as adopted by the state of Idaho. [Note: the Idaho Liquefied Petroleum Gas Safety Board has adopted the [Liquefied](#)

Petroleum Gas Code, 2017 Edition (NFPA 58). See IDAPA 24.22.01.004.

- g. Firewood and combustible material shall not be stored in unenclosed spaces beneath structures, on decks, or under eaves, canopies, or other projections or overhangs. All firewood and combustible material stored in the defensible space shall be located a minimum of twenty feet (20') from structures and separated from the crown of trees by a minimum horizontal distance of fifteen feet (15').
 - h. Agricultural structures are not allowed within the defensible space.
 - i. All accessory structures within the defensible space must meet the fire resistive construction standards for structures as established by the Ada County building code as set forth in title 7, chapter 2 of this code.
 - j. If an abutting public street or approved private road meets the standards for the defensible space as set forth above, the width of that roadway is counted as part of the defensible space.
2. *Roads and Driveways.* All areas adjacent to private roads and driveways shall be cleared of vegetation. Single specimens of trees, ornamental vegetation, cultivated ground cover (such as green grass, ivy, succulents, or similar plants), or native grasses and weeds trimmed to a maximum height of four inches (4"), are allowed, if these plants do not form a means of readily transmitting fire.
 - a. For driveways, all areas within five feet (5') of each side of the driveway shall be cleared.
 - b. For private roads, the area encompassed by the travelway plus five feet (5') on each side of the travelway, measured from the outside edge of the travelway, shall be cleared of all flammable vegetation.
 3. *Electrical Distribution and Transmission Lines.* All vegetation shall be cleared from within thirty-one inches (31") of any above grade electrical distribution and transmission lines.
 4. *Electrical Conductors.* All vegetation shall be cleared from within ten (10) radial feet of any non-insulated energized electrical conductor and associated live parts. Cultivated ground cover (such as green grass, ivy, succulents, or similar plants), or native grasses and weeds trimmed to a maximum height of four inches (4"), are allowed if these plants do not form a means of readily transmitting fire.

Zoning Ordinance**Chapter 2 Zoning Districts | 8-2-25 Wildland–Urban Interface Overlay District (WUI)**

5. *New Driveways / Construction or Moving Structures.* For new driveways, new construction, or moving of structures on a site, the areas that require vegetation removal shall be located within the property boundaries. The Director may approve a lesser standard if:
 - a. The property abuts a public or approved private road as set forth in subsection 8-2-25.B.1.j of this section; and/or
 - b. Severe topographic or other site constraints exist that prohibit locating new construction to meet the specified standard.

C. Private Road Standards

1. All new private roads require vehicular turnouts for emergency vehicles. These turnouts require spacing at a maximum interval of seven hundred feet (700') with a minimum width of ten feet (10') and minimum length of thirty feet (30'). Road construction and vehicular turnarounds shall meet the private road standards as set forth in section 8-3-11 of this title. Driveways that meet turnout standards count as turnouts, if they are at least twenty feet (20') wide and thirty feet (30') long.
2. Maintenance of the private road shall include vegetation control as specified in subsection 8-2-25.B.2.b of this section.

D. New Subdivisions and Planned Unit Developments

1. The applicant shall retain an engineer, special expert (e.g. wildfire mitigation specialist), or other person that the Director finds has demonstrated competence and relevant wildfire experience or training. They shall:
 - a. evaluate fire hazards and emergency access roads to determine site specific hazards and proper accessibility for emergency vehicles.
 - b. Prepare a fire protection plan that is specifically tailored to the proposed subdivision or planned unit development that includes:
 - (1) Completed fire hazard severity form from the current International Wildland-Urban Interface Code, appendix C, using nationally recognized standards;
 - (2) A fire protection plan map showing the roadway, turnouts, turnarounds, terminus and lots;
 - (3) Determination of fuel model and fuel loading;
 - (4) Required signage for turnouts, turnarounds and fire lane parking;
 - (5) Required number and placement of turnouts based on development density and roadway width;
 - (6) Requirements for fire resistance rated construction;

Zoning Ordinance**Chapter 2 Zoning Districts | 8-2-25 Wildland–Urban Interface Overlay District (WUI)**

- (7) Required road width or required interconnected system of roadways and fire accesses.
 - 2. As part of the agency review process of subdivisions and planned unit developments, the fire protection plan shall be reviewed by:
 - a. the applicable fire district, or
 - b. if no fire district applies, the Ada County sheriff, with advice from the Idaho state fire marshal.
- E. **Alternative Development Proposal.** The Director may approve, or recommend approval of, an alternative development proposal when the overall design proposed by the applicant meets or exceeds the intent and the requirements of this section and is not detrimental to public health, safety, and welfare.
(Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001; amd. Ord. 490, 4-9-2003; amd. Ord. 560, 8-24-2004; amd. Ord. 592, 8-2-2005; amd. Ord. 628, 7-12-2006; amd. Ord. 699, 6-18-2008)
- F. **Prohibited Uses.** Campgrounds and seasonal farmworker housing are prohibited within the Wildland-Urban Interface overlay district.
(Ord. 389, 6-14-2000)

Zoning Ordinance

Chapter 2 Zoning Districts | 8-2-26 Southwest Planning Area Overlay District (SPA)

8-2-26. Southwest Planning Area Overlay District (SPA)

Purpose: *The purpose of the Southwest Planning Area Overlay (SPA) district is to establish standards to accommodate urban development in the southwest planning area of the Boise City comprehensive plan that is compatible with high ground water and drainage conditions and to ensure provision of urban public facilities, in addition to other applicable standards and procedures in this title.*

(Ord. 389, 6-14-2000; amd. Ord. 699, 6-18-2008)

- A. Applicability.** This section applies to development in the Southwest Planning Area of the Boise City comprehensive plan. This section is designated by ordinance 391 (as amended) on file at the County Development Services Department.

(Ord. 389, 6-14-2000)

B. Standards.

1. New development is not permitted until urban public facilities are available. This subsection does not apply to single-family detached dwellings on existing platted lots or on properties 2.5 acres or larger.
2. If the Central District Health Department determines that an existing wastewater treatment system has failed:
 - a. The property owner shall connect to the Boise sewer system, if a collection line is located within three hundred feet (300') of the property line, or
 - b. If a collection line is not located within three hundred feet (300') of the property line, the existing wastewater treatment system may be replaced with a system approved by the Central District Health Department.
3. Creeks, streambeds, and riparian areas within this overlay district shall be left in a natural state, not channeled, and kept free of any obstructions to water flows. This subsection does not apply to necessary road and/or public service crossings.

(Ord. 389, 6-14-2000; amd. Ord. 699, 6-18-2008)

Zoning Ordinance**Chapter 2 Zoning Districts | 8-2-27 Area of Military Influence Overlay District (AMI)****8-2-27. Area of Military Influence Overlay District (AMI)**

Purpose: *The Area of Military Influence overlay (AMI) district:*

- *Implements the goals, objectives, and policies of the applicable comprehensive plan as it relates to the areas of military influence,*
- *Provides for notification areas to ensure the Idaho National Guard officials are made aware of land use applications within the area of military influence overlay district (AMI); and*
- *Promotes the public health, safety, and welfare by having regulations and standards for new development within the AMI to ensure compatibility with military activity occurring in the AMI.*

(Ord. 812, 8-14-2013)

A. Applicability

1. The Area of Military Influence Overlay District (AMI) consists of:
 - a. A one-fourth (1/4) mile buffer along either side of the centerline of Pleasant Valley Road that extends from Gowen Field to the Orchard Combat Training Center to be known as the Military Tank Trail, the limits of which are adopted by ordinance 811 under legal description A attached thereto; and
 - b. A buffer area surrounding the Orchard Combat Training Center, the limits of which are adopted by ordinance 811 under legal description B attached thereto.
2. This section applies to the following within the adopted AMI:
 - a. new subdivisions and new construction, and
 - b. the alteration, moving, or change of use of residential, commercial, or industrial structures.
3. This section does not apply to:
 - a. uses housed within structures that are listed on the national register of historic places,
 - b. structures identified by the Ada County Historic Preservation Council as having historical significance, or
 - c. structures identified as contributing in an archeological or historical survey or study accepted by the State Historic Preservation Office.

(Ord. 812, 8-14-2013)

- B. **Process.** Applications shall be transmitted to the appropriate agency, including, but not limited to, the following: National Guard, Mountain Home Military Base, and the Boise Airport Director.

(Ord. 812, 8-14-2013)

C. Standards.

Zoning Ordinance**Chapter 2 Zoning Districts | 8-2-27 Area of Military Influence Overlay District (AMI)**

1. Uses that require a conditional use, master site plan, planned community or subdivision application located within the AMI shall address compatibility issues such as intermittent noise, dust, traffic, and other development design issues.
2. For subdivisions located within the AMI the following statement shall appear on the final plat:

“This development recognizes that it is in an Area of Military Influence (AMI) and as such there will be times during the course of the year that properties could be subject to intermittent dust, noise, and military traffic.”
3. Development shall conform to FAR part 77 height limits (as may be amended) as not to pose a safety hazard to air traffic.

(Ord. 812, 8-14-2013)

8-2-28. Flood Hazard Overlay District (FH)

Purpose: *The purpose of the Flood Hazard Overlay (FH) district is to promote public health, safety, and general welfare and to minimize public and private losses due to potential flooding .*

The provisions are designed to:

- *Protect human life, health, and property;*
- *Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;*
- *Provide for the sound use and development in flood prone areas;*
- *Minimize expenditure of public money for costly flood control projects;*
- *Minimize the need for rescue and emergency services associated with flooding, generally undertaken at the expense of the general public;*
- *Minimize prolonged business interruptions;*
- *Ensure potential buyers are notified the property is in an area of special flood hazard; and*
- *Ensure those who occupy the areas of special flood hazard assume responsibility for their actions.*

Warning and Disclaimer. *The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased due to artificial or natural causes. This section does not imply that property outside the identified special flood hazard areas will be free from flooding or flood damages, or that uses permitted within the identified special flood hazard areas will be free from flooding or flood damages. This section shall not create liability on the part of Ada County, any officer or employee thereof, or the federal insurance and mitigation administration, for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.*

(Ord. 835, 12-3-2014; Ord. 914, 6-10-2020)

Authority. *This section is adopted pursuant to Idaho Code section 46-1001, et seq., which authorizes local governments to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property.*

(Ord. 835, 12-3-2014; Ord. 914, 6-10-2020)

A. Applicability. These regulations shall apply to "development" as defined in this section, within all special flood hazard areas identified by one or more of the following:

1. The federal insurance and mitigation administration in a scientific and engineering report entitled "The Flood Insurance Study (FIS) For Ada County, Idaho," revised June 19, 2020, and all subsequent amendments

and revisions, and the accompanying Flood Insurance Rate Maps (FIRM) and Digital Flood Insurance Rate Maps (DFIRMS), and all subsequent amendments and revisions to such maps, are hereby adopted by reference and serve as the basis for establishing flood hazard areas. Maps and studies that establish flood hazard areas are on file at the Ada County development services department.

2. Foothill or other hillside tributary floodplains as herein defined.

(Ord. 835, 12-3-2014; Ord. 914, 6-10-2020)

B. Administration.

1. *Floodplain Administrator Responsibilities.* The Director, and/or his/her designee, hereinafter referred to as the "Floodplain Administrator," is hereby appointed to administer and implement the provisions of this section and shall have the following responsibilities in all special flood hazard areas:
 - a. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to determine whether proposed building sites will be reasonably safe from flooding..
 - b. Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State, and Federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC section 1334.
 - c. Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or relocation of a watercourse. (This is the LOMC procedure.)
 - d. Confirm stream channel or water course alteration meets the current FEMA NFIP regulations.
 - e. Prevent encroachments into floodways unless the certification and flood hazard reduction provisions of subsection C of this section are met.
 - f. Obtain and maintain actual elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of subsection D of this section.
 - g. Obtain and maintain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities

have been floodproofed, in accordance with the provisions of subsection D of this section.

- h. Review plans to verify public utilities are constructed in accordance with the provisions of subsection E of this section.
- i. When floodproofing is utilized for a particular structure, obtain and maintain certifications from a registered professional engineer or architect in accordance with the provisions of subsection D of this section.
- j. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, and floodways (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section.
- k. When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of subsection A of this section, obtain, review, and reasonably utilize any BFE data, along with floodway data available from a Federal, State, or other source, including data developed pursuant to section D of this section, in order to administer the provisions of this section.
- l. When Base Flood Elevation (BFE) data is provided but no floodway data has been provided in accordance with the provisions of subsection A of this section, require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A (or A1-30) and AE on Ada County's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within Ada County. (This is a Hydraulic & Hydrology Analysis.)
- m. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area (SFHA) is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- n. Permanently maintain all records that pertain to the administration of this section.

- o.** Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this section and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within Ada County at any reasonable hour for the purposes of inspection or other enforcement action.
- p.** Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this section, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed.
- q.** Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- r.** Make periodic inspections throughout the Special Flood Hazard Areas within Ada County.
- s.** Prohibit activities that violate the regulations of this section.
- t.** Review, provide input, and make recommendations for variance requests.
- u.** Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps, and studies adopted in accordance with the provisions of subsection A of this section, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of your community's mapping needs.

- v. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).
- 2. *Interpretation.* All of the regulations of this section shall be considered as minimum requirements, shall be considered liberally construed in favor of the governing body and shall not be deemed to limit or repeal any other powers granted under state statutes.

(Ord. 835, 12-3-2014; amd. Ord. 914, 6-10-2020).

- C. **Definitions.** For the purposes of this section, the terms, as herein defined, shall be used in the administration of this section:

A Zone: A special flood hazard area delineated on the flood insurance rate map (FIRM) that is subject to inundation by the one percent (1%) annual chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no base flood elevations or flood depths are shown.

AE Zone: A special flood hazard area delineated on the flood insurance rate map (FIRM) that is subject to inundation by the one percent (1%) annual chance flood event determined by detailed methods. Base flood elevations are shown.

AH Zone: A special flood hazard area delineated on the flood insurance rate map (FIRM) that is subject to inundation by one percent (1%) annual chance shallow flooding, usually in the form of a pond, where average depths are between one and three feet (3'). Base flood elevations derived from detailed hydraulic analyses are shown at selected intervals in this zone.

AO Zone: A special flood hazard area delineated on the flood insurance rate map (FIRM) that is a river or stream hazard area and subject to inundation by one percent (1%) annual chance shallow flooding, usually in the form of sheet flow, where average depths are between one and three feet (3'). Average flood depths derived from detailed hydraulic analyses are shown in this zone.

Area of Shallow Flooding: An area within the flood fringe shown on the flood insurance rate map (FIRM) as an AO or an AH zone; and where the base flood depths range from one to three feet (3'), a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. See AO ZONE.

Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded each year. Also known as the "regulatory flood."

Base Flood Elevation (BFE): A determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Flood Protection Elevation.

Basement: Any area of a structure having its floor subgrade (below ground level) on all sides, including a crawl space.

Check Dam: A structure erected perpendicular to the direction of flow of floodwaters in a foothill or other hillside tributary floodplain, and which does not exceed ten feet (10') in height or fifty (50) acre-feet of storage capacity and is constructed for the purpose of reducing the velocity of floodwaters or reducing flood flows downstream or both. For the purposes of this section, energy dissipating devices shall be considered check dams.

Cleaning: Mowing, cutting, or burning of weeds, trees and other nuisance growth, including algae growth, application of pesticides as permitted, removal of beaver dams, and removal of trash or other debris whether floating, lodged or otherwise obstructing the conveyance of water flow through channels and works.

Critical Facilities: Facilities that are vital to flood response activities or critical to the health and safety of the public before, during, and after a flood, such as a hospital, emergency operations center, electric substation, police station, fire station, nursing home, school, vehicle and equipment storage facility, or shelter; and facilities that, if flooded, would make the flood problem and its impacts much worse, such as a hazardous materials facility, power generation facility, water utility, or wastewater treatment plant.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development Activity: Any activity defined as Development which will necessitate a Floodplain Permit; This includes any manmade change to improved or unimproved real estate including, but not limited to, the construction of buildings, structures or accessory structures, or the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of mobile homes; filling, mining, dredging, grading, paving, excavation or drilling operations; storage of equipment and materials; and the deposition or extraction of materials; specifically including the construction of dikes, berms and levees.

Digital Flood Insurance Rate Map (DFIRM): A digital representation of a flood insurance rate map (FIRM) within an electronic mapping application depicting both the special flood hazard areas and the risk premium zones applicable within Ada County.

Dredging: The removal of sediment from the bottom of streams creeks, irrigation and drainage channels and works.

Elevation Certificate: The Elevation Certificate is an important administrative tool of the NFIP. It is used to determine the proper flood insurance premium rate; it is used to document elevation information; and it may be used to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Flood Elevation Study (FES): An examination, evaluation and determination of flood hazards, flood profiles, floodway boundaries and water surface elevation of the base flood.

Flood Fringe: The area between the floodway and the one hundred (100) year floodplain boundary, including the AO and A zones where no floodway is identified (see section 8-1A-2 , figure 18 of this title).

Flood Insurance Rate Map (FIRM): The official map of Ada County, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to Ada County. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood or Flooding:

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 - 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph A.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph A.1 of this definition.

Floodplain Administrator: the individual appointed to administer and enforce the floodplain management regulations.

Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and flood plain management regulations.

Zoning Ordinance
Chapter 2 Zoning Districts | 8-2-28 Flood Hazard Overlay District (FH)

Floodplain Management Regulations: Zoning regulations, subdivision regulations, building codes, health regulations, special purpose regulations (such as a flood plain regulations, grading regulations, and erosion control regulations), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection Elevation (FPE): The Base Flood Elevation plus the Freeboard. In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one and a half feet (1.5') of freeboard.

Floodplain: Any land area susceptible to being inundated by floodwaters (see Figure 8-2-28-1).

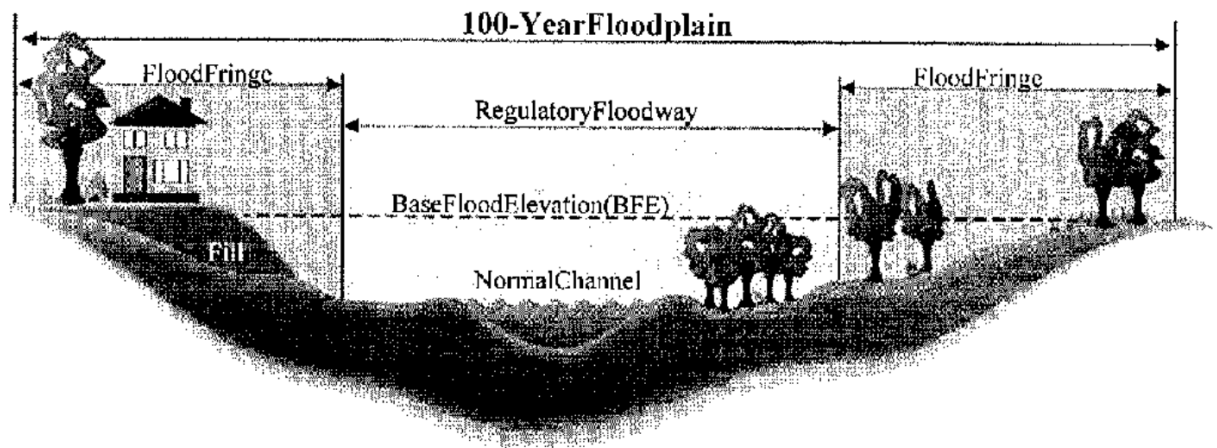


Figure 8-2-28-1 Special Flood Hazard Area Diagram

Floodplain and Bank Restoration: Is the reestablishment of the structure and function of ecosystems and floodplains to return the ecosystem as closely as possible to its natural conditions and functions prior to being developed or impacted by a natural event.

Floodproofing Certificate: A FEMA form used to certify a floodproofing design for a nonresidential structure that is being floodproofed as an alternative to elevating the structure to or above the base flood elevation.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Foothill or Hillside Tributary Floodplain: A watercourse or drainageway located in the foothills or other hillside tributary that collects and carries waters draining from an area of greater than ten (10) acres in size.

Freeboard: A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the Flood Protection Elevation (FPE). Freeboard shall be one and half feet (1.5').

Functionally Dependent Use: A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the FEMA Elevation Certificate for HAG related to building elevation information.

Historic Structure: A structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

Irrigation or Drainage Channel: A man-made or natural channel used to convey or deliver water for irrigation, drainage, or other uses, by irrigation districts, canal companies, lateral associations, drainage districts, or other water delivery entities. Irrigation and drainage channels include man-made canals, ditches, laterals, culverts, flumes, tiled drains, pipes, storage reservoirs, and natural channels (including reservoirs on natural channels), used to convey storage or other sources of water owned or controlled by an irrigation or drainage entity.

Irrigation and Drainage Works: Man-made structures used to divert, regulate, and measure water from natural channels (streams, rivers, lakes, and springs) and in man-made irrigation and drainage channels. Irrigation and drainage works include diversions or regulation structures, including but not limited to control gates or head gates, check dams or diversion dams, culverts, measuring devices and their housing (including stilling wells and staff gages), flumes, siphons, pumps, pipes, protective structures, energy dissipaters, fish passage structures, and trash screens or trash racks.

Letter of Map Change (LOMC): A general term used to refer to the several types of revisions and amendments to FIRMs that can be accomplished by letter. They

include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), Letter of Map Revision based on Fill (LOMR-F), and Conditional Letters of Map Revision (CLOMR).

Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's or structure's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property or structure has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.

Letter of Map Revision (LOMR): FEMA's modification to an effective Flood Insurance Rate Map (FIRM) or a Flood Boundary and Floodway Map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

Letter of Map Revision Based on Fill (LOMR-F): FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS). Upon submission and approval of certified as-built documentation, a Letter of Map Revision (LOMR) may be issued by FEMA to revise the effective FIRM.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement or subgrade crawl space). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a

basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR section 60.3 and this section.

Maintenance: The act of ongoing upkeep of existing structures required to keep channels in a condition adequate to support the conveyance of irrigation and drainage water (this does not include the complete replacement or substantial replacement of an existing structure). Maintenance is further defined as the care or upkeep of channels, works, appurtenances, easements, utility corridors and property; to keep in an existing state, specified state of repair, and efficiency; return to a former condition, elevation, place, and position; to preserve from failure or decline; or repair or renovate so as to return it to its original condition. Maintenance does not include dredging as defined herein.

Manufactured Home: A structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value: The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value is determined by the tax assessed values, unless revised by an independent certified appraisal (paid for by the property owner).

New Construction: For floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Any construction started after April 4, 1984 (entry into the NFHP), and before the effective start date of this floodplain management section is subject to the section in effect at the time the permit was issued, provided the start of construction was within one hundred and eighty (180) days of permit issuance.

Nonresidential Structure: A building, other than a residential structure or dwelling, or parts thereof, that is open to the public or for private use. The term nonresidential structure includes, but is not limited to: structures used for places

of assembly, education, business, maintenance, storage, manufacturing, and government.

Operation: The regular and reoccurring performance of typical work by an irrigation or drainage entity including, but not limited to: the delivery or drainage of water, measurement of water, and adjustment of irrigation and drainage works and all related appurtenances.

Recreational Vehicle: A vehicle that is:

- A. Built on a single chassis;
- B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towed by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway: see *Floodway*

Repair: The restoration to good or sound conditions of any part of an existing structure, channel, channel bank, or service road for the purpose of maintenance (this does not include the complete replacement or substantial replacement of an existing structure). Repair does not include dredging as defined herein.

Residential Structure: A building used as a dwelling for one or more persons. The term residential structure includes, but is not limited to houses, family daycare homes, group daycare facilities, apartment buildings, lodging homes, dormitories, hotels, motels, hospitals, sanatoriums, and nursing homes. The term residential structure also includes accessory use areas used in conjunction with, and an integral part of, a residential structure.

Riparian Area: The land that directly abuts a natural body of water such as a river, lake, stream, creek, or coastal body of water and is within twenty-five feet (25') of the Floodway Boundary.

Special Flood Hazard Area (SFHA): The areas in Ada County in the flood plain subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard." It also includes foothill or hillside tributary floodplain; and other areas determined by the floodplain administrator to be a hazard to public health, safety, and welfare due to flooding.

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: A walled and/or roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial Damage (SD): Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of its market value before the damage occurred. See definition of "substantial improvement." Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

Substantial Improvement (SI): Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure" and the alteration is approved by variance issued pursuant to this section.

Violation: The failure of a structure or other development to be fully compliant with this section. A structure or other development without the Finished Construction Elevation Certificate, other certifications, or other evidence of compliance required in 44 CFR sections 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

(Ord. 835, 12-3-2014; *amd.* Ord. 914, 6-10-2020)

D. Process.

1. *Approval.* Prior to the commencement of any development within any special flood hazard area, the property owner shall obtain approval of a floodplain permit and comply with the applicable general regulations and standards identified in subsections E and F of this section.
2. *Application.* An application and fees, as set forth in Chapter 6, Article 1 of this Title, shall be submitted to the development services department on forms provided by the department along with all required information identified on the applicable floodplain checklist. The floodplain administrator will review the request and determine if additional information, certificates, or studies are required prior to commencement of development or manufactured home placement.
3. *Permit Duration.* The approval of a floodplain permit shall be limited to a two (2) year period in which the applicant and/or property owner shall

complete the proposed improvements to the satisfaction of the floodplain administrator.

4. *Certificates and Studies.* An applicant and/or owner may be required to submit the following certifications and/or studies with the floodplain application, or subsequent to floodplain application submission:
 - a. *Grading Plan.* Depending on the extent and nature of the grading and landscape features, a FES may be required. Grading plans shall be in conformance with section 8-3-2.H of this title.
 - b. *Elevation Certificate* (FEMA Form 086-0-33). If the elevation of a structure is required to be certified in accord with specific standards identified in subsection F of this section, a completed construction drawings elevation certificate signed by a professional engineer or surveyor licensed in the state of Idaho shall be submitted and approved by the floodplain administrator prior to issuance of any building permit. Once the lowest floor (including basement and/or crawl space) of the proposed structure or substantial improvement is constructed, a completed finished construction elevation certificate signed by a professional engineer or surveyor licensed in the state of Idaho shall be submitted and be approved by the floodplain administrator prior to issuance of a certificate of occupancy and/or prior to final building permit inspection approval.
 - c. *Floodproofing Certificate* (FEMA Form 086-0-34). If certification is required to demonstrate that a non-residential, accessory or agricultural structure has been floodproofed, in accord with specific standards identified in subsection F of this section, documentation demonstrating compliance with the specific standards, shall be submitted with the floodplain application and approved by the floodplain administrator prior to the issuance of a building permit, and/or zoning certificate. A completed floodproofing certificate, prepared by a professional engineer licensed in the state of Idaho, shall be submitted and be approved by the floodplain administrator prior to issuance of a certificate of occupancy or prior to final building permit inspection approval:
 - (1) Electrical, mechanical and plumbing facilities comply with general regulations identified in subsection E of this section.
 - (2) If wet-floodproofing to allow floodwater to enter the structure, the enclosed area(s) shall be designed to automatically equalize hydrostatic flood forces on exterior

walls by allowing for the entry and exit of floodwaters and complies with the following:

- a. A minimum of two (2) openings shall be provided that have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
- b. The bottom of all openings shall be no more than one foot (1') above the exterior or interior grade or floor immediately below the opening, measured from highest adjacent grade or floor.
- c. Openings may be equipped with screens, louvers, or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Openings shall meet the minimum FEMA standards for number (quantity), size and type.
- d. Certification shall be submitted that documents the amount of flood opening each flood opening provides.

(3) If dry-floodproofing to restrict floodwater to enter the structure, the following standards apply:

- a. The lowest floor (including basement and/or crawl space), together with attendant electrical, mechanical and plumbing facilities, shall be floodproofed so that below one and a half feet (1.5') above the BFE the structure is watertight with walls substantially impermeable to the passage of water.
- b. The proposed structure shall be watertight and shall have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. The proposed design shall be certified by a professional engineer licensed in the state of Idaho and the design and methods of construction shall be in accord with accepted standards of practice for meeting regulations of this section based on their development and/or review of the structural design, specifications, and plans.

d. *Flood Studies.*

- (1) *Flood Elevation Study (FES)*. If required by the specific standards identified in this section, a FES, prepared by a professional engineer licensed in the state of Idaho, must be approved by the floodplain administrator prior to the commencement of any development. The study shall be submitted electronically and in paper form to include:
 - a. A title;
 - b. A table of contents;
 - c. The location and description of the property;
 - d. A scope of work;
 - e. Analysis and documentation of methods and procedures to determine the flood elevation and any additional information required by this section;
 - f. A discussion of the proposed use in the existing floodplain and the surrounding land uses;
 - g. A discussion of floodplain regulation compliance; and
 - h. All other items identified on the floodplain checklist as may be applicable and/or as may be required by the floodplain administrator.
- (2) Hydraulic & Hydrology Analysis with No-Rise Certification. If hydraulic and hydrology analysis with no-rise certification is required by any of the specific standards contained in this section, an analysis and certification shall be prepared by a professional engineer licensed in the state of Idaho and shall be submitted with the floodplain application. The documentation shall include a FES, a completed floodplain checklist, and all other supporting technical data which confirms that the proposed development will not result in an increase of the base flood elevation (BFE) for the full cross section of SFHA. The analysis and certification must use a 2D floodway analysis and evaluation lines (see [Federal Emergency Management Agency, Guidance for Flood Risk Analysis and Mapping \(December 2020\)](#)), and be approved by the floodplain administrator prior to commencement of any development.
- (3) The floodplain administrator will not require a CLOMR be submitted to FEMA if the Hydraulic and Hydrology Analysis can demonstrate a No-Rise condition when

comparing the pre and post development floodway elevations. However, a post construction LOMR must be submitted to document the change to the SFHA.

- e. *Letter of Map Change (LOMC)*. If a change or revision of a FIRM is warranted by any of the specific standards identified in this section, the applicant and/or owner shall submit a request to FEMA for an LOMC. The applicant and/or owner may submit the request to FEMA online themselves or retain a professional engineer licensed in the state of Idaho to prepare and submit the amendment and/or revision request to FEMA. A copy of the official amendment and/or revision letter signed by FEMA shall be submitted to the floodplain administrator in accord with the time frames specified in the specific standards contained in this section.

(Ord. 835, 12-3-2014; amd. Ord. 914, 6-10-2020).

E. General Regulations.

1. The following general regulations are applicable to all development within any special flood hazard area:
 - a. *Minimize Flood Damage Potential*. Methods and practices shall be used that minimize flood damage potential to all new development and that do not increase the flood damage potential to other properties.
 - b. *Flood Resistant Materials*. All new development shall use materials and utility equipment resistant to flood damage.
 - c. *Anchoring*. All new construction and substantial improvements of structures shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - d. *Drainage*. Drainage practices that minimize exposure to flood hazards and that maintain the original or historic drainage patterns to the greatest extent possible shall be used.
 - e. *Grading*. Grading is considered development and may not take place on property within a special flood hazard area unless a floodplain permit is issued. All grading shall be done so as to minimize impacts within all special flood hazard areas. Floodwater carrying capacity shall not be diminished and adjacent properties shall not be adversely impacted by the proposed improvements. Minor landscape features (cumulative fill or excavation less than then (10) cubic yards) and at grade driveways, at grade private roads, and at grade parking lots shall be exempt from the LOMA

process. Depending on the extent and nature of the grading and landscape features, a FES may be required.

- f. *Electrical, Mechanical and Plumbing Equipment/Facilities.* Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be elevated to at least one and a half feet (1.5') above the BFE.
- g. *Utility Work.*
 - (1) All utility work shall use designs, materials, and construction methods that preclude failure due to flooding and assure continued service during flood events.
 - (2) All new and replacement water supply systems shall be designed to eliminate infiltration of floodwaters into the system.
 - (3) New and replacement sewage treatment infrastructure and sewage collection and disposal systems shall be designed to eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
- h. *Subdivisions.*
 - (1) All subdivisions shall be consistent in design and construction with the need to minimize flood damage and shall be reasonably safe from flooding.
 - (2) Public utilities and facilities including, but not limited to: sewer, gas, electrical, telephone, and water systems shall be located and constructed to minimize flood damage and certified by a professional engineer licensed in the state of Idaho.
 - (3) Adequate drainage shall be provided to reduce exposure to flood damaged. The following must be placed up on the Final Plat:
 - a. All the SFHA boundary lines must be drawn on the plat.
 - b. Plat notes designating:
 - i. FEMA FIRM panel(s): #160xxxxxxC, and 160xxxxxxE, etc.;
 - ii. FIRM effective date(s): mm/dd/year;
 - iii. Flood Zone(s): Zone X, Zone A, Zone AE, A Zone AO, Zone, AH, Zone D, etc.;
 - iv. Base Flood Elevation(s): AE .0 ft., etc.; and

- v. The following statement: "Flood Zones are subject to change by FEMA and all land within a floodway or floodplain is regulated by section 8-2-28 of the Ada County Code and FEMA and the Local Floodplain Authority."
- i. If a Conditional Letter of Map Revision (CLOMR) is required, the approval of the CLOMR must be obtained prior to any site improvements and approval of the LOMR must be obtained prior to approval of the Final Plat. *Substantial Damage*. A structure, regardless of whether it was covered by flood insurance, shall be considered to have sustained substantial damage if it meets either of the substantial damage definitions in subsection C of this section. Work on structures that have been substantially damaged is considered to be a substantial improvement regardless of the actual repair work performed, and must comply with the applicable general regulations and standards in this section and subsection F of this section.
- j. *Accessory and Agricultural Structures*. An accessory or agricultural structure as defined in this title may be granted relief from elevation or dry floodproofing requirements if the following standards are met:
 - (1) The structure shall represent a minimal investment, meaning the proposed structure's estimated square foot construction cost as determined by the floodplain administrator shall not be greater than ten percent (10%) of the total market value of the property on which the structure is located;
 - (2) The structure is not used for human habitation;
 - (3) The structure is constructed of flood resistant materials;
 - (4) The structure is constructed and placed on the property to offer the minimum resistance to the flow of floodwaters;
 - (5) The structure is firmly anchored to prevent flotation;
 - (6) The structure's mechanical and utility equipment, if any, are elevated or floodproofed one and a half feet (1.5') above BFE or two feet (2') above the highest adjacent grade where BFE has not been established; and
 - (7) The structure meets the standards of subsection D4c.
- k. *Roads and Driveways*. Driveways, roads, bridges, low-water crossings, and similar means for vehicles or pedestrians to travel, which encroach into the SFHA shall be designed to:

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- (1) Be elevated at least one and a half feet (1.5') above the established base flood elevation;
 - (2) Allow flood water to pass under so that it does not act as a check dam.
- l. *Riparian Areas.* Since riparian areas provide critical flood management and fish and wildlife habitat, the following provisions apply for any development in the SFHA and riparian areas as defined:
- (1) Preservation or restoration of the inherent natural characteristics of the river and creeks within the floodplain;
 - (2) Preservation of riparian vegetation and wildlife habitat, if any, along the stream bank and within the required minimum twenty-five foot (25') setback of the floodway boundary or riparian zone;
 - (3) No development other than development by a public entity, for public use or required for emergency access shall occur within the twenty-five foot (25') setback of the floodway boundary with the exception of approved stream stabilization work;
 - (4) Plan and time frame shall be provided for restoration of riparian vegetation damaged as a result of the work done; and
 - (5) New or replacement planting and vegetation shall include plantings that are low growing and have dense root systems for the purpose of stabilizing stream banks and repairing damage previously done to riparian vegetation. Examples of such plantings include: red osier dogwood, common chokecherry, serviceberry, elderberry, river birch, skunk bush sumac, Bebb's willow, Drummond's willow, little wild rose, gooseberry, and honeysuckle.
- m. *Compensatory Storage.* New development shall not reduce the effective flood storage volume of the Regulatory Floodplain and SFHA. A development proposal shall provide compensatory storage if grading or other activity eliminates any effective flood storage volume. Compensatory storage shall:
- (1) Provide equivalent volume at equivalent elevations to that being displaced. For this purpose, "equivalent elevation" means having similar relationship to ordinary high water

- and the best available one hundred (100) year water surface profiles;
- (2) Be hydraulically connected to the source of flooding; and
- (3) Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins.
- (4) The newly created storage area shall be graded and vegetated to allow fish access during flood events without creating fish stranding sites.
- n. *Fences and Walls.* Fence construction is prohibited in the Floodway. Proposed fencing in the floodplain shall be reviewed on a case by case basis to confirm flood flows will not be obstructed.
- o. *Functionally Dependent Use.* Functionally dependent uses shall follow the standards of this section, provided that the use does not cause a rise in the one hundred (100) year flood level (BFE) within a regulatory floodway, and the structure and other development must be protected by methods that minimize flood damages.
- p. *General Irrigation Floodplain Development (GIFD) Permit.* There are three (3) categories of GIFD permits as outlined by Idaho Department of Water Resources (IDWR). The floodplain administrator will determine which category the proposed work falls under based on the following criteria:
 - (1) Non-development activities requiring no permit. Consistent with Idaho Code sections 46-1021 and 46-1022, operation, cleaning, maintenance or repair of any ditch, canal, lateral, drain, diversion structure or other irrigation or drainage works, do not constitute development under Idaho law and therefore do not require either a GIFD permit or an floodplain permit. Examples of activities and projects that do not require floodplain permitting.
 - a. General farming, pasture, horticultural and forestry activities that do not involve earthwork that permanently alter the topography or any clearing/grubbing of an area.
 - b. Grading of existing roads or easements along or near channels and within the SFHA, when the grading does not add fill within the regulatory floodway or SFHA.

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- c. Maintenance of underground utilities (work must not permanently alter topography).
 - d. In-kind replacement of existing piers or posts supporting a conforming deck.
 - e. Activities associated with land-surface construction stormwater Best Management Practices ("BMP"), when the measures are temporary in nature (i.e. not in place for longer than one hundred and eighty (180) days) or do not increase the BFE. Examples of stormwater BMP activities that do not require a permit include the following: dust control; materials and equipment covers; mulching; geotextile fabrics; matting; bio-filter bags; fiber rolls; silt fences; vegetative buffer strips; temporary swales; and temporary berms.
- (2) GIFD permit eligible activities. Low-to-no impact irrigation and drainage development activities or uses in the floodplain which inherently do not increase the BFE. GIFD permits apply to all qualifying activities within the spatial extents of an irrigation delivery or drainage system and within the regulatory floodway or SFHA, over a predetermined period of time, not to exceed five years.
- a. Process for GIFD approval:
 - i. Initial consultation, in-person meeting between the floodplain administrator and the irrigation entity.
 - ii. Submittal by the irrigation entity of the following materials prior to consultation visit:
 - Service area map with delineated activities;
 - A timeline identifying the sequence and timing that proposed activities will occur (not to exceed five years); and
 - Supporting documentation, as needed.
 - iii. The floodplain administrator shall timely review submitted material and ask for additional documentation as needed.
 - iv. The floodplain administrator shall timely review submitted material and identify any activities that require an individual permit.
 - v. The floodplain administrator shall issue a GIFD

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permit.

- vi. The irrigation entity shall notify the floodplain administrator when changes to activities permitted under a GIFD are anticipated.

b. Examples of activities that require a GFID:

- i. Dredging and grading of irrigation and drainage channels, when the fill from dredging or grading is not deposited on the banks of channels or anywhere within the regulatory floodway or SFHA for longer than ten (10) days.
- ii. Seasonal grading within natural stream channels to check or direct water into irrigation facilities (i.e. earthen "push- up dams" and "wing dams").
- iii. Deposition of fill within the SFHA for less than ten (10) days. After then (10) days, deposited fill must be removed from the SFHA, or graded and compacted to existing grade within ± 0.2 feet. Deposition of fill includes deposition of material resulting from grading or excavating irrigation or drainage channels. Deposition of fill within the mapped floodway requires an individual permit.
- iv. Construction of new underground utilities that do not permanently alter the existing grade elevations by ± 0.5 feet. Excess soil from new pipes larger than two feet (2') in diameter must be disposed of outside the regulatory floodway and SFHA.
- v. In-kind replacement of irrigation and drainage works or components including but not limited to control gates or head gates, measuring devices and their housing structures/stilling wells, culverts, pumps, pipes, flumes, siphons and similar works. GIFD permits cannot authorize the In-kind replacement of dams or bridge structures.
- vi. New driveways, trails, sidewalks, roads and streets constructed completely at-or-below existing grade.
- vii. Armoring, stabilizing, securing, or in-kind replacement of existing infrastructure within the channel banks (such as bridge piers, sewer/utility supports and storm water/sewer drainage outfalls/headwalls) when the dimensions (bank slopes, channel location, channel elevation) of the channel are not altered. This should not involve

replacement with larger or additional above ground infrastructure.

2. **Development activities requiring a floodplain development permit.** A floodplain development permit is required for all other permitted activities and projects within the regulatory floodway and SFHA Habitat restoration and bank stabilization projects require a floodplain development permit. These projects may not require a full hydraulic analysis if the permit shows equal or greater flood water conveyance by standard engineering practice.

(Ord. 835, 12-3-2014; amd. Ord. 848, 12-9-2015; amd. Ord. 914, 6-10-2020).

F. Standards For Special Flood Hazard Area

1. *Land Use Restrictions. AE, AH, AO, A, and D Zones and the Regulatory Floodway:* Despite any other regulations of this title, Critical Facilities and the following uses, including any new construction or substantial improvements to such uses, are prohibited in the regulatory floodway, AE, AH, AO, A, or D zone where the base flood elevations have been determined or estimated:

Explosive manufacturing.
Flammable substance storage.
Foster home, group.
Gasoline, diesel, or alternative fuel sales.
Junkyard or automobile wrecking yard.
Manufacture and/or storage of materials that are buoyant, flammable, toxic, radioactive or explosive or may present a hazard to public health or safety in time of flooding.
Manufacture of electronic or electrical products.
Manufacture or processing of hazardous chemicals or gases.
Manufactured home storage.
Portable classroom.
Sanitary landfill, restricted.
School, vocational or trade.
Soil or water remediation.
Tannery.
Vehicle impound yard.
Stormwater Facilities
Sanitary Sewer Facilities.

(Ord. 835, 12-3-2014; Ord. 914, 6-10-2020)

2. A and D Zones

a. General Standards.

- (1)** All development within an A zone or a D zone shall: a) be subject to the procedural requirements of subsections D and E of this section, as applicable; and b) require determination of the base flood elevation (except for accessory or agricultural structures that meet the requirements of subsection E.1.j of this section).
- (2)** Drainage. Adequate drainage paths around structures on slopes shall be provided in an A zone or a D zone to guide floodwaters around and away from proposed structures.
- (3)** Grading. Any site work in excess of ten (10) cubic yards of cut or fill will require a detailed grading permit. Depending on the extent and nature of the grading, a FES may be required along with an LOMC.

b. New Development and/or Substantial Improvement. All new development, and/or substantial improvement of both residential and nonresidential structures located within an A zone or a D zone, except those granted relief per subsection E of this section, shall comply with the following:

- (1)** Base Flood Elevation (BFE) Establishment. If BFE data has not already been established within an A zone or a D zone, BFE data shall be established by the following methods:
 - a.** The floodplain administrator may require applicants to submit information including, but not limited to, historical data, high water marks, photographs of past flooding and/or any other available data. The applicant shall propose a BFE based on the available data. The floodplain administrator shall concur with the proposed BFE or provide justification or additional information to support a different BFE. Prior to issuance of any building permit, an LOMC shall be prepared as set forth in subsection D4d of this section.
 - b.** If the flood data sources in subsection F.2.b(1)a of this section are not available to establish a BFE to the satisfaction of the floodplain administrator, an FES as set forth in subsection D.4.d of this section, shall be

submitted to and approved by the floodplain administrator prior to commencement of any development. Prior to issuance of any building permit, an LOMC shall be prepared as set forth in subsection D.4.e of this section.

- (2) Residential Structure. Once BFE data is established, new construction and/or substantial improvements of a residential structure shall comply with the applicable standards of subsections F3 or F4 of this section.
- (3) Nonresidential Structure. Once BFE data is established, new construction and/or substantial improvement of any commercial, industrial, or other nonresidential structure shall comply with the applicable standards of subsection F3 or F4 of this section.
- c. *Subdivision and/or Manufactured Home Park.* An FES, as set forth in subsections D.4.d and E.1.g of this section, shall be submitted concurrently with an application for a subdivision or manufactured home park within an A zone or a D zone. The applicant and/or owner shall submit a signed copy of an LOMC prior to approval of the final plat or prior to issuance of any building permit within a subdivision or manufactured home park.
- d. *Manufactured Home.* A manufactured home placed within an A zone or a D zone shall comply with the applicable standards of subsections F.3 or F.4 of this section.
- e. *Recreational Vehicle.* Any recreational vehicle placed on property within an A zone or a D zone shall meet the following additional standards:
 - (1) The recreational vehicle shall be on site for fewer than one hundred and eighty (180) consecutive days; and
 - (2) The recreational vehicle shall be fully licensed and ready for highway use, be on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
 - (3) The recreational vehicle shall meet the anchoring requirements set forth in subsection D of this section.
- f. *Pit, Mine or Quarry.* Approval of an FES as set forth in subsection D4d of this section, shall be required as a condition of approval for

any proposed pit, mine or quarry. The FES shall demonstrate that the extraction site will be designed to avoid river avulsion. The FES must be approved prior to commencement of the use or breaking ground. Gravel mining operations or excavations are not permitted within one hundred feet (200') of the top of river bank regardless of floodway or floodplain designation. Material stockpiles and permanently installed structures shall not be located within the regulatory floodway.

(Ord. 835, 12-3-2014; amd. Ord. 848, 12-9-2015; Ord. 914, 6-10-2020)

3. AE and AH Zones.

a. General Standards.

- (1) Drainage.** Adequate drainage paths around structures on slopes shall be provided in an AE zone or an AH zone to guide floodwaters around and away from proposed structures.
- (2) Grading.** Any site work in excess of ten (10) cubic yards of cut or fill will require a detailed grading permit. All grading shall be done so as to minimize impacts and maintain compensatory storage within all special flood hazard areas. Depending on the extent and nature of the grading, a FES may be required along with an LOMC.

b. Residential Structure. All new construction and/or substantial improvement of residential structures proposed within an AE zone or an AH zone must comply with the following standards:

- (1) Lowest Floor Elevation.** Residential structures shall have the lowest floor (including basement and/or crawl space) elevated to at least one and a half feet (1.5') above BFE, confirmed by elevation certificates as set forth in subsection D.4.b of this section.

c. Nonresidential Structure. All new construction and/or substantial improvement of any commercial, industrial, or other nonresidential (accessory or agricultural) structure within an AE or an AH zone shall either be elevated or floodproofed in compliance with the following standards:

- (1) Elevation.** If the structure is not going to be floodproofed, elevation certificates are required as set forth in subsection D4b of this section that certify compliance with the following standards:

- a. The lowest floor (including basement and/or crawl space) shall be elevated to at least one and a half feet (1.5') above BFE.
- (2) *Floodproofing*. The structure shall meet the floodproofing standards of subsection D.4.c.
- d. *Subdivision and/or Manufactured Home Park*. An FES, as detailed in subsections D4d and E1h of this section, shall be submitted concurrently with an application for a subdivision or manufactured home park within an AE zone or an AH zone. The applicant and/or owner shall submit a signed copy of an LOMC prior to approval of the final plat or prior to issuance of any building permit within a subdivision or manufactured home park.
- e. *Manufactured Home*. A manufactured home placed or substantially improved within an AH zone or an AE zone requires elevation certificates as set forth in subsection D4b of this section that demonstrate compliance with the following standards:
 - (1) A manufactured home shall be installed using methods and practices which minimize flood damage. Said methods and practices shall include the anchoring of the home to resist flotation, collapse, or lateral movements. Methods of anchoring may include, but are not to be limited to, use of over the top or frame ties to ground anchors in addition to any applicable anchoring requirements for resisting wind forces. Other anchoring techniques are described in the FEMA publication "Manufactured Home Installation In Flood Hazard Areas"; and
 - (2) A manufactured home shall be elevated so the lowest floor (including basement and/or crawl space) is elevated to at least one and a half feet (1.5') above BFE confirmed by an elevation certificate.
- f. *Recreational Vehicle*. Any recreational vehicle placed on property within an AE zone or an AH zone shall meet the following additional standards:
 - (1) The recreational vehicle shall be on site for fewer than one hundred and eighty (180) consecutive days; and
 - (2) The recreational vehicle shall be fully licensed and ready for highway use, be on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and

security devices, and have no permanently attached additions; or

- (3) The recreational vehicle shall meet the elevation and anchoring requirements set forth in subsection F4e(1) of this section.

- g. *Pit, Mine Or Quarry.* Approval of an FES as set forth in subsection D.4.d(1) of this section, shall be required as a condition of approval for any proposed pit, mine or quarry. The FES shall demonstrate that the extraction site will be designed to avoid river avulsion. The FES must be approved prior to commencement of the use or breaking ground. Gravel mining operations or excavations are not permitted within one hundred feet (200') of the top of river bank regardless of floodway or floodplain designation. Material stockpiles and permanently installed structures shall not be located within the regulatory floodway.

(Ord. 835, 12-3-2014; amd. Ord. 848, 12-9-2015; Ord. 914, 6-10-2020)

- 4. **AO Zone.** An area within the flood fringe, shown on the flood insurance rate map (FIRM) as an AO or an AH zone, susceptible to shallow flooding with depths range from one (1') to three feet (3'). See - Area Of Shallow Flooding or AO Zone.

- a. General Standards – AO Zone.

- (1) **Drainage.** Adequate drainage paths around structures on slopes shall be provided in an AO zone to guide floodwaters around and away from proposed structures.
- (2) **Grading.** Any site work in excess of ten (10) cubic yards of cut or fill will require a detailed grading permit. All grading shall be done so as to minimize impacts and maintain compensatory storage within all special flood hazard areas. Depending on the extent and nature of the grading, an FES may be required along with an LOMC.
- (3) **Hazardous Velocities.** Where hazardous velocities are noted on the FIRM, proper construction techniques and methods shall be used to mitigate the effects of the velocities.

- b. *Residential Structure.* All new construction and/or substantial improvement of a residential structure proposed within an AO zone requires elevation certificates as set forth in subsection D.4.b of this section that certify compliance with the following standards:

- (1) New construction and substantial improvements of residential structures within AO zones shall have the lowest floor (including basement and/or crawl space) elevated above the highest adjacent grade of the building site by a height equal to the depth number specified on the FIRM plus one and one-half foot (1.5'). Where appropriate, such structures shall be elevated above the crown of the nearest roadway by a height equal to the depth number specified on the FIRM plus one foot (1').
- c. *Nonresidential Structure.* All new construction and/or substantial improvement of any commercial, industrial, or other nonresidential (accessory or agricultural) structure within an AO zone shall either be elevated or floodproofed in compliance with the following standards:
- (1) Elevation. If the structure is not going to be elevated, elevation certificates are required as set forth in subsection D.4.b of this section that certify compliance with the following standards:
 - a. The lowest floor (including basement and/or crawl space) shall be elevated above the highest adjacent grade of the building site by a height equal to the depth number specified on the FIRM plus one and one-half foot (1.5').
 - (2) Floodproofing. If the structure is not going to be floodproofed, a floodproof certificate is required as set forth in subsection D.4.c of this section that certify compliance with the following standards:
 - a. For Dry-Floodproofing. The lowest floor (including basement and/or crawl space), together with attendant electrical, mechanical and plumbing facilities, shall be completely floodproofed to or above a height equal to the depth number specified on the FIRM plus one foot (1') so that any space below that level is watertight, with walls substantially impermeable to the passage of water.
 - b. For Wet-Floodproofing. The electrical, mechanical and plumbing facilities shall be completely floodproofed to or above a height equal to the depth number specified on the FIRM plus one foot (1').

- d. *Subdivision and/or Manufactured Home Park.* An FES, as set forth in subsection D.4.d and E.1.h of this section, shall be submitted concurrently with an application for a subdivision or manufactured home park within an AO zone. The applicant and/or owner shall submit a signed copy of an LOMC prior to approval of the final plat or prior to issuance of any building permit within a subdivision or manufactured home park.
- e. *Manufactured Home.* A manufactured home placed or substantially improved within an AO zone requires elevation certificates as set forth in subsection D.4.b of this section that demonstrate compliance with the following standards:
 - (1) A manufactured home shall be installed using methods and practices which minimize flood damage. Said methods and practices shall include the anchoring of the home to resist flotation, collapse, or lateral movements. Methods of anchoring may include, but are not to be limited to, use of over the top or frame ties to ground anchors in addition to any applicable anchoring requirements for resisting wind forces. Other anchoring techniques are described in the FEMA publication "Manufactured Home Installation In Flood Hazard Areas"; and
 - (2) A manufactured home shall be elevated so the lowest floor (including basement and/or crawl space) is elevated above the highest adjacent grade of the building site by a height equal to the depth number specified on the FIRM plus one and one-half foot (1.5'), as confirmed by an elevation certificate as set forth in subsection D.4.b of this section.
- f. *Pit, Mine or Quarry.* Approval of an FES as set forth in subsection D.4.d(1) of this section, shall be required as a condition of approval for a pit, mine or quarry. The FES shall demonstrate that the extraction site will be designed to avoid river avulsion. The FES must be approved prior to commencement of the use or breaking ground. Gravel mining operations or excavations are not permitted within one hundred feet (200) of the top of river bank regardless of floodway or floodplain designation. Material stockpiles and permanently installed structures shall not be located within the regulatory floodway.

(Ord. 835, 12-3-2014; Ord. 914, 6-10-2020)

- 5. Regulatory Floodway.** The following standards shall apply to all uses and development within the regulatory floodway:
- a. *New Development or Substantial Improvements.*** New development or substantial improvements are not allowed within a regulatory floodway. For work on large projects such as Bridges, River Habitat Restoration or Bank Stabilization; where encroachment is unavoidable; a No Rise certification must be submitted by an engineer. The submittal should demonstrate that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - b. *Letter Of Map Change (LOMC).*** If a change or revision of a FIRM is warranted by any of the specific standards identified in this section, the applicant and/or owner shall submit a request to FEMA for an LOMC. The applicant and/or owner may submit the request to FEMA online themselves or retain a professional engineer licensed in the state of Idaho to prepare and submit the amendment and/or revision request to FEMA. A copy of the official amendment and/or revision letter signed by FEMA shall be submitted to the floodplain administrator prior to issuance of a building permit.
 - c. *Hydraulic and Hydrology Analysis with No-Rise Certification.*** If no rise certification for site work encroachment is provided and approved, pursuant to subsection A.1 of this section, all work shall comply with the applicable standards for uses in the flood fringe detailed in subsections F2 through F4, inclusive, of this section.
 - d. *Uses In a Foothill Or Hillside Tributary.*** In addition to the standards above, uses proposed in a foothill or other hillside tributary floodplain as determined by the Ada County engineer shall also meet the standards set forth in subsection F.6 of this section.
 - e. *Pit, Mine or Quarry.*** Pit, mine or quarry operations are prohibited within the floodway.
- (Ord. 835, 12-3-2014; Ord. 914, 6-10-2020)*
- 6. Foothill or Hillside Tributary Floodplain.**
- a.** Development on properties that include any portion of a foothill or hillside tributary floodplain shall provide for channel stabilization and bank stabilization or be set back from the edge of the floodplain sufficient to protect the use and floodplain from flood related erosion. Such measures shall be certified by a professional

engineer licensed in the state of Idaho to be effective for the flood flows and velocities anticipated at the site as determined through the completion of an FES as set forth in subsection D.4.d of this section.

- b. Transportation routes shall not be allowed within areas determined to be floodways except as necessary to cross the floodway where no reasonable alternative exists. Bridges that cross foothill or hillside tributary floodplains shall have all horizontal bridge support members elevated to at least one and one-half foot (1.5') above BFE, and all supporting members shall be designed to withstand the flows and velocities of the base flood. If culverts are used, the roadway surface must be one and one-half foot (1.5') above the determined BFE.
- c. Check dams shall be designed and certified by a professional engineer licensed in the state of Idaho and reviewed and approved by the Ada County engineer to ensure the safety of persons and property that could be affected by the construction of the check dam. An FES, as set forth in subsection D.4.d of this section, shall be completed by a professional engineer licensed in the state of Idaho on behalf of the applicant/owner, submitted to and approved by the Ada County engineer as part of the floodplain application.

(Ord. 835, 12-3-2014; Ord. 914, 6-10-2020)

- G. Required Findings.** In order to approve the application, the decision-making body shall find that the proposed development including, but not limited to, new construction, placement of manufactured home or substantial improvement, meets the general regulations and standards as set forth in this section.

(Ord. 835, 12-3-2014; Ord. 914, 6-10-2020)

H. Appeals.

- 1. Appeals of determinations made by the floodplain administrator shall be heard by the board and shall comply with procedures of section 8-6-10 of this title.
- 2. Appeals which allege there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this section, shall be supported by technical and scientific evidence which shall include, but is not limited to, the following items:
 - a. A copy of the recorded plat map showing the property or, if there is no recorded plat map, a scaled vicinity map showing the property.

- b. A topographic map showing ground elevation contours and a line representing the area subject to inundation by the base flood.
 - c. Certification by a professional engineer licensed in the state of Idaho of the elevation of the lowest floor (including basement and/or crawl space), the elevation of any fill, the date on which the fill was placed, and the elevation to which any structure has been floodproofed.
3. The board shall base their decision on an appeal on the specific and technical evidence in the record.

(Ord. 835, 12-3-2014; Ord. 914, 6-10-2020)

I. Variances to Flood Insurance Program Standards.

- 1. *Purpose.* The purpose of this section is to provide a relief from national flood insurance program standards as they pertain to a physical piece of property and at the same time not jeopardizing sufficient flood protection.
- 2. *Applicability.* Variances may be issued consistent with the FEMA variance and exception regulations as set forth in 44 CFR chapter 1, section 60.6.
- 3. *Process.*
 - a. An application and fees, as set forth in section 8-6-27 of this title, shall be submitted to the Director on forms provided by the development services department.
 - b. The board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this section including, but not limited to, the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters if applicable, expected at the site.
 - c. The board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.
 - d. The board shall apply the findings listed in subsection 4 of this subsection to review the variance.
 - e. Any applicant to whom a variance is granted shall be given written notice that:
 - (1) The issuance of the variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 - (2) Such construction below the base flood level increases the risk to life and property.

4. *Required Variance Findings.*
 - a. The proposed use adequately mitigates any danger that materials may be swept onto other properties to the injury of others;
 - b. The proposed use adequately mitigates the danger to life and property due to flooding or erosion damage;
 - c. The proposed use minimizes the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The proposed use provides an important service to Ada County;
 - e. The proposed use shall not cause extraordinary public expense in providing governmental services during post-flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges;
 - f. The proposed use shall not have available alternative locations that are not subject to flooding or erosion damage;
 - g. The proposed use provides for safe access to the property in times of flood for ordinary and emergency vehicles;
 - h. The variance shall not conflict with existing local laws or articles;
 - i. The variance is the minimum necessary, considering the flood hazard, to afford relief;
 - j. The variance shall not result in increased flood heights during the base flood discharge;
 - k. The variance shall not cause fraud on or victimization of the public; and
 - l. Failure to grant the variance would result in exceptional hardship to the applicant.
5. *Required Findings For Historic Structures.* In addition to the findings in subsection I.4 of this subsection, the following findings are required for variances for historic structures:
 - a. The proposed repair or rehabilitation of the structure will not preclude the structure's continued designation as a historic structure; and
 - b. The variance is the minimum necessary to preserve the historic character and design of the structure.

(Ord. 835, 12-3-2014; Ord. 914, 6-10-2020)

Zoning Ordinance

Chapter 2 Zoning Districts | 8-2-29 Boise River Greenway Overlay District (BRG)

8-2-29. Boise River Greenway Overlay District (BRG)

Purpose: *The purpose of the Boise River Greenway Overlay (BRG) district is to protect and enhance the important environmental features of the Boise River, and to protect fish, wildlife, and recreation resources consistent with the purpose of the "Local Land Use Planning Act", Idaho Code section 67-6501 et seq., as amended.*

(Ord. 389, 6-14-2000)

- A. Applicability.** This section applies to those lands situated between the Boise River and three hundred feet (300') outside of, and parallel to, the boundary of the Boise River "floodway" as defined in section 8-2-28 (Flood Hazard Overlay District). All terms are as defined in subsection 8-2-28.C.

(Ord. 389, 6-14-2000)

B. General Standards.

1. Development shall minimize the disturbance of natural vegetation within the Boise River greenway.
2. Development within the Boise River greenway shall incorporate landscaping in all unpaved areas where the natural vegetation has been disturbed or removed.
3. In addition to the requirements of section 8-2-28 of this chapter, and of section 8-3-8.G (Landscaping and Screening - Parking Area Landscaping and Screening Standards) of this title, parking areas shall have a minimum five-foot (5') screen between the parking area and the Boise River. Screening materials shall be as set forth in section 8-3-8.E (Landscaping and Screening - General Screening Standards) of this title.
4. Additional screening of uses as viewed from the Boise River greenway may be required consistent with the purpose of this section.

(Ord. 389, 6-14-2000)

C. Specific Standards

1. **Wetlands.** In recognition of their importance and their scarcity, wetlands shall be preserved as follows:
 - a. Wetlands may be replaced with a wetland of equal size, provided that the created wetland has the same or greater degree of natural resource functions and values as did the impacted wetland.
 - b. The wetland may be relocated anywhere on the project site or offsite.
2. **Enhancement of Water Resources.** Proposals to use or create a water amenity shall be designed to accommodate wetland and riparian functions and wildlife or warm water fish habitats.

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3. *Parks and Open Spaces.* Open spaces such as parks, golf courses, greenbelt areas, parking lots, etc., within the floodplain shall be designed to accommodate the base flood event as provided in section 8-2-28 (Flood Hazard Overlay District).
4. *Emergency Access.* New developments shall include provisions for emergency access as determined by the applicable Fire and Flood Control District.
5. *Landscaping.* Landscaping shall utilize native or naturalized plant materials that provide wildlife food and shelter. Manicured landscaping and lawns are prohibited in riparian areas and setbacks.
6. *Bank and Channel.* Bank or channel stabilization measures (e.g., rip- rap, drop structures, large cobble) shall include over-planting with shrubs and trees and the deliberate enhancement of fish habitat.
7. *Construction Fencing.* Fencing shall be installed during construction activities that abut a riparian area.

D. Setbacks

1. *Boise River Setback.* Structures, parking areas, and fences shall setback seventy feet (70') from the 6500 c.f.s. line of the Boise River or five feet (5') from the boundary of all dedications or easements granted to the County for recreational purposes in excess of sixty-five feet (65').
2. *Great Blue Heron Rookeries Setback.* If Great Blue Heron Rookeries have been identified and mapped by the County or Idaho Fish and Game Department, a three hundred foot (300') setback applies to development within the Boise River Greenway. This setback does not apply unless the County adopts the Great Blue Heron Rookeries as a component of the Zoning Map.
3. *Eagle Perching, Feeding, and Loafing Setback.* If Eagle perching, feeding, and loafing have been identified and documented by the County or Idaho Fish and Game Department, a two hundred foot (200') setback applies to development within the Boise River Greenway. This setback does not apply unless the County adopts the setback designation as a component of the Zoning Map.
4. *Riparian Setback.* Two riparian setbacks dependent on waterway width and water flow apply to development.
 - a. *Tier 1 Waterway:* A side channel with a width less than fifteen feet (15') or water flow less than 5 c.f.s. requires a twenty-foot (20') riparian setback.

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- b. Tier 2 Waterway: A side channel with a width more than fifteen feet (15') or water flow between 5 to 150 c.f.s. requires a twenty-five-foot (25') riparian setback.
 - c. A minimum of fifteen feet (15') shall be maintained between the riparian setback and structures to allow for lawns and patios.
- E. **Allowed Uses.** The following uses and improvements are allowed subject to the standards for uses, mitigation and enhancement provisions set forth in this chapter. All uses not explicitly listed are prohibited.
 - 1. Signs
 - 2. Restrooms
 - 3. River bridges and paved access to river bridges
 - 4. Fish and wildlife habitat improvements
 - 5. Irrigation weirs, diversion dams, and inlets
 - 6. Water inlets to supply domestic water
 - 7. Pedestrian paths that may provide limited access to the river
 - 8. Paved bicycle paths, limited to:
 - a. Existing paths
 - b. Future paths identified by the County Comprehensive Plan or Transportation Plan
 - c. Where an existing railroad right-of-way is already located or that may require, donated, or used as a bicycle path.
 - 9. Natural parks
 - 10. Bank and channel stabilization projects
 - 11. Hydro-electric and flood protection dams
 - 12. Selected public piers and beaches
 - 13. Public utility lines such as water and sewer lines
 - 14. Storm drain outlets and detention basins
 - 15. Water pump facilities
 - 16. Gravel extraction need to remove gravel deposits following a flood event.
- F. **Permit Conditions.** Conditions may be attached that:
 - 1. Require compliance with applicable specifications, standards or requirements of the Idaho Department of Water Resources, Army Corps of Engineers, the Idaho Fish and Game Department, U.S. Fish and Wildlife Service, Environmental Protection Agency, Ada County, or other agencies.
 - 2. Require preservation of existing vegetation, and mitigation or enhancement of natural resources of this chapter.

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3. Require landscaping consistent with the objectives of the extension of the natural setting of the river.
4. Limit construction to certain periods of time.
5. Require certification by a licensed engineer that conditions have been fulfilled.

8-2-30. Hillside Overlay District (HS)

Purpose: *The purpose of the Hillside overlay (HS) district is to:*

- *To provide for public safety and welfare in the development and design of building sites, roadways, and other service amenities;*
- *To preserve and enhance the hillside landscape by encouraging retention of natural features, such as drainage swales, streams, slopes, ridgelines, crests of hills, rock outcroppings, vistas, and natural formations;*
- *To provide safe ingress and egress for vehicular, bicycle, and pedestrian traffic to and within the hillside areas, while at the same time minimizing the scarring effects of hillside development; and*
- *To use the planning, design, and engineering professions and the natural sciences including botany, biology, ecology, soils and geology, to mitigate potential hazards, and to enhance the existing and future appearance and resources of the hillsides.*

(Ord. 389, 6-14-2000)

A. Applicability.

1. Trail development that does not exceed eight feet (8')) in width and a three feet (3') cut or three feet (3') fill shall be exempt from the provisions of this section.
2. Except for as allowed in subsection 1 of this section, the regulations of this section apply to any grading, filling, clearing, or excavation of any kind where slopes exceed twenty-five percent (25%)..
3. The County Engineer shall determine when a watercourse shall be classified as major or minor as used in this section.
(Ord. 389, 6-14-2000; *amd.* Ord. 426, 9-26-2001; *amd.* Ord. 766, 12-8-2010)
4. The Hillside areas shall be designated in two (2) levels:
 - a. Level 1: Areas where the slope is at least 25% .
 - b. Level 2: Areas that meet Level 1 criteria and that have special hazard areas as described in subsection D.2.

B. Application Requirements.

1. *Application.* An application, as set forth in Chapter 6, Article 1 of this title, shall be submitted to the Director on forms provided by the Development Services Department. Level 2 requires all information described in subsection D.2 to the County Engineer and the Director.
2. *Preliminary Grading Plan.* . Levels 1 and 2 require a preliminary grading plan designed to ensure that the properties within the development are able to conform to the requirements of a final grading plan as set forth in

subsection D. The following items shall be included in the preliminary grading plan:

- a. Contour lines at five foot (5') intervals; the maximum allowable side slope on any cuts and fills is 2:1.
 - b. The location of all proposed or existing structures and roads.
 - c. Any areas of cut or fill;
 - d. Any areas with characteristics listed in subsection D.2 of this section;
 - e. A narrative indicating how the proposed design complies with the purpose statement of the Hillside overlay district.
3. *Slope Stabilization and Revegetation Plan and Report.* A licensed landscape design professional shall prepare the slope stabilization and revegetation plan. The report shall include a complete description of the existing soils, existing vegetation, the vegetation to be removed and the method of disposal, the vegetation to be planted, soils amendments and pH adjustments, and slope stabilization measures to be implemented. The plan shall include an analysis of the environmental effects of such operations including the effects on slope stability, soil erosion, water quality, and fish and wildlife.
4. *Engineering Hydrology Report.* A professional engineer registered in the state of Idaho shall complete an engineering hydrology investigation and report. This individual should be experienced and knowledgeable in the science of hydrology and in the techniques of hydrologic investigation. This report shall include the following information:
 - a. An adequate description of the hydrology of the site, conclusions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed. The report shall include results of field investigations of the site, unless existing information is determined by the County Engineer to be sufficient to satisfy the purpose of this section.
 - b. Flood frequency curves shall be provided for the area proposed for development.
5. *Soils Engineering Report.* Any area proposed for development shall be investigated to determine the soil characteristics.
 - a. This report shall include the following information:
 - (1) Data regarding the nature, distribution, and strength of soils.
 - (2) Conclusions and recommendations for grading procedures, design criteria for corrective measures, and opinion and

recommendations covering the adequacy of sites to be developed.

- (3) Results of field investigations of the site, unless existing information is determined by the County Engineer to be sufficient to satisfy the purpose of this section.
 - b. The investigation and report shall be completed by a professional engineer registered in the state. This individual should be experienced and knowledgeable in the practice of soils mechanics.
 - c. Recommendations included in the report shall be incorporated into the design plan and specifications.
6. *Engineering Geology Report.* Any area proposed for development shall be investigated to determine its geological characteristics. This report shall include the following information:
 - a. A description of the geology of the site, conclusions, and recommendations regarding the effect of geologic conditions on the proposed development, and the opinions and recommendations covering the adequacy of sites to be developed. The report shall include results of field investigations of the site, unless existing information is determined by the county engineer to be sufficient to satisfy the purpose of this section.
 - b. The investigation and report shall be completed by either a professional geologist registered in the state or by a professional engineer registered in the state. This individual should be experienced and knowledgeable in the principles and practices of engineering geology.
 - c. Any area in which the investigation indicates geologic hazards shall not be developed unless the project engineer can demonstrate to the County Engineer, based on the required engineering reports, that these hazards can be overcome in such a manner as to prevent hazard to life or limb, hazard to property, adverse effects on the safety, use or stability of a public way or waterway, and adverse impacts on the natural environment.
 - d. Recommendations included in the report shall be incorporated into the design plan and specifications.
7. *Visual Impact Report.* A visual impact report shall be prepared by a licensed design professional and shall be submitted with the development application. The report shall include the following information:

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- a. The view from key vantage points along public roadways or public viewing areas that depict the existing view (prior to development) and the proposed view (after development).
 - b. Proposed screening methods such as architectural design, designated building envelopes, height restrictions, landscaping, fencing, construction materials, and colors.
 - c. The existing vegetation and the proposed method of preserving and/or replacing such vegetation.
8. A statement detailing how the proposed development or subdivision minimizes grading through careful site and roadway design. *Other Pertinent Data.* Any other pertinent data deemed necessary by the engineer of record or by the Director, after consulting with the engineer of record, to satisfy the stated purpose of this section and that is reasonably related to the health, safety, and welfare of the general public and persons who might purchase the property being developed.

(Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001; amd. Ord. 490, 4-9-2003; amd. Ord. 766, 12-8-2010).

C. Process.

1. The preliminary grading plan, prepared by the engineer of record, shall be submitted with the development application. The Director shall forward the preliminary grading plan and other documents required by this section to the County Engineer for review and recommendation.
2. Upon review of the study, the County Engineer shall forward a recommendation on the grading plan to the Director. The Director shall apply the standards listed in subsection D of this section and the required findings listed in subsection E of this section to determine whether or not to approve, approve with conditions, or deny the preliminary grading plan.
3. No grading, filling, clearing, or excavation of any kind shall be initiated until the preliminary grading plan is approved by the Director, and the development has received final approval by the decision making body. For subdivisions, Board approval of the preliminary plat is deemed the final approval.
4. When required by the Director, special inspections and special testing shall be performed to verify conformance with this section. The applicant shall pay the cost of special inspections and special testing.

(Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001; amd. Ord. 766, 12-8-2010).

D. Standards.

1. *General Standards.*

- a. Construction shall be scheduled to minimize soil disturbance between December 1 and April 15.
 - b. The County Engineer may require the grading operation and/or project schedule be modified if delays occur which result in weather generated problems not anticipated at the time approval was granted.
 - c. All development shall take into account land use planning, soil mechanics, hydrology, civil engineering, the environment, architectural and landscape design, and related disciplines as applied to hillside areas.
2. *Development of Special Hazard Areas.* Any area that presents one or more of the following limiting factors shall not be permitted to develop unless the engineer of record can demonstrate to the County Engineer, based on the required engineering reports, that these limitations can be overcome in such a manner as to prevent hazard to life, hazard to property, adverse effects on the safety, use or stability of a public way or drainage channel, and adverse impact on the natural environment:
 - a. Landslide areas or scarps, or areas of active landslides.
 - b. Lines of active faults.
 - c. Soils with a high shrinkage-expansion potential and hydrocompactible soils.
 - d. Soils with unified classification of ML, CL, OL, MH, CH, OH, and Pt as listed in ASTM.
 - e. Natural slopes greater than twenty five percent (25%).
 - f. Water table within six feet (6') of the surface at any time of the year.
 - g. Any area of hydrologic hazard as determined by the engineering hydrology report.
3. *Vegetation.*
 - a. Vegetation shall be removed only when absolutely necessary, such as for the construction of structures, filled areas, roadways, firebreaks, or as required by this title.
 - b. An effort shall be made to conserve topsoil that is removed during construction for later use on areas requiring revegetation or landscaping, e.g., cut and fill slopes.
 - c. Vegetation or a chemical or mechanical stabilization method sufficient to stabilize the soil shall be established on all disturbed areas, except for proposed rights of way, as each stage of grading is completed.

4. *Grading and Stabilization.*
 - a. All retaining walls with a total vertical height of four feet (4') or more, including footing, shall be designed in accord with the regulations of the Ada County building code.
 - b. All slopes that are stabilized by mechanical or chemical means shall conform to the surrounding terrain and shall be given aesthetic treatment that is consistent with the purpose of this section.
 - c. Large tracts shall be divided into smaller workable units on which construction can be completed within one construction season so that large areas are not left bare and exposed during the winter-spring runoff period.
 - d. All disturbed soil surfaces shall be stabilized or covered prior to December 1. If the planned impervious surfaces (e.g., roadways, driveways, etc.) cannot be established prior to December 1, a temporary treatment adequate to prevent erosion shall be installed on those surfaces.
5. *Hydrologic Controls.*
 - a. Curb and gutter, pavement, and appurtenant roadway drainage facilities shall be designed to control roadway runoff to accommodate the 100-year design storm.
 - b. Watercourses shall be riprapped or otherwise stabilized below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.
 - c. Any material from construction, including soil and other material, shall not be deposited within any floodway or watercourse.
 - d. All new water courses shall be designed to accommodate the 100-year design storm.
 - e. With the exception of roadway 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 floodplain for major watercourses.
6. *Sediment.*
 - a. All construction must meet current EPA and IDEQ erosion and control rules.
 - b. The overall drainage system shall be completed and made operational at the earliest possible time during construction. No certificate of occupancy shall be issued on the property until the drainage system is complete.

- c. Alterations of major watercourses shall be prohibited, except for approved roadway crossings and drainage structures.
 - d. Natural or improved open channels shall be preserved, or provided for, in watercourses, except that at roadway crossings, conduits may be permitted.
- 7. *Roadways and Circulation.*
 - a. Roadway alignments shall be designed to create the minimum feasible amounts of land coverage and the minimum feasible disturbance of the soil.
 - b. Roadway alignments shall be designed to minimize removal of existing deep rooted perennial vegetation.
 - c. Roadway alignments shall be designed to follow natural terrain.
 - d. The width of the graded section shall extend five feet (5') beyond the travel right of way line on both the cut and fill sides of the roadway for slope rounding purposes. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus five feet (5') beyond the sidewalk.
 - e. Combinations of collective 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 and minimum impervious cover.
 - f. Approval of the applicable transportation authority is required for publicly dedicated streets.
 - g. Paving shall commence within one year of County Engineer approval of a drainage study or drainage plan
- 8. *Alternatives.* The Director may approve, or recommend approval of, an alternative development proposal if:
 - a. the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this section and shall not be detrimental to the public health, safety, or welfare, or
 - b. the project involves grading, filling, clearing, or excavation of less than 400 square feet.
- 9. *Maintenance.* The owner of any private property on which grading or other work has been performed pursuant to a grading plan approved subject to the regulations of this section shall maintain in perpetuity and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures, means, and devices not subject to the jurisdiction of

the applicable transportation authority, and plantings and ground cover installed or completed. Such requirements shall be incorporated into the protective covenants for a subdivision and the conditions of approval for development applications.

(Ord. 389, 6-14-2000; amd. Ord. 766, 12-8-2010).

E. Required Findings.

1. The site is physically suitable for the design and siting of the proposed development. The proposed development shall result in minimum disturbance of hillside areas;
2. The grading and excavation proposed in connection with the development shall not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring, or any other geological instability or fire hazard that would adversely affect the public health, safety, and welfare;
3. Areas not suited for development because of soil, geology, vegetation, or hydrology limitations are designated as open space use;
4. Disruption of existing native vegetation and wildlife habitat is minimized; and
5. The proposal sets forth sufficient and adequate mitigation for the identified visual impacts beyond the normally expected impact of hillside development.

(Ord. 389, 6-14-2000).

F. Waiver of Standards.

1. The Director, upon the recommendation of the County Engineer, has the authority to grant a waiver if the engineer of record can demonstrate conclusively that any of the standards required by this section are not necessary in the proposed development, and that the omission of such requirements would not result in any of the following:
 - a. Hazard to life or limb.
 - b. Hazard to property.
 - c. Adverse effects on the safety, use, or stability of a public way or drainage channel.
 - d. Adverse impact on the natural environment.
2. The request for a waiver of standards shall be in writing and shall state the reason for the request. The justification for the waiver shall be based on the engineering reports required in subsection B.

(Ord. 389, 6-14-2000).

G. Engineer of Record Responsibilities.

1. To ensure that the intent of this section is attained through the principles and practices of civil engineering, the applicant shall retain a professional engineer currently registered in the state of Idaho to serve as the engineer of record. It shall be the responsibility of the engineer of record:
 - a. To prepare the preliminary grading plan.
 - b. To incorporate into the grading plans all recommendations contained in the soils, geology and hydrology reports, and the slope stabilization and revegetation plan and other reports as required in this section.
 - c. To inspect and certify all work within the project.
 - d. To act as coordinating agent for liaison between other professionals, the owner, and the Director.
 - e. To communicate any substantial plan changes due to field conditions with the final substantial completion letter.
2. Prior to and during grading operations, the engineer of record shall submit all necessary reports, compaction data, soils, geology and hydrology recommendations to the Director.
3. If, in the course of fulfilling the specified responsibilities, the engineer of record discovers that the work is being accomplished to a substantially lesser standard than required by this section or by the approved final grading plan, the noncompliance shall be reported in writing to the Director within three (3) working days with recommendations for corrective measures, if applicable. The Director may require corrective action within a specified period of time. If any deficiency is deemed by the Director to be an imminent threat to the public health, safety, or welfare, that work shall be stopped immediately until such deficiencies are corrected.
4. If the engineer of record, the soils engineer, the geologist, the professional landscape architect, or the hydrologist of record is replaced during the course of work, the work shall be stopped. Work may resume when the replacement individual has agreed to accept the responsibility for certifications of the work within the areas of their individual technical competence.
5. If work is stopped during inclement weather, all open, and/or unfinished work on the project shall be protected to the satisfaction of the Director.
6. At the conclusion of the approved work, the engineer of record shall submit a report to the Director stating that the work has been executed in

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compliance with the approved plans. The report shall have the signature and professional seal of the engineer of record.

(Ord. 389, 6-14-2000; amd. Ord. 766, 12-8-2010).

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Chapter 3 Development Standards

***Purpose:** This chapter establishes general regulations for all uses within base and overlay districts including specific regulations for access, building design, infrastructure, fences, lighting, landscaping and screening, dedicated open space, parking and loading, private roads, and signs. See Chapter 4 for use standards.*

8-3-1 Applicability

The regulations of this chapter generally apply to all development in unincorporated Ada County:

- A. **Generally.** Section 8-3-2 establishes general regulations for all development.
- B. **Access.** Access shall comply with Section 8-3-3 of this chapter.
- C. **Building Design.** Building design shall comply with Section 8-3-4 of this chapter.
- D. **Infrastructure.** Infrastructure shall comply with Section 8-3-5 of this chapter.
- E. **Lighting.** Exterior lighting shall comply with Section 8-3-7 of this chapter.
- F. **Landscaping and Screening.** Landscaping and screening shall comply with Section 8-3-8 of this chapter.
- G. **Dedicated Open Space.** Dedicated open space uses in subdivisions and planned unit developments shall comply with Section 8-3-9 of this chapter.
- H. **Parking and Loading.** Off-street parking and loading facilities shall comply with Section 8-3-10 of this chapter.
- I. **Private Roads.** Applications for private roads are reviewed and approved by the regulations established in 8-3-11 of this chapter and the procedures in chapter 7 of this title.
- J. **Signs.** Signs shall comply with Section 8-3-12 of this chapter.

8-3-2 General Standards

- A. **Accumulation of Junk.**
 - 1. Unless approved as a commercial junkyard, accumulation of junk on a property is only allowed on a property where a principal permitted junkyard use is lawfully established.
 - 2. Property owners shall not store junk outdoors on more than one acre or shall not exceed the maximum coverage allowed for the property, whichever standard is more restrictive.

3. All outdoor storage of junk is subject to screening standards of section 8-3-8E of this chapter. However, requirements to screen abandoned farm equipment do not apply to farms in a rural district.
 4. Junk shall not exceed the height of the sight obscuring screen. (Ord. 389, 6-14-2000)
- B. Atmospheric Emissions.** All atmospheric emissions (including, but not limited to, smoke, gas, dust, odor, or other atmospheric pollutants), without respect to whether the emissions are created outside the structure in which the use is conducted or within a completely enclosed structure, requires a permit, as provided in Idaho Code section 39-115, through the Idaho Department of Health and Welfare. (Ord. 389, 6-14-2000)
- C. Condominium Projects.** All condominium projects shall comply with the requirements of any applicable base and overlay districts. If approved, the condominium project plat and declaration shall be certified by the County Surveyor and signed by the Board as provided in Idaho Code title 50, chapter 13 and title 55, chapter 15. (Ord. 389, 6-14-2000)
- D. Contiguous Parcels.** Abutting parcels held in the same ownership are considered one property for development purposes unless the owner can demonstrate one of the following:
1. The parcels comply with the regulations of this title that were in effect at the time those parcels were recorded, and the parcels were originally conveyed and recorded under a single deed identifying each as a separate parcel;
 2. The parcels comply with the regulations of this title that were in effect at the time those parcels were recorded, and the parcels were originally conveyed and recorded under separate deeds;
 3. Each of the abutting parcels is a conforming or nonconforming property as defined in Chapter 7 of this title; or
 4. Physical characteristics of the property prevent its use as one unit, the properties are separated by a fee simple ownership and/or the properties are separated by a public right of way or public street. (Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001)
- E. Construction Sites.** New development shall contain construction debris on site and prevent windblown debris from entering neighboring properties. (Ord. 389, 6-14-2000)
- F. Dimensional Standards.** Dimensional standards and required yards are established for each base district established in chapter 2 of this title.
1. *Minimum Area and Dimension Requirements.*

- a. No property size, yard, parking area, or other space shall be reduced in area or dimension to make that area or dimension less than the minimum required.
 - b. If already less than the minimum required by this title, that area or dimension shall not be further reduced.
 - c. This provision does not apply to non-buildable properties including, but not limited to, landscape lots, lots for private roads, drainage facilities, pump stations, metering stations and transmission/distribution substations.
- 2. *Setbacks.*
 - a. Approved signs are exempt from the setback requirements of chapter 2 of this title.
 - b. Corner lot setback determination.
 - (1) The front yard setback is required along the property line where the driveway enters the property. The side yard setback shall be provided along the side street property line as applicable to the roadway classification.
 - (2) The rear yard setback shall be provided either along the interior side property line or rear property line. The side yard setback shall be provided along the remaining property line (rear or interior side) as applicable.
- 3. *Required Yards.* The front, side, and rear required yards shall not be occupied by any use or structure except for: fencing (see 8-3-6 of this chapter for specific fence standards); landscaping; off street parking; drives; streets; signs; lighting; detached accessory structures two hundred (200) square feet or less in size and under ten feet (10') in height may be located in side and/or rear required yards only; patios; walkways; retaining walls; and/or certain architectural features as detailed below (see figure 12, section 8-1A-2 of this title):
 - a. *Where the required setback is greater than ten feet (10').*
 - (1) Cornices, canopies, eaves, or other architectural features shall not project more than 2.5 feet into the required yard.
 - (2) Fire escapes shall not project more than 4.5 feet into the required yard.
 - (3) Bay windows, balconies, and chimneys shall not project more than three feet (3') into the required yard if those features do not occupy, in the aggregate, more than one-third (1/3) of the building wall on which they are located.

- b. *Where the required setback is ten feet (10') or less.*
 - (1) Cornices, canopies, eaves, or other architectural features shall not project a distance more than two feet (2') into the required yard.
 - (2) Fire escapes shall not more than two feet (2') into the required yard.
 - (3) Bay windows, balconies, and chimneys shall not project more than two feet (2') into the required yard if those features do not occupy, in the aggregate, more than one-third (1/3) of the building wall on which they are located.
- 4. *Height Limit Exceptions.* Chapter 10 describes how structure height is measured.
 - a. *Height Limit Applicability.* The maximum height limitation established in the applicable base district do not apply to:
 - (1) Agricultural Structures;
 - (2) Chimney or Smokestack.
 - a. Chimney or smokestack architectural features have a sixty foot (60') maximum height limit.
 - b. A maximum height that exceeds sixty feet (60') may be allowed by variance or if specifically authorized as a component of a conditional use permit, subject to the standards identified in subsection b of this section;
 - (3) Spire, Steeple, Belfry, or Cupola.
 - a. Spire, steeple, belfry, or cupola architectural features have a sixty feet (60') maximum height limit.
 - b. The maximum height limit may be increased to eighty feet (80') if the architectural feature is found by the Director to comply with the standards identified in subsection b of this section in conjunction with a review of a master site plan or building permit for the building to which the feature will be attached.
 - c. A maximum height that exceeds eighty feet (80') may be allowed by variance or if specifically authorized as a component of a conditional use permit, subject to the standards identified in subsection b of this section;
 - (4) Institutional Uses. Institutional uses (including church, hospital, public or quasi-public use, and school, public or private) that require conditional use approval may exceed

the maximum height limitation prescribed by the applicable zoning base district if specifically authorized as a component of a conditional use permit; and

- (5) Towers, Commercial and Private. The following types of tower structures may exceed the maximum height limitation of the applicable base district subject to applicable specific use standards:

- a. amateur radio antenna,
- b. distributed power facility-wind freestanding tower,
- c. water tower,
- d. fire and hose tower,
- e. observation tower,
- f. power line tower,
- g. radio tower,
- h. paging facility,
- i. cellular phone facility,
- j. cellular tower,
- k. television tower,
- l. bridge tower, or
- m. other commercial or personal tower and/or antenna structure.

- b. *Architectural Feature Standards.* An architectural feature(s) listed in 8-3-2F.4.a(2) or 8-3-2F.4.a(3) of this section which exceeds sixty feet (60') in height shall comply with the following standards:

- (1) The mass of the architectural feature is in visual proportion and scale with the building to which it is attached;
- (2) The exterior materials and colors of the architectural feature are appropriate to its mass, and are visually complementary with the building to which it is attached;
- (3) The architectural feature does not significantly impede views from adjacent properties;
- (4) The architectural feature does not include a sign; and
- (5) Lighting of the architectural feature is limited to indirect lighting.

(Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001; amd. Ord. 490, 4-9-2003; amd. Ord. 658, 3-14-2007; amd. Ord. 713, 11-12-2008; amd. Ord. 772, 7-27-2011; amd. Ord. 806, 5-8-2013)

G. Dwellings, Two or more Existing.

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1. Any property that has two (2) or more existing dwellings that were built prior to May 20, 1968, or were principal permitted dwellings approved in accordance with the zoning regulations that were in effect at the time those dwellings were built, is deemed a nonconforming use.
 2. Each dwelling is subject to the standards in section 8-7-2 of this title. (Ord. 389, 6-14-2000)
- H. Grading.** No grading, filling, clearing, or excavation of any kind, excluding grading associated with an agricultural use, shall initiate without County Engineer approval of a drainage study or drainage plan (see section 8-3-5A of this chapter), and as applicable, an approved hillside application (see section 8-2-30 of this title). (Ord. 426, 9-26-2001; amd. Ord. 490, 4-9-2003; amd. Ord. 766, 12-8-2010)
- I. Hazardous Material Storage.** The storage of any hazardous materials, as defined by title 40 code of federal regulations part 261, or subsequent amendments, requires a list of those materials to be submitted to the Ada County Sheriff's Office, the Ada County Emergency Medical Services, the Ada County Development Services Department, the applicable fire district, and the Ada City-County Emergency Management Office, prior to issuance of a zoning certificate. (Ord. 389, 6-14-2000)
- J. Outdoor Public Address System.**
1. Outdoor public address systems or speakers for nonresidential uses are only allowed within the C2, M2, and M3 districts, or as part of an approved master site plan, accessory use, or conditional use.
 2. The outdoor public address system shall comply with Section 5-13-3. (Ord. 389, 6-14-2000)
- K. Outdoor Storage of Chemicals and Fertilizers.**
1. The outdoor storage of chemicals and fertilizers including, but not limited to, salts or other minerals, are prohibited.
 2. Also see section 8-3-8 of this chapter for screening standards for outdoor storage areas. (Ord. 389, 6-14-2000)
- L. Property Created by Court Decree.** Any property created by court decree is recognized as a property for transfer of ownership, and is eligible for development (including any building permits for renovation or repair of an existing structure) only if it complies with all applicable regulations of this title (including, but not limited to, chapters 2 and 4, and section 8-6-19 of this title). (Ord. 389, 6-14-2000; amd. Ord. 490, 4-9-2003)
- M. Pipeline Corridors.** For any property for which there is a pipeline corridor easement (including, but not limited to, the Northwest Pipeline and Chevron

- Pipe Line), the owner and/or applicant shall provide appropriate setbacks from the pipeline facility as determined by the easement holder. (Ord. 389, 6-14-2000)
- N. Property Reduced by Governmental Action.** If a governmental action (such as acquisition through prescription, purchase, or other means by Ada County, a municipality within Ada County, the Ada County Highway District, Idaho Transportation Department, utility company or corporation under the jurisdiction of the Idaho Public Utilities Commission, or other local, state, or federal agency) reduces an existing property below the required property size, the remaining property shall be deemed as a conforming property for the purposes of development. See also section 8-7-4 of this title. (Ord. 389, 6-14-2000; amd. Ord. 591, 7-27-2005; amd. Ord. 768, 1-12-2011)
- O. Renovation, Repair, Expansion, or Replacement of Dwelling.** A zoning certificate for the renovation, repair, expansion, or replacement of a dwelling (including any existing or proposed accessory structures) may be issued to a property that meets the following criteria:
1. An easement, recorded prior to January 1, 1993, that is at least twenty feet (20') wide, provides access to the property; and
 2. The property was of record in the Ada County Recorder's Office prior to January 1, 1993; and
 3. The property contains a dwelling that conforms to all applicable codes and/or ordinances; and
 4. The property complies with the minimum property size of the base and overlay districts; and
 5. The property is located in an area of city impact.
- (Ord. 491, 2-26-2003)
- P. Transmission Line Corridors.** All wire fences, metal structures, and metal objects within one hundred feet (100') of transmission lines shall be grounded.
- (Ord. 389, 6-14-2000)

8-3-3 Access

- A. Generally.**
1. Development shall only be approved on a property that meets the minimum dimensional standards of the base and overlay districts, unless otherwise allowed by this title.
 2. When a property takes access from a private road, the terminus of which is located within the property, the required frontage shall be thirty feet (30') or the width of the private road easement.

3. Access shall be taken from the required frontage unless the property also has frontage on an alley or an approved private road.
4. Multi-family, commercial or industrial developments may be exempt from this requirement if the development meets the standards for continuous service drive outlined in section 8-3-10D of this chapter. (Ord. 389, 6-14-2000; amd. Ord. 491, 2-26-2003; amd. Ord. 763, 10-13-2010)

8-3-4 Building Design

- A. **Purpose.** For structures where the footprint is greater than ten thousand (10,000) square feet, the structure shall be designed such that the building mass and bulk are distributed. The following standards do not apply to dwellings or agricultural structures:
- B. **Distribution.** Mechanisms for distribution include, but are not limited to, one or more of the following:
 1. Variation in the horizontal offsets of the structure facade.
 - a. Facades greater than one hundred feet (100') in length must incorporate recesses and projections along a minimum of twenty percent (20%) of the length of the facade.
 - b. Windows, awnings, and arcades must total a minimum of sixty percent (60%) of the facade length abutting a public street.
 2. Variation in the height of a minimum of five feet (5').
 3. Changes in the grade of a minimum of three feet (3').
 4. Variation in rooflines.
- C. **Maximum Footprint.** The maximum footprint area for the distributed portions of the structure is ten thousand (10,000) square feet.
- D. **Minimum Footprint.** The minimum footprint area for the distributed portions of the structure is one thousand (1,000) square feet.
- E. **Alternative Proposal.** The Director may approve, or recommend approval of, an alternative development proposal when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this chapter and are not detrimental to public health, safety, and welfare. (Ord. 389, 6-14-2000; amd. Ord. 660, 5-9-2007; amd. Ord. 733, 12-9-2009)

8-3-5 Infrastructure

- A. **Surety Agreements.**
 1. *Surety Deposit.*

- a. In lieu of completion of the improvements listed in this section or required as a condition of any zoning or subdivision plat approval, the owner may deposit a surety and sign a surety agreement for their completion. The owner shall deposit the surety and surety agreement improvements with the Director on forms provided by the Development Services Department.
- b. The amount of surety shall equal at least one hundred twenty percent (120%) of the cost of completing the required improvements. The applicant shall provide the estimated cost, which the county engineer will review and approve.
- c. The surety shall be drawn solely in favor of, and payable to, the order of the County of Ada, in accord with the regulations contained in the surety agreement by and between the guarantor and the county of Ada.

(Ord. 389, 6-14-2000)

2. Release of Surety. The following regulations apply to the release of a surety accepted and deposited as provided in subsection 1:

- a. The owner shall submit a written request to the director to return the surety. The request shall include the following documents:
 - (1) A statement from the owner that the required improvements are complete.
 - (2) Two (2) sets of prints of the as-built plans and specifications for all improvements.
- b. The county engineer shall verify and certify that the required improvements, as detailed in the surety agreement, are installed.
- c. The county engineer shall review and approve the as-built plans.
- d. Upon certification of the county engineer, the director shall give notice to the county treasurer to release the sureties deposited with the county treasurer in the manner and to the extent as provided for in the surety agreement in accord with the regulations of subsection 1 above.

(Ord. 389, 6-14-2000)

B. Drainage. All required drainage studies and drainage plans shall be based upon peak and total discharge estimates.

1. Drainage Study.

- a. The drainage study shall identify the essential elements, alignments, and functions of a drainage system.

- b. The drainage study shall show the following site conditions:
 - (1) Details of existing site drainage and/or irrigation features including, but not limited to, ditches, watercourses, and drainage structures;
 - (2) The permeability and types of soils and geologic materials;
 - (3) The size of the drainage basin upstream;
 - (4) The topography, slope, and geometry of the site;
 - (5) The proximity of surface water within one hundred feet (100');
 - (6) The proximity of potable water supply wells within one hundred feet (100');
 - (7) The proposed use and potential contaminants; and
 - (8) The past use and possible soil and/or ground water contamination.
 - c. Other supplemental data required by the County Engineer.
 - d. The drainage study requirement is also met if the study information required is shown on the drainage plan.
- 2. *Drainage Plan.*
 - a. When a condition of approval requires approval of a drainage plan by the County Engineer, the applicant shall submit a drainage plan to the Director for design approval by the County prior to issuance of a zoning certificate.
 - b. The drainage plan shall be drawn to scale and shall include, but not be limited to, the following:
 - (1) All proposed grading on the property;
 - (2) Essential elements, alignments, and functions of the proposed drainage system including, but not limited to, sewers, storm drains, catch basins, pumps, and seepage beds;
 - (3) The drainage plan shall indicate by flow arrows, contours, spot elevations, or some other acceptable manner, where storm water will be routed for the property. It must show the location and size of any flows onto the site from outside the property boundaries as well as any discharges leaving the site;
 - (4) The proposed use and potential contaminants;

- (5) When drainage courses and irrigation facilities exist on site, the owner and/or applicant shall provide documentary evidence of consent to reroutings by all interested landowners and drainage and irrigation entities affected and having rights to, and in, those facilities; and
- (6) Other supplemental data required by the County Engineer. (Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001; amd. Ord. 902, 10-2- 2019)

C. Utilities.

- 1. All utilities shall be installed underground for a new dwelling or approved use.
- 2. For the purposes of this section, the term "utilities" include, but are not limited to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services. Agricultural structures are exempt from this regulation.
- 3. The Director may waive this requirement when utility providers or installers determine that site conditions would preclude or would render that installation impractical or cost prohibitive, taking into consideration such factors as terrain, available easements, maintenance, repair, replacements, and the like. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

D. Sewage Disposal. Options for sewage disposal facilities shall include the following methods:

- 1. New development located within an urban service planning area or within a planned community shall be served by sewage disposal facilities that have sufficient availability capacity to serve the development.
- 2. Other new development shall be served by an on-site individual wastewater treatment system and an on-site well, both of which have been approved by the Central District Health Department.
- 3. If an existing wastewater treatment system fails, as determined by the Central District Health Department, the property owner(s) shall connect to a city's or sewer district's wastewater collection and treatment system, if a collection line is located within three hundred feet (300'). If a collection line is not located within three hundred feet (300'), then the existing wastewater treatment system may be replaced with a system approved by the Central District Health Department.
- 4. If an existing community well fails, the property owner(s) shall connect to a city's, water district's, or utility's water system if a distribution line is located within three hundred feet (300'). If a distribution line is not located

within three hundred feet (300'), then the community well may be replaced with a water system approved by the Central District Health Department and Idaho Department of Environmental Quality. (Ord. 389, 6-14-2000; amd. Ord. 660, 5-9-2007; amd. Ord. 699, 6-18-2008)

E. Water.

1. *Purpose.* These regulations minimize the development impacts on water resources, such as water supply, consumption, and quality.
2. *Applicability.* These regulations apply to all new development, including but not limited to residential, commercial, and industrial development.
3. *Exemptions.* The following uses are exempt from these regulations.
 - a. All agricultural uses; and
 - b. Existing uses prior to the effective date of this Title.
4. *Water Conservation Measures*
 - a. *Watering Restrictions.* All watering for yards and landscaped areas shall occur between the hours of 5:00 pm and 10:00 am.
 - b. *Rainwater Harvesting.* Rainwater harvesting includes, but is not limited to, cisterns and rain barrels.
 - (1) All commercial and industrial structures over 10,000 square feet require the use of rainwater harvesting techniques.
 - (2) All single family residences greater than 2,500 square feet require the use of rainwater harvesting techniques.
 - (3) Cisterns and rain barrel design shall store at least 40 gallons of water.
 - (4) Harvested rainwater from cisterns and rain barrels may be used for irrigating landscaped areas, flushing toilets, or pressure washing.
 - c. *Pervious Pavement.*
 - (1) Pervious pavement includes, but is not limited to, porous asphalt, pervious concrete, and grass or permeable pavers.
 - (2) All residential uses in residential districts, except for multi-family, require the use of pervious pavement for parking areas.
5. *Green Infrastructure.* An applicant may incorporate green stormwater infrastructure (GSI) techniques, rainwater harvesting, or pervious pavement techniques in any building, surface parking area, or street. The applicant may use those measures to reduce the rate and volume of

stormwater runoff and required drainage improvements if the county engineer determines that:

- a. The applicant has demonstrated that the improvements will reduce stormwater demands, using generally accepted engineering principles;
- b. The applicant has provided a maintenance plan that ensures the adequate ongoing maintenance of those facilities; and
- c. The maintenance plan ensures that the improvements will continue to control the rate and volume of stormwater runoff as shown in the application.

8-3-6 Fences

- A. **Purpose.** This article provides standards on the types, construction, installation, and uses of fences.
- B. **Fence Types.** These regulations apply to following fence types:
 1. Barbed wire fences.
 2. Electric wire fences.
 3. Wood fences.
- C. No sight-obscuring fence, hedge, wall, latticework, or screen shall violate the "clear vision triangle" requirements at a street intersection.
 1. Barbed wire and electric wire fencing shall only be allowed on properties that meet one or more of the following standards:
 - a. The property is a "farm", as herein defined;
 - b. The property is in the RP, RR, or RUT base districts;
 - c. The property has a livestock confinement facility; or
 - d. The use of barbed wire and/or electric wire fencing was allowed as part of an approved use where the applicant proposed security fencing.
- D. On properties one (1) acre in size or less and located within an area of city impact, no fence, wall, latticework, or screen shall be erected over three feet (3') in height within the required front yard plane.
- E. No fence, wall, latticework, or screen on the perimeter boundary or within any required setback area shall exceed a height of six feet (6') above grade, unless approved by a variance by the board or as part of an approved use. However, a variance for fences, walls, latticework, or screen for a public facility is not

required if it does not exceed a height of twelve feet (12') above grade. Any fence, wall, latticework, or screen over six feet (6') in height also requires a building permit with construction drawings prepared by a qualified and licensed engineer or architect.

- F. Any sight-obscurer fence, or wall, latticework, or screen is required by this title to protect adjacent properties, said fence, wall, latticework, or screen shall be kept free from advertising and graffiti and maintained in good repair.
- G. Security fencing that is not associated with an agricultural use, public facility, or a livestock confinement facility shall only be used as the top section of the fencing and shall be a minimum of six feet (6') above grade. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-3-7 Lighting

- A. **Purpose.** This article provides standards on the types, construction, installation, and uses of outdoor lighting to conserve energy, regulate glare, prevent the creation of a nuisance, and enhance nighttime enjoyment of properties in Ada County without decreasing safety, utility, or security. (Ord. 389, 6-14-2000)
- B. **Applicability.** These regulations apply to the following uses and activities:
 - 1. Any proposed development requiring master site plan approval.
 - 2. Any stationary outdoor lighting in common areas of a planned unit development or subdivision.
 - 3. Installation, change, upgrade, expansion, or enlargement of existing outdoor lighting. (Ord. 389, 6-14-2000)
- C. **Exempt.** The following types of lighting are exempt from these regulations:
 - 1. Light fixtures that have a maximum output of less than two hundred sixty (260) lumens.
 - 2. All outdoor lighting produced by the direct combustion of natural gas or other fossil fuels such as kerosene lanterns or gas lamps.
 - 3. Temporary holiday lighting used for forty (40) days or less per year.
 - 4. Vehicular lights and all temporary emergency lighting needed for fire protection, police protection, and/or other emergency services.
 - 5. All hazard warning lights required by federal or state regulatory agencies. (Ord. 389, 6-14-2000)
- D. **Prohibited.** The installation of any of the following types of lighting are prohibited:
 - 1. Mercury vapor lamp fixture and/or lamp.

2. Laser source light or any similar high intensity light when projected above the horizontal.
3. Changing colors, moving lights, or searchlights (for advertising purposes) are prohibited in all districts, except where approved for temporary uses.
4. Lighting, including holiday lighting, on commercial or private tower structures that exceed the district height limit is prohibited except as required by regulations of the Federal Aviation Administration (FAA). (Ord. 389, 6-14-2000)

E. Process.

1. A master site plan requires a lighting plan for any proposed outdoor lighting.
2. The lighting plan shall show the location, orientation, and height of all proposed exterior light fixtures, both attached and detached (including those that may be exempt from these regulations). The lighting plan shall also detail the type and extent of shielding including cut off angles and the type of illumination including the watts, luminous area, and photometric test report for each light source. (Ord. 389, 6-14-2000; amd. Ord. 490, 4-9-2003)

F. Standards.

1. *Two Hundred Sixty (260) Lumens or More.* Light fixtures that have a maximum output of two hundred sixty (260) lumens or more shall have an opaque top to prevent up lighting.
2. *One Thousand (1,000) Lumens or More.* Light fixtures that have a maximum output of one thousand (1,000) lumens or more per fixture shall have an opaque top to prevent up lighting and the bulb shall not be visible.
3. *One Thousand Eight Hundred (1,800) Lumens or More.* Light fixtures that have a maximum output of one thousand eight hundred (1,800) lumens or more shall have a "full cut off shield". See Figure 8-3-7-1.

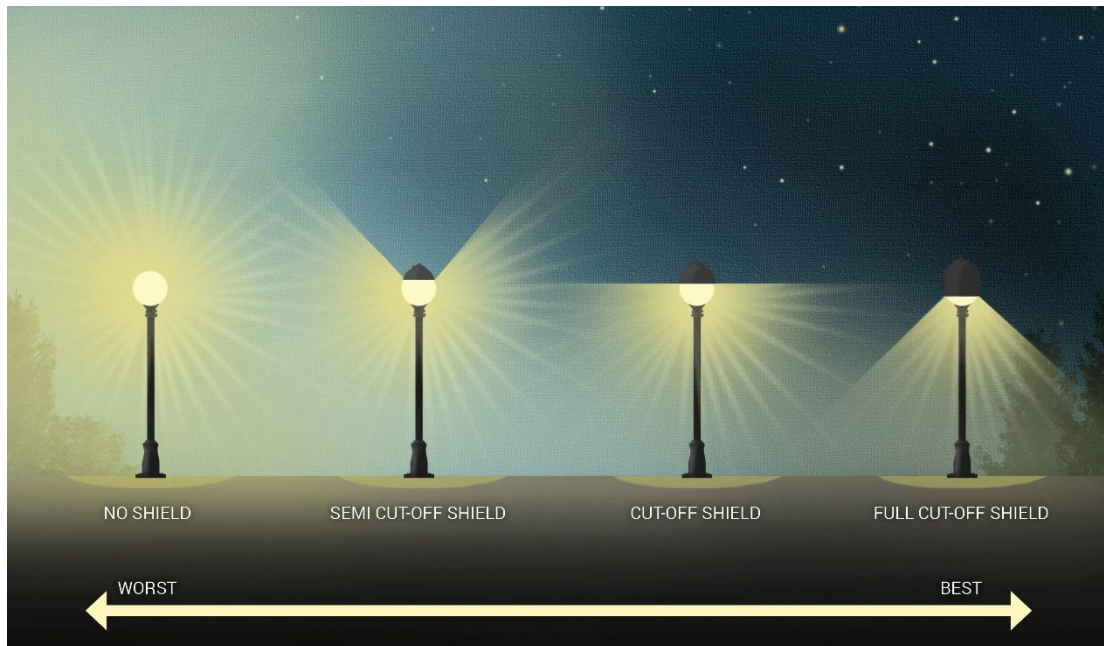


Figure 8-3-7-1 Full Cut Off Shield

4. *Floodlight Fixtures.* Floodlight fixture location shall prevent direct glare into a roadway and minimize impact on abutting properties.
 - a. Floodlight fixtures shall be set to only go on when triggered by activity on the property (sensor activated) and to go off within five (5) minutes after activation has ceased.
 - b. Installed floodlight fixtures shall not tilt more than forty five degrees (45°) from vertical.
5. *Up Lighting.* Up lighting is only allowed in cases where the fixture and any light it emits are shielded from the sky by a roof overhang or similar structural shield.
6. *Display and Security Lighting.* Display lighting shall turn off within thirty (30) minutes after close of business and shall remain off until sunrise or the opening of the business on the following day, whichever comes first. There are no time restrictions regarding security lighting.
7. *Installed Height of Fixture.*
 - a. The height of a freestanding light fixture shall not exceed twenty five feet (25') or the height of the principal permitted structure, whichever is less. Light fixtures mounted on a wall may extend to the full height of the structure, but no farther.
 - b. The following standards apply to floodlight fixtures with a maximum output of nine hundred (900) lumens or more and other light fixtures that have a maximum output of one thousand eight

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hundred (1,800) lumens or more. Streetlights installed by the Ada County Highway District or Idaho Department of Transportation are exempt from these standards. Within a commercial or industrial base district, the effective zone of light (as documented by the photometric test report) shall not trespass on abutting residential properties. See Figure 8-3-7-2 of this title.

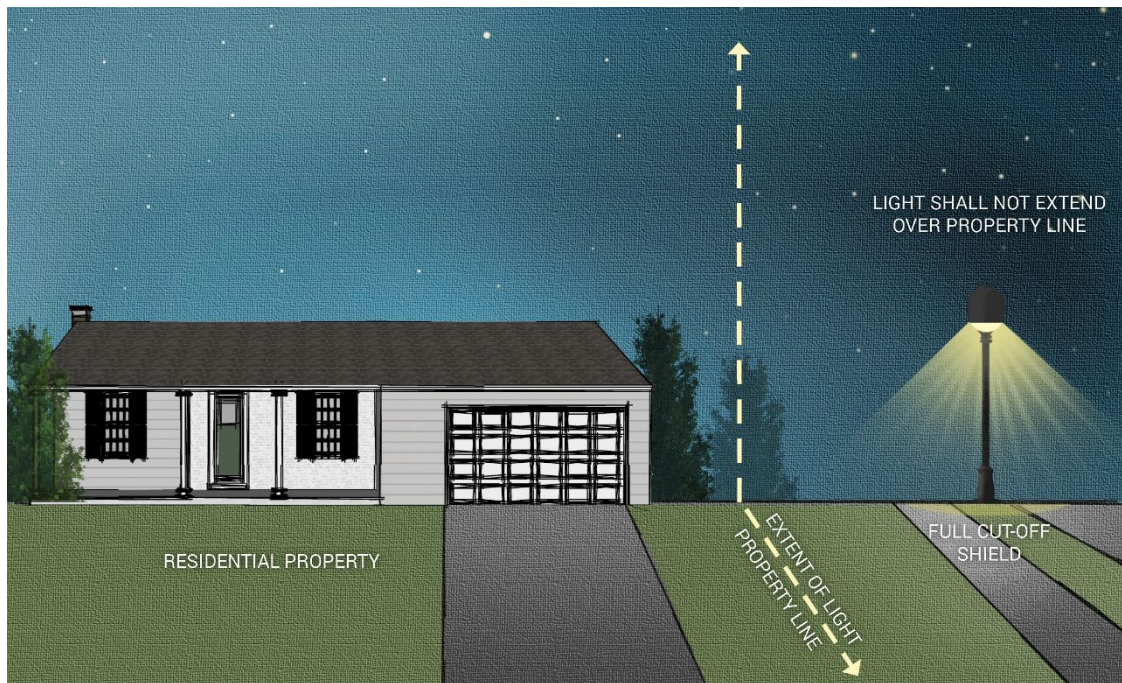


Figure 8-3-7-2 Extent of Light

- c. Within a rural, transitional, or residential base district, the allowed height shall be determined by the setback from the property line established in table 8-3-7-1 of this section.

Table 8-3-7-1 Height of Light Fixtures

Height of Pole	Setback from Property Line	Height of Pole	Setback from Property Line
1 foot to 3 feet	0 feet	15 feet	36 feet
4 feet	3 feet	16 feet	39 feet
5 feet	6 feet	17 feet	42 feet
6 feet	9 feet	18 feet	45 feet
7 feet	12 feet	19 feet	48 feet
8 feet	15 feet	20 feet	51 feet
9 feet	18 feet	21 feet	54 feet
10 feet	21 feet	22 feet	57 feet
11 feet	24 feet	23 feet	60 feet
12 feet	27 feet	24 feet	63 feet

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Height of Pole	Setback from Property Line	Height of Pole	Setback from Property Line
13 feet	30 feet	25 feet	66 feet
14 feet	33 feet		

Note: Table is based on the formula $H \text{ (height)} = 3 + D \text{ (setback distance)} / 3$.

8. *Underground Electrical Feeds.* Electrical feeds to outdoor light fixtures shall be underground, and not overhead.
 9. *Neon Illumination.* Rural base districts prohibit neon illumination.
 10. *Alternative Lighting Plan.* The Director may approve, or recommend approval of, an alternative lighting plan when the overall design, as proposed by the applicant, meets, or exceeds the intent and the requirements of this article and shall not be detrimental to the public health, safety, and welfare. (Ord. 389, 6-14-2000)
- G. Required Finding.** In order to approve the application, the decision making body shall find that the proposed lighting plan complies with the standards listed in section 8-3-7F of this chapter. (Ord. 389, 6-14-2000)

8-3-8 Landscaping and Screening

- A. Purpose.** The purpose of this article is to:
1. Ensure development consistent with the goals of the applicable comprehensive plan related to community design;
 2. Enhance the aesthetic appearance of streets, parking areas, and development sites and visually screen and buffer incompatible land uses;
 3. Preserve existing healthy trees and rare plants;
 4. Encourage the use of native species and drought tolerant landscape materials with the intent to maintain wildlife habitat areas and conserve water;
 5. Break up large areas of pavement, and provide shade in parking areas and around structures with the intent to promote energy conservation;
 6. Provide pervious surface areas to minimize storm water runoff and promote ground water recharge; and
 7. Separate pedestrians from automobile fumes, noise, and dust, and reduce glare from vehicle headlights.
- B. Applicability.**
1. The standards in this article shall apply to all projects requiring master site plan review unless otherwise exempt under subsection B of this section.

2. All principally permitted and accessory uses in the rural base districts as listed in table 8-2A-1 of this title shall be exempt from these regulations. Requirements of this section may be waived or modified by the commission for conditional uses in the rural base district as listed in table 8-2A-1 of this title.

C. Process.

1. A landscape and screening plan shall be required as a component of a master site plan.
 - a. Within an area of city impact, the landscape and screening plan shall be prepared by a licensed landscape design professional.
 - b. The landscape and screening plan shall contain the following items:
 - (1) The location, size, and type of all proposed landscaping and screening materials (including a plant list detailing common and botanic names of all species), and verification that minimum landscaping and screening requirements have been satisfied. All plants shall be shown at seventy five percent (75%) mature growth.
 - (2) Existing vegetation to be saved shall be identified on the landscaping and screening plan along with protection measures to be used during grading and construction.
 - (3) If the proposed development project shall be completed in phases, the phases shall be noted on the landscape and screening plan.
2. Landscaping and screening shall be in accord with the approved landscaping and screening plan, by the beginning of the next planting season for that species after issuance of a certificate of occupancy for the project. The Director may extend the time limit for compliance up to one additional planting season after issuance of a certificate of occupancy when circumstances beyond the control of the applicant or owner warrant an extension.
3. Noncompliance with the standards of this section shall constitute a violation of this title.

D. General Landscaping Standards.

1. For the purposes of this article, landscaping elements shall mean all exterior enhancements of a project including, but not be limited to: deciduous trees (shade and ornamental), evergreen trees, sidewalks, paths, site furniture, trellis, fences, walls, sound walls, shrubs, flowering

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- plants, vines, pots, vases, window boxes, raised planters, and grade work such as berms, grassy swales, and water retention features.
2. Existing trees, native vegetation, and existing rare plants shall be retained wherever possible.
 - a. Existing native vegetation may be accepted in lieu of new plantings, provided they contribute to achieving the intent of this article.
 - b. To control erosion and soil loss, the existing vegetation shall only be removed from the current phase of the project.
 3. All existing trees six-inch (6") caliper or larger proposed for removal on any new or infill development shall be mitigated at the following rate:

Table 7-1-4-1: Minimum Plant Size Standards

Tree to be removed	Replace with
6" to 12" caliper tree	One 3" caliper min. tree
12" to 24" caliper tree	Two 3" caliper min. trees
24" or larger caliper tree	Three 3" caliper min. trees

4. Landscaped areas shall incorporate a hierarchy of plantings from ground covers to shrubs to trees. Shrub areas shall incorporate a vegetative ground cover wherever possible. If the site configuration or plant type prohibits the use of a ground cover in conjunction with the shrubs, shredded tree bark or other mulch shall be provided.
5. The landscape plan shall include plant material that provides seasonal color during the spring, summer, and fall.
6. All landscaping shall be designed to consider the microclimate of the site and surrounding properties by addressing sun, shade, and wind for increased energy efficiency.
 - a. Deciduous trees shall be the preferred method of providing shade in parking lots and around structures.
 - b. Evergreen trees shall be located with adequate space to accommodate mature spread at the base and primarily used for screening and accent purposes.
 - c. If unenclosed air conditioning systems are located on the west or south side of a structure, trees shall be planted so that, at maturity, they shade the unit during the months of July, August, and September.
 - d. Trees shall be planted so that, at maturity, they shade fifty percent (50%) of ground floor window surfaces on the west and south sides

of each structure during the months of July, August, and September.

7. All landscaping shall be designed to be waterwise per the suggested plant list provided by Ada County.
 - a. The use of native and low-water and native plant material is highly encouraged.
 - b. Plants shall be grouped into hydrozones based on similar water needs to minimize the unnecessary use of water plants with low water needs.
 - c. High water-use plant material such as bluegrass lawn shall comprise no more than fifty percent (50%) of any landscape area.
8. Landscaping elements shall not violate the clear vision triangle requirements at a street intersection as defined in section 8-1A-1 of this title.
9. Landscaping elements shall not violate the clear pathway of a pedestrian or bicycle facility.
10. If the subject property is within a flood hazard overlay district, the applicant shall propose a landscaping and screening plan that meets the intent of this section in addition to complying with the standards of the flood hazard overlay district.
11. Installation of required landscaping shall be the responsibility of the property owner.
 - a. All plant material shall be planted according to industry standards, using acceptable topsoil or incorporating organic soil amendment at a rate of three cubic yards per one thousand square feet (3 cy/1000 sf).
 - b. All proposed plant material shall be in accord with the American Association of Nurserymen standards in terms of size, character, and quality.
 - c. Trees planted within a sidewalk or other pedestrian traffic areas shall be installed with protective tree grates with expandable centers. The minimum size opening within the sidewalk shall be four feet by eight feet (4' x 8').
 - d. The following minimum plant sizes shall be required:

Table 7-1-4-1: Minimum Plant Size Standards

Landscape Element (Plants)	Minimum Size At Planting
Shade tree	2-inch caliper

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Ornamental tree	2-inch caliper
Evergreen tree	7.5 feet in height
Shrub	5-gallon container
Parking lot shrub	5-gallon container
Perennial or ornamental grass	1 gallon container
Note: Caliper shall refer to the trunk diameter as measured 6 inches above ground level.	

- e. All landscaped areas shall be provided with a permanent and automated underground irrigation system of such design and capacity to satisfactorily serve the landscaped areas.
 - 12. Maintenance and replacement of required landscaping and screening shall be the responsibility of the property owner.
 - a. All plant materials shall be pruned, trimmed, watered, and otherwise maintained to create an attractive appearance and a healthy growing condition. No trees shall be severely pruned or topped.
 - b. Dead, diseased, stolen, or vandalized plant materials shall be replaced by the next planting season.
 - c. Property owners shall keep landscaped areas free of weeds and trash.
 - d. Stolen, vandalized, or otherwise damaged fences and/or walls shall be replaced immediately. Fences and/or walls shall be maintained to create an attractive appearance.
 - 13. The Director may approve, or recommend approval of, alternative landscaping and screening standards, as set forth in this article, if:
 - a. The overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this article;
 - b. The existing conditions on or adjacent to the site including, but not limited to, differences in elevation, existing vegetation, or the location of existing structures or utilities would render application of the requirements of this article ineffective; and
 - c. The overall design is not detrimental to the public health, safety, and welfare.
- E. General Screening Standards.**
- 1. *Screening Elements.* For the purposes of this article, screening elements shall include, but not be limited to: deciduous trees (shade and ornamental), evergreen trees, berms, solid fences, walls, and sound walls.

Cyclone or chain link fencing (with or without slats) shall not be deemed a screening material.

2. *Solid Fence or Sound Wall.* Where a solid fence, wall, or sound wall is used for screening, the landscape plan shall incorporate vegetative materials along the length of the solid fence or sound wall at the following rate:
 - a. A minimum of one deciduous tree per fifty linear feet (50')
 - b. Shrubs at a rate of ten small to medium shrubs or five large shrubs per fifty linear feet (50').
 - c. Columnar evergreen trees and shrubs are encouraged to be placed between deciduous trees.

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3. *Trash Dumpsters.* Trash dumpsters shall be fenced or enclosed and screened from public view. The sight obscuring screen shall be at least six feet (6'), but not greater than ten feet (10'), in height. One side of the enclosure may be left unenclosed or unscreened, provided that the trash dumpster shall not be visible from a public roadway or an abutting property.
4. *Outdoor Storage Areas.* All outdoor storage areas shall be completely fenced or enclosed and screened from public view. The sight obscuring screen shall be at least six feet (6'), but not greater than ten feet (10'), in height. One side of the outdoor storage area may be left unenclosed or unscreened, provided that the materials stored in the area shall not be visible from a public roadway or an abutting property.
5. *Loading Areas.* Loading areas (including, but not limited to, loading spaces, loading docks, and service or maintenance areas) shall be screened from public view. In addition, loading areas that abut a residential district shall attenuate noise associated with such use by providing a sound wall and/or berm with screen plantings around the loading areas or at the property line abutting the residential district. Planting shall be in conformance with 8-3-8E.2 above.
6. *Berm Slopes.* Berm slopes shall not exceed a rise to run ratio of one to two (1:2) and shall be a minimum of three feet (3') in height.
7. *Sound Walls.*
 - a. Sound walls shall meet all the following construction standards:
 - (1) The wall shall be tall enough to break the line of sight from the noise emitter and the noise receiver on abutting property. See figure 15, section 8-1A-2 of this title.

- (2) There shall be no break in the barrier between the noise emitter and the noise receiver on the abutting property.
 - (3) The wall shall be constructed of a rigid, dense material that provides a noise reduction of ten (10) dBA greater than the expected reduction in the noise diffracted over the top of the barrier as certified by a qualified and licensed engineer or architect.
- b. For the purposes of this section, the location, height, and direction of the noise emitter and the location and height of the noise receiver on the abutting property shall be determined as follows:
 - (1) For outdoor address systems, the noise emitter shall be at the height and location of the speaker and in the direction that the speaker is oriented.
 - (2) For parking lots, the noise emitter shall be at a height of four feet (4') at any location where an automobile may travel and six feet (6') at any location where a truck or trailer may travel. The noise shall be measured in all directions that are not otherwise attenuated by a structure.
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 - (3) For loading areas, the noise emitter shall be at a height of six feet (6') above the floor of the loading dock. The noise shall be measured in all directions that are not otherwise attenuated by a structure.
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 - (4) The noise receiver on the abutting property with an existing structure shall be at a height of six feet (6') above the floor (including upper floors, if applicable) of the structure and any outdoor patio area.
 - (5) The noise receiver on the abutting property where there is no existing structure shall be set at a height of six feet (6') at any location where a structure can be built.
8. Within an area of city impact, expanses of walls or solid fences that are greater than one hundred feet (100') along a roadway shall be interrupted with offsets and provided with accents to prevent monotony.
 - a. For the purposes of this standard, accents shall include, but not be limited to, other landscape elements as listed in subsection A of this section.

- b. Offsets shall be designed with pedestrian safety in mind, such as small alcoves with angled sides that provide full visibility.

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F. Perimeter Landscaping and Screening.

1. The intent of this section is to establish landscaping and screening standards required along the perimeter of the property. Table 7-1-6-1 of this section specifies the standards for the minimum depth and minimum number of trees and shrubs per one hundred linear feet (100') as measured along the property line.
2. *Property Lines That Do Not Abut A Roadway.* All principally permitted and accessory uses in the RP, RR, RUT, R1, R2, R4, R6 and R8 base districts as listed in tables 8-2A-1 and 8-2B-1 of this title shall be exempt from these regulations. Requirements of this article may be modified or waived by the commission for conditional uses in the RP, RR, RUT, R1, R2, R4, R6 and R8 base districts as listed in tables 8-2A-1 and 8-2B-1 of this title. Where the dimensional standards for the base district of the subject property require a setback of ten feet (10') or more, the following shall apply, unless otherwise noted:
 - a. The minimum depth of the landscaped area shall be six feet (6').
 - b. Abutting a residential district, a minimum of one (1) deciduous tree and ten (10) small shrubs or five (5) large shrubs shall be provided per fifty linear feet (50').
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 - c. Abutting a rural, commercial or industrial district, a minimum one (1) deciduous tree and ten (10) small shrubs or five (5) large shrubs shall be provided per one hundred linear feet (100').
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 - d. The Director may waive perimeter landscaping requirements along portions of property lines not abutting a roadway where needed to accommodate construction of vehicular cross-access across property lines and where cross-access easements to adjacent properties are provided.
3. *Property Lines That Abut a Roadway.* Entryway corridors shall be as identified in the applicable comprehensive plan. Interstate, arterial, collector, and local streets shall be as identified by the Ada County long range highway and street map functional street classification system.

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Table 7-1-6-1: Minimum Required Depth and Plant Material

Classification of Street Abutting Subject Property	Minimum Depth of Landscaped Area	Minimum Number of Trees Per One Hundred Linear Feet	Minimum Number of Shrubs Per One Hundred Linear Feet
Entryway corridor	30 feet	3 deciduous trees	20 small shrubs or ornamental grasses and 6 large shrubs
Interstate abutting residential district	50 feet ¹	2 deciduous trees and 3 evergreen trees	20 large shrubs
Interstate abutting rural, transitional, commercial or industrial district	25 feet	2 deciduous trees and 2 evergreen trees	10 small shrubs or ornamental grasses and 10 large shrubs
Arterial, collector, or local street abutting rural, transitional, or residential district	20 feet	3 deciduous trees	20 small shrubs or ornamental grasses and 6 large shrubs
Arterial, collector, or local street abutting commercial or industrial district	10 feet	3 deciduous trees	20 small shrubs or ornamental grasses
Private road	5 feet	2 deciduous trees	NA

Note:

1. This standard may be reduced where the applicant provides a sound wall that mitigates noise levels to a comparable level as would be achieved by meeting the fifty foot (50') separation.

G. Parking Area Landscaping and Screening Standards.

1. Parking lot landscaping is intended to break up large expanses of pavement, create shade, buffer views of parking lots from adjacent streets and development, and enhance the overall appearance of each project.
2. All parking lots with ten (10) spaces or more shall be subject to the following requirements.
3. Interior parking lot landscape requirement:
 - a. A minimum of one landscape island shall be provided per fifteen (15) parking spaces with a minimum width of nine feet (9').

- b. Each island shall contain one (1) shade tree and seventy five percent (75%) live plant material cover.
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- 4. Perimeter parking lot landscape requirement:
 - a. A minimum eight-foot (8') wide landscape area shall be provided at the perimeter of surface parking lots abutting any public right-of-way.
 - b. A minimum of one (1) tree shall be provided per forty (40') linear feet of required perimeter landscape area.
 - c. The parking lot perimeter shall be screened by one of the following methods:
 - (1) A hedge of shrubs and ornamental grasses with a minimum height of thirty inches (30") and maximum height of thirty six inches (36") to screen seventy five percent (75%) of headlights;
<Insert graphic>
 - (2) A berm with a minimum of thirty inches (30") height;
<Insert graphic>
 - (3) A masonry wall with a height between three and four feet (3-4') paired with landscape material for at least fifty percent (50%) of the length of the landscape area placed on the street side of the wall. <Include graphic>
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- 5. Limit areas of irrigated sod to landscape areas with a minimum width of ten (10') feet.
- 6. Where landscaping elements abut parking spaces, the applicant shall provide curbs, wheel stops, or two feet (2') of additional landscaping planted in ground cover to protect shrubs and trees from damage by vehicles.
- 7. Pedestrian access shall meet the requirements of subsection 8-4E-4B of this chapter.

8-3-9 Open Space

- A. **Purpose.** This article encourages well designed open space within new development and provides standards for dedicated open space areas and/or uses approved as part of a development application. (Ord. 389, 6-14-2000)

B. Applicability. These regulations shall apply to planned unit developments, master site plans, and/or subdivision plats that include dedicated open space areas and/or uses. (Ord. 389, 6-14-2000)

C. General Regulations.

1. *Dedicated Open Space Plan.* The dedicated open space plan shall include the following information on a map of an appropriate scale and may be accompanied by any necessary associated documents:
 - a. The boundaries and legal description of all dedicated open space areas;
 - b. Existing distinctive natural characteristics including, but not limited to, prime agricultural land and topographical elements;
 - c. The dedicated open space uses;
 - d. Depiction of all impervious surfaces including, but not limited to, structure footprints, driveways, or roadways; and
 - e. The dedicated open space area maintenance, management, and administration description.
2. *Required Dedicated Open Space.* At least ten percent (10%) of residential areas of planned unit developments shall be designated as, and used exclusively for, dedicated open space, as set forth in this article.
3. *Allowed Open Space Uses.* The allowed open space uses shall include, but not be limited to, the following:
 - a. Natural areas;
 - b. Agriculture;
 - c. Community garden plots for cultivation by residents;
 - d. Recreational areas designed for specific passive and/or active recreational uses including, but not limited to, golf courses, tot lots, tennis courts, swimming pools, and ball fields;
 - e. Greenways identified on the adopted Ada County ridge to rivers pathway plan;
 - f. Lawns or ground cover with or without trees;
 - g. Riding trails and common pasture;
 - h. Use associated with a historic structure; or
 - i. Any combination of uses listed above.
4. *Ownership.* Dedicated open space shall be held in one or more of the following methods of ownership:
 - a. *Condominium.* If ownership of the proposed development is held as a condominium compliant with Idaho Code, title 55, chapter 15, the

dedicated open space may be held as a common area of the condominium.

- b. *Homeowners' Association.* The dedicated open space may be held in common ownership by an incorporated homeowners' association.
- c. *Fee Simple Dedication.*
 - (1) The dedicated open space may be dedicated to a federal, state, or municipal government body empowered to hold an interest in real property subject to the laws of Idaho or the United States, or a charitable corporation, charitable association, or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property, assuring the availability of real property for agricultural, forest, recreation, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.
 - (2) The applicant or owner shall submit for county review and approval any offer of dedication and the terms and conditions thereof that demonstrate the dedicated open space shall be maintained as dedicated open space.
 - (3) The Board may, but shall not be required to, accept any portion or portions of the dedicated open space, provided the land is accessible to the residents of the county, there is no cost of acquisition other than any costs incident to ownership, such as title insurance, and the board agrees to and has access to maintain those lands.
- 5. *Maintenance Requirement.* If any owner of dedicated open space fails to maintain same according to the standards of this title, Ada County may, demand that deficiency of maintenance be corrected and enter the dedicated open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the dedicated open space.
- 6. *Improvements.* The applicant or owner is responsible for required improvements within dedicated open space areas. A surety agreement, established in section 8-3-5, may be required to cover costs of installation or maintenance of those improvements. (Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001; amd. Ord. 490, 4-9-2003; amd. Ord. 699, 6-18-2008)

D. Design Standards.

1. *Consistent with Adopted Plans.* The design shall be consistent with adopted regional or local open space and recreation plans including the Ada County ridge to rivers pathway plan.
2. *Accessibility.* The dedicated open space shall have access to residents of the subdivision or planned unit development. For dedicated open space within a master site plan, the dedicated open space shall have access to site users.
3. *Roadways.* The number of private or public roadways that divide the dedicated open space shall be limited to those necessary for proper traffic circulation, and the roadways shall not detract from the efficient use of the open space.
4. *Structures.* The dedicated open space shall be free of all structures, except those that enhance the use of the dedicated open space including, but not limited to, structures related to outdoor recreational use, well houses, and stormwater retention basins.
5. *Stormwater Basins.* Stormwater retention or detention basins designed and approved as part of the stormwater management system for the property may be located within the dedicated open space area.
6. *Impervious Surface.* No more than five percent (5%) of the dedicated open space shall be impervious surface.
7. *Additional Standards for Dedicated Open Space in A Planned Unit Development or Subdivision.*
 - a. The dedicated open space shall not be less than one hundred feet (100') in width at any point and not less than twenty thousand (20,000) square feet of contiguous area, except when part of a trail system, pathway network, or pocket park for active recreational use.
 - b. The dedicated open space shall connect to open space areas on neighboring properties wherever possible including provisions for pedestrian walkways to create linked walkway or pathway systems.
 - c. The dedicated open space shall have the required number of automobile and bicycle parking spaces as established in article G of this chapter.
 - (1) Parking areas shall have safe and convenient access from an abutting public street or other rights of way or easements

capable of accommodating pedestrian, bicycle, or vehicle traffic.

- (2) Required parking areas for outdoor amusement or recreation facilities may be included in calculating the amount of dedicated open space.
- d. When children's play equipment is proposed, a minimum of two (2) shade trees shall be planted to shade the play equipment on the west and southern exposures. The applicant may provide additional trees at their own discretion.
- 8. *Alternative Open Space Plan.* The Director may approve, or recommend approval of, an alternative open space plan when the overall design meets or exceeds the intent and the requirements of this article and are not detrimental to the public health, safety, and welfare. (Ord. 389, 6-14-2000; amd. Ord. 699, 6-18-2008)

8-3-10 Parking and Loading

- A. **Purpose.** This article provides regulations and standards for off-street parking and loading facilities with the intent to provide off-street parking areas, minimize traffic hazards and congestion, improve connectivity and accessibility for all individuals and non-motorized users, and mitigate impacts on surrounding properties. (Ord. 389, 6-14-2000)
- B. **Applicability.** The following standards apply to any new construction, alteration, or moving of a structure or any new or more intense use of property. The number of off-street parking spaces are provided for all allowed uses in any district. The number of required spaces may be reduced or increased in any application involving discretionary approval. (Ord. 389, 6-14-2000)
- C. **Process.**
 - 1. *Site Plan.* An off-street parking and loading plan is a required master site plan component.
 - a. The off-street parking and loading plan contains the location, size, and type of all proposed off-street parking and loading facilities. The applicant shall provide a table indicating any applicable standards and the calculations used to determine the required number of spaces.
 - b. If the proposed development project shall be completed in phases, the site plan shall note these phases. The applicant shall also provide documentation on the proposed uses and the number of off-street parking and loading facilities associated with each phase.

2. *Residential and Accessory Uses.* For residential and accessory uses that do not require master site plan approval, these regulations shall be reviewed at the time of building permit application or accessory use approval.
3. *Installation and Construction.* Off-street parking and loading shall be installed and constructed to the satisfaction of the Director, in accord with the approved off-street parking and loading plan. (Ord. 389, 6-14-2000)

D. General Regulations.

1. *Use of Required Parking Spaces.*
 - a. Required parking spaces are used for vehicle and bicycle parking only.
 - b. Parking areas for residential use may be used for the parking of one commercial vehicle per property if it is operated by the occupant and used to commute from home to work at an off-site location or used as part of an approved home occupation.
2. *Joint Use Parking.* Joint use of off-street parking spaces are allowed when the principal operating hours of the structures or uses are not in conflict with one another.
 - a. The required off-street parking shall be located within three hundred feet (300') from the primary entrance of the structure to the nearest entrance of the parking area, as measured along the sidewalk or pedestrian walkway.
 - b. All parties involved with the joint use parking area shall submit a written agreement to the Director, signed by the applicable parties involved. The agreement shall specify the following:
 - (1) Party or parties responsible for construction;
 - (2) Party or parties responsible for maintenance;
 - (3) Regulations for amendments to the agreement that include notice to the Director; and
 - (4) Regulations for termination of the agreement that include notice to the Director.
 - c. If the Director finds that the agreement complies with these regulations, the applicant or owner shall record that agreement with the Ada County Recorder prior to issuance of any permits.
 - d. The joint use parking agreement may be terminated by the parties only if off street parking is provided in conformance with this article and approved by the Director prior to the termination.
3. *Continuous Service Drives.* Continuous service drives shall meet the following standards:

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- a. Service drives are only allowed for multi-family developments, or developments that are within the commercial and industrial base districts.
- b. The minimum width of the continuous service drive shall be twenty feet (20') and shall be paved with asphaltic concrete as approved by the County Engineer. The parking areas and drive aisles shall comply with section 8-3-10E of this article. Where the continuous service drive also doubles as the drive aisle, the minimum width of the continuous service drive shall be twenty-five feet (25').
- c. The continuous service drive shall connect to a minimum of one public road. The point(s) of connection shall be approved by the Ada County Highway District or Idaho Transportation Department based on the classification of the public road. Continuous service drives shall be designed to discourage cut through traffic.
- d. The applicant shall provide written approval from the appropriate fire district. (Ord. 389, 6-14-2000; amd. Ord. 763, 10-13-2010)

E. Design Standards.**1. *Design of Parking Areas.***

- a. *Design and Construction.* All parking areas shall be designed and constructed to provide the type and number of off-street parking spaces required by section 8-3-10F of this article, and designed as required by this section.
- b. *Location.* All parking spaces required by this article shall be located on the same property as the use for which parking is required, except as provided for in joint use parking in subsection 8-3-10D.2 of this chapter. For the purposes of this standard, all properties within a single master site plan or planned unit development shall be considered the same property.
- c. *Accessible Spaces.* accessible parking spaces shall provide reasonable accommodations to principal permitted structures and shall be located along the shortest route of travel from adjacent parking to an accessible entrance.
- d. *Additional Design Standards for Uses Requiring Master Site Plan Approval.*
 - (1) Off street parking spaces shall not be located in any landscape area as required by sections 8-3-8F and 8-3-8G of this chapter.

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- (2) Parking stalls and driving aisles shall be designed in accord with the standards in table 8-3-10-1 of this section.
- (3) All parking areas shall provide on-site turnarounds for all off street parking spaces and loading facilities.
- (4) The design of off-street parking areas shall not require moving any car to gain access to a required parking space. (No tandem parking.)
- (5) Sidewalks located within the off street parking areas, outside of public rights of way, shall be a minimum width of five feet (5').
- (6) All sidewalks must contain adequate ADA ramps with truncated domes that are perpendicular to the service drives or drive aisle per PROWAG guidance.

Table 8-3-10-1 Parking Dimensions

Parking Angle	Stall Width	Curb Length	Stall Depth	One Way Driving Aisle	Two Way Driving Aisle
0	9'	23'	9'	12'	25'
30	9'	18'	17'8"	11'	25'
45	9'	12'9"	20'5"	13'	25'
60	9'	10'5"	21'10"	16'	25'
90	9'	9'	20'	22'	25'

2. *Improvements.*

- a. Except as otherwise provided in this section, all off street parking areas shall be improved with a compacted gravel base, not less than four inches (4") thick, surfaced with asphaltic concrete or some comparable all weather dustless material as approved by the County Engineer. This standard shall not apply to agricultural produce stands, roadside produce stands, rural residences, temporary uses, or temporary construction offices.
- b. Except as otherwise provided in this section, all off street parking areas shall be provided with a substantial wheel restraint to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions. This standard shall not apply to agricultural produce stands, roadside produce stands, rural residences, temporary uses, or temporary construction offices.

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- c. When a bumper overhangs onto a sidewalk or landscape area, the parking stall dimensions may be reduced two feet (2') in length if two feet (2') are added to the width of the sidewalk or landscaped area planted in ground cover. In no case shall the width of the sidewalk not be ADA compliant.
 - d. Parking spaces and access lanes shall be marked including accessible symbols and signs.
 - e. All lighting provided to illuminate a parking area shall comply with the lighting standards provided in 8-3-7 of this chapter.
 - 3. *Bicycle Parking Facilities.* Bicycle parking facilities are required. Bicycle parking facilities shall meet the following location and design standards:
 - a. Bicycle parking facilities shall be located as close as possible to the building entrance(s).
 - b. Bicycle parking spaces shall be a minimum of 6-feet (6') long and two and one-half-feet (2.5') wide and have an overhead clearance of seven-feet (7') if covered. A four-foot (4') wide aisle is required between rows of bicycle parking spaces or nearby walls. Stationary racks shall be located on improved non-permeable surfaces and anchored to the ground.
 - c. Bicycle parking facilities shall not obstruct pedestrian walkways, public sidewalks, or building entrances.
 - d. Bicycle parking facilities shall not conflict with the Americans with Disabilities Act.
 - e. Bicycle parking facilities shall support the bicycle and allow the owner to lock the frame and front wheel with one lock.
 - f. The Director may waive the bicycle facility requirement in areas outside of an area of city impact.
 - 4. *Alternative Plan.* The Director may approve, or recommend approval of, an alternative off street parking and loading plan, when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this article and shall not be detrimental to the public health, safety, and welfare. (Ord. 389, 6-14-2000; amd. Ord. 591, 7-27-2005; amd. Ord. 733, 12-9-2009; amd. Ord. 804, 11-14-2012)
- F. Required Number of Off Street Parking Spaces.**
- 1. *Generally.*
 - a. The required number of off street automobile and bicycle parking spaces shall meet the requirements established in Table 8-3-10-2 of this section.

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- b. Where the standards require a fractional space, the next larger whole number shall be the number of spaces required.
 - c. When more than one standard is provided, the standard that results in the greatest number of required parking spaces shall apply.
 - d. For a use where a parking rate is not provided and identified by a “N/A”, the parking rate is determined by the applicant.
- 2. *Minimum Parking.* The minimum parking spaces required on the site are established in Table 8-3-10-2 below.
- 3. *Bicycle Parking.*
 - a. One bicycle parking space shall be provided:
 - (1) for every ten (10) proposed parking spaces within an Area of City Impact.
 - (2) for every twenty five (25) proposed parking spaces outside of an Area of City Impact.
 - b. Residential uses, except for multi-family, are exempt from providing bicycle spaces.
- 4. *Mixed Uses.* For mixed uses, the total requirement of off street automobile and bicycle parking spaces shall be the sum of the requirements of the individual uses, except as provided in joint use of parking in subsection 8-3-10D.2 of this chapter.
- 5. *Accessible Parking.* The number and design of accessible automobile parking spaces shall comply with the Americans with Disabilities Act.
- 6. *Reserved Parking Spaces.* Reserved off street automobile parking spaces shall be noted on the site plan and each reserved space shall count as one required space.
- 7. *Change of Use.*
 - a. Upon any change of use, the number of automobile and bicycle parking spaces to be provided shall be calculated according to the requirement of this article for the new use.
 - b. For the purposes of this article, a change of use shall include, but not be limited to, an expansion, alteration, or change in occupancy resulting in a more intense use of a site, such as additional dwelling units, gross floor area, seating capacity, or other unit of measurement specified as a standard in section 8-3-10E, table 8-3-10-1 of this chapter.
- 8. *Maintenance.* The minimum number of required automobile and bicycle parking spaces shall be provided and continuously maintained.

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9. *Elimination, Reduction, or Conversion.* No parking area or space provided, as required by this article, shall later be eliminated, reduced, or converted in any manner unless other equivalent facilities approved by the Director are provided.

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Table 8-3-10-2 Parking Ratios

DU = dwelling unit sf = square feet / = per (e.g., 1 / DU means "1 parking space per dwelling unit")	
Proposed Use	Proposed Minimum Parking Ratio
Residential	
Dwelling, Single Family Detached	2 / DU
Dwelling, Duplex	2/DU
Dwelling, Multi-Family (> 2 bedrooms)	2.25/DU (25% for visitor spaces)
Dwelling, Multi-Family (1 bedroom)	1.25/DU (25% for visitor spaces)
Dwelling, Single Family Attached	2 / DU
Manufactured home	2/DU
Manufactured Home Park	2.25/DU (25% for visitor spaces)
Lodging / Group Living	
Bed and Breakfast Establishment	1 + (0.75 / guest room)
Boarding House	1 + (0.75 / guest room)
Continuing Care Facility	2/1000 sf
Drug & Alcohol Treatment Facility	2/1000 sf
Group Home	2/1000 sf
Hotel / Motel	1/guest room
Agriculture	
Agricultural Service	N/A
Agricultural Use	N/A
Equestrian Event Facility	1/500 sf
Livestock confinement (< 300)	1/1000 sf
Livestock confinement (1,000+)	1/1000 sf
Livestock confinement (301-999)	1/1000 sf
Nursery, Wholesale	0.25/1000 sf
Produce stand, roadside	4/produce stand
Seasonal Farmworker Housing	2/DU or 1/dorm room
Stable	N/A
Winery	2/1000 sf
Commercial / Office	
Animal Services	
Kennel, Commercial	2/1000 sf
Veterinary Services	2/1000 sf
Day Care	
Day care center	3/1000 sf
Day, Group Day Care Facility	3/1000 sf
Day Home	2/1000 sf
Financial Services	

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<i>DU = dwelling unit sf = square feet / = per (e.g., 1 / DU means "1 parking space per dwelling unit")</i>	
Proposed Use	Proposed Minimum Parking Ratio
Financial Institution	2/1000 sf
<i>Food & Beverage Sales / Service</i>	
Bar	5/1000 sf
Brewpub	5/1000 sf
Nightclub	5/1000 sf
Restaurant	5/1000 sf
<i>Office, Business & Professional</i>	
Office	2/1000 sf
<i>Personal / Business Services</i>	
Personal Services	2/1000 sf
Postal Services	2/1000 sf
<i>Retail sales</i>	
Auction Facility	5/1000 sf
Farm, garden, lumber, or building supply store	1/1000 sf
Fuel Sales	1/2 pumps
Heavy Equipment Sales or Service	1/1000 sf
Nursery, Retail	1/1000 sf
Retail Store	2/1000 sf
<i>Automotive</i>	
Car Wash	1/bay + 1/1000 sf
Vehicle Repair, Light	1/bay + 1/1000 sf
Vehicle Repair, Heavy	1/bay + 1/1000 sf
Vehicle Sales	1/1000 sf
<i>Entertainment / Recreation</i>	
Adult Entertainment	8/1000 sf
Agritainment, large	10/acre
Agritainment, small	5/acre
Amusement or Recreation, Indoor	4/1000 sf
Amusement or Recreation, Outdoor	10/acre
Campground	1/site
Golf course and country club	
Racetrack	10/acre
Shooting range (indoor only)	2/1000 sf
Shooting range (outdoor only)	2/1000 sf
<i>Civic</i>	
<i>Assembly</i>	
Event Center	5/1000 sf

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<i>DU = dwelling unit sf = square feet / = per (e.g., 1 / DU means "1 parking space per dwelling unit")</i>	
Proposed Use	Proposed Minimum Parking Ratio
Religious Land Use	5/1000 sf
Social Meeting Place	5/1000 sf
<i>Death Care Services</i>	
Cemetery	10/acre
Crematory	2/1000 sf
Mortuary	2/1000 sf
<i>Government / Non-Profit</i>	
Public or quasi-public use	2/1000 sf
<i>Education</i>	
School	3/1000 sf
Studio	2/1000 sf
Technical School	3/1000 sf
<i>Medical</i>	
Clinic (dental or medical)	4/1000 sf
Medical Care Facility	4/1000 sf
Industrial	
<i>Manufacturing & Employment</i>	
Asphalt or concrete ready mix plant	1/1000 sf
Contractor Yard	1/1000 sf
Explosive manufacturing or storage	1/1000 sf
Manufacturing, Heavy	1/1000 sf
Manufacturing, Light	1/1000 sf
Meatpacking/ Slaughterhouse Facility	1/1000 sf
Pit, mine, or quarry	1/1000 sf
Processing Plant, agricultural and dairy products	1/1000 sf
Research and Development Facility	1/1000 sf
Sawmill	1/1000 sf
Wood, Metal, and Stone Crafts	1/1000 sf
<i>Warehousing, Storage & Distribution</i>	
Energy Storage	2/site
Grain Elevator	2/site
Manufactured Home Storage	Parking for On-Site Office (see Office Standard)
Storage Facility, Self-Service	2/site
Wholesale Distribution and Warehousing	1 + (0.25/1000 sf)
Infrastructure	
<i>Transportation / Parking:</i>	

Zoning Ordinance**Chapter 3 Development Standards | 8-3-10 Parking and Loading**

<i>DU = dwelling unit sf = square feet / = per (e.g., 1 / DU means "1 parking space per dwelling unit")</i>	
Proposed Use	Proposed Minimum Parking Ratio
Airport	N/A
Freight / Truck Terminal	4/site
Ground Passenger Transportation (e.g. taxi, charter bus)	N/A
Heavy Truck Wash Facility	1/1000 sf
Off Street Parking Facility	N/A
Railroad Switching Yard	2/site
Recreational Vehicle Park	2/site
Transit Facilities	N/A
Truck Stop	2/1000 sf
Utilities	
Centralized Power Facility	1/1000 sf
Distributed power facility, wind freestanding tower	N/A
Distributed power facility, wind rooftop	N/A
Electric Distribution / Subtransmission Line	N/A
Electric Substation	1/1000 sf
Electric Transmission Line	N/A
Communications	
Radio and television broadcasting station	1/1000 sf
Tower or antenna structure, commercial	N/A
Tower or antenna structure, private	N/A
Waste-related:	
Composting Facility	4/site
Junkyard or automobile wrecking yard	4/site
Recycling Center	4/site
Recycling Plant	4/site
Sanitary Landfill	4/site
Septage Treatment and Disposal Facility	4/site
Soil / Water Remediation	N/A
Soil / Water Remediation, in situ	N/A
Vehicle impound yard	4/site
Accessory Uses	
Accessory Retail Sales	N/A
Accessory Office	N/A
Accessory Outdoor Storage	N/A
Accessory Power Facility	N/A
Accessory Structure	N/A

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<i>DU = dwelling unit sf = square feet / = per (e.g., 1 / DU means "1 parking space per dwelling unit")</i>	
Proposed Use	Proposed Minimum Parking Ratio
Dwelling, secondary	1/DU
Additional Farm Dwelling	1/DU
Agricultural Structure	N/A
Automotive, hobby	N/A
Caretaker Dwelling	1/DU
Drive-up Establishments	N/A
Fuel Cell	N/A
Home Occupation	1/DU
Kennel, Hobby	N/A
Portable Classroom	N/A
Produce stand, agricultural	1/produce stand
Small Wireless Facility	N/A
Swimming Pool, Private	N/A
Temporary Construction Office	N/A
Temporary Living Quarters	1/DU
Temporay Uses	
Anemometer* (Include in accessory power facility)	N/A
Fireworks stands	N/A
Live in an existing dwelling while constructing a new dwelling*	N/A
Seasonal events*	N/A
Seasonal stands	N/A
Small pit, mine or quarry	N/A
Subdivision model home/real estate offices	N/A
Other	
Dangerous or protected animals facility	1/1000 sf

- G. General Off Street Loading.** Any commercial or industrial use with a gross floor area of five thousand (5,000) square feet or more requires off street loading. These uses shall provide and maintain at least one off street loading space. One additional off street loading space shall be required for each subsequent twenty thousand (20,000) square feet of gross floor area (e.g., 25,000 square feet, 45,000 square feet, etc.).
- H. Loading Space Dimensions.** Each loading space shall meet the following minimum dimensions:
1. A ten foot (10') width,
 2. A thirty foot (30') length, and
 3. A fourteen foot (14') vertical clearance.
- I. Backing and Maneuverability.**
1. Parking and loading area design shall not result in vehicles backing out into the street.
 2. Parking and loading area design shall accommodate vehicular maneuverability on site.
- J. Loading Location.**
1. No off street loading space shall be located within fifty feet (50') of an abutting rural, transitional, or residential district unless wholly enclosed within a structure.
 2. No off street loading space shall face an abutting residential district.
- K. Loading Hours of Operation.** Any off street loading space located within fifty feet (50') of a residential district shall not operate between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. (Ord. 389, 6-14-2000)

8-3-11 Private Roads

- A. Purpose.** This section allows property owners to construct and maintain private roads to provide access to properties that do not have frontage on a public street. (Ord. 389, 6-14-2000)
- B. Applicability.** These standards apply to all new private roads, all extensions to private roads, and in some instances, to existing private roads. (Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001; amd. Ord. 628, 7-12-2006)
- C. Process.**
1. *When Application is Required.*
 - a. The construction of all new private roads.
 - b. Extensions to existing private roads.

- c. The addition of properties to an existing private road, which requires for the road to be widened and paved as required in subsection 8-3-11D.2 of this chapter.
 - d. An application for a private road shall not be required when an existing private road has had prior written approval and provides adequate access for the additional lots property being proposed.
 - (1) Documents demonstrating approval and adequate access must be submitted as part of the property development application.
 - (2) Submitted documents include:
 - a. a copy of the recorded perpetual access easement that demonstrates the easement is appurtenant to the additional properties;
 - b. the recorded maintenance agreement that demonstrates it is applicable to the additional properties;
 - c. and the original approval from Ada County or the city which approved the existing private road.
 - e. The applicant shall apply and pay fees on forms provided by the Development Services Department.
2. *Tentative; Requirements.* Upon tentative approval of the application by the Director subject to any applicable conditions of approval and section 8-9-3 of this title, the applicant or owner shall have one year to complete the following tasks or two years if a private road is a part of a subdivision application:
- a. Obtain approval from the Ada County street naming committee for a private road name (see title 2, chapter 1 of this code);
 - b. Contact the Ada County Highway District (ACHD) to install an approved street name sign that complies with the Ada County uniform street naming ordinance (see title 2, chapter 1 of this code);
 - c. Record a perpetual access easement with the Ada County Recorder for the private road from a public street to all applicable properties;
 - d. After the private road is constructed and the street name sign is installed, schedule an inspection by the Ada County Engineer; and
 - e. The applicant or owner shall provide documentation of a binding contract that establishes the party or parties responsible for the repair and maintenance of the private road including regulations for the funding thereof.

3. *Completion; Approval.* Upon completion of the items noted above, the Director shall issue a letter stating that the private road has been approved. No building permit shall be issued for any structure using a private road for access to a public street until the private road has been approved. (Ord. 389, 6-14-2000; amd. Ord. 490, 4-9-2003; amd. Ord. 628, 7-12-2006; amd. Ord. 902, 10-2-2019)
- D. Standards.** All private roads (including extensions of previously approved private roads) are constructed to the following standards (see also section 8-1A-2, figure 13 of this title):
1. *Design Standards.*
 - a. The private road shall be constructed on a perpetual access easement or a single platted lot that originates from a public street and provides access to all applicable properties.
 - (1) Outside an area of city impact, the easement or lot shall be a minimum of thirty feet (30') in width. Inside an area of city impact, the easement or lot shall be a minimum of fifty feet (50') in width.
 - (2) If located on a lot, the primary function of the lot shall be to accommodate the private road. Minimum parcel size requirements shall not apply.
 - b. All properties abutting an approved private road shall have the same minimum required street frontage as required by the applicable base district.
 - (1) Exception. If the turnaround for the private road is located within a property as illustrated in section 8-1A-2, figure 14 of this title, the required frontage shall be thirty feet (30') (the width of the private road easement).
 - c. The point of connection of the private road and the public street shall be approved by the Ada County Highway District or the Idaho Transportation Department if abutting a state highway.
 - d. The private road shall terminate at a forty-five-foot (45') radius cul-de-sac or other approved turnaround configuration.
 - (1) The turnaround may be located in an area of the property other than where the private road enters the property (see section 8-1A-2, figure 14 of this title).
 - (2) If the applicant proposes an alternate location and/or configuration for the turnaround, the following additional standards shall apply:

- a. The applicant shall provide written approval from the appropriate fire district.
 - b. The County Engineer shall review and approve the alternate location and/or configuration.
 - e. The private road shall only intersect a public road at its origination point.
 - f. The private road shall not intersect another private road.
 - g. New gates or other travelway obstacles shall not be allowed except in exceptional circumstances when the Director determines the gate or gates are necessary to improve safety or to halt environmental degradation in the area. Before approving a new gate or other obstacle, the Director shall provide the fire district, or if no fire district, the Ada County Sheriff, with advice from the Idaho State Fire Marshal's Office, the opportunity to review the proposal and offer recommendations.
 - (1) Approved gate openings shall be a minimum of twenty feet (20') wide, be located a minimum of thirty feet (30') from the public right of way, and when the gate is open, the travelway, for its entire width shall be clear and unobstructed.
 - (2) Gates located on one-way roads shall open in the same direction that traffic moves. Gates located on two-way roads must open in both the directions that traffic moves. Gates that open upward shall not be allowed.
 - (3) Gates shall have a fail-open lock in the event of a loss of power.
 - h. No segment of the travelway of a private road shall exceed ten percent (10%) grade. Fire apparatus roadways in locations that front buildings, at intersections with other roads, and in front of fire hydrants, shall not exceed eight percent (8%) grade.
 - i. If the private road is located within the Wildland-Urban Fire Interface Overlay district, the additional design standards listed in section 8-2-25 of this title shall apply.
 - j. Upon the County Engineer's review of the proposed private road design, the applicant may be required to submit a drainage study before constructing the private road.
2. *Construction Standards.*

- a. Private roads that will serve development located within an area of impact and exceeds a density of three (3) dwelling units per acre shall be constructed to the Ada County Highway District standards for urban local roads.
- b. All other private roads not defined in subsection 8-3-11D.2.a of this chapter shall be constructed to the following standards:
 - (1) Private roads that will provide frontage or access to four (4) or fewer properties shall have a travelway with a minimum improved width of twenty feet (20'). Private roads that will provide frontage or access to more than four (4) properties shall have a travelway with a minimum improved width of twenty four feet (24').
 - (2) The travelway shall have a stable, compacted base.
 - (3) There shall be a crown or transverse slope of two percent (2%) to drain water away from the travelway.
 - (4) The improved surface shall consist of six inches (6") of compacted three-fourths inch (3/4") minus crushed gravel or other materials approved by the County Engineer. Private roads that provide frontage and/or access to more than four (4) properties shall be paved with 2.5 inches of asphaltic concrete.
 - (5) Any segment of a travelway of a private road greater than five percent (5%) grade shall be improved with asphalt or concrete paving.
 - (6) For the purposes of this section, corner properties that abut a private road shall be counted as taking access off the private road. Temporary dedicated open space lots that were created as part of a nonfarm subdivision shall also be counted as taking access off the private road.
3. *Alternative Design Allowed for Private Road.* Upon recommendation of the County Engineer, the Director may approve, or recommend approval of alternative design or construction standards when the applicant can demonstrate that the proposed overall design meets or exceeds the intent of the required standards of this article and shall not be detrimental to the public health, safety, and welfare. (Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001; amd. Ord. 490, 4-9-2003; amd. Ord. 628, 7-12-2006; amd. Ord. 699, 6-18-2008; amd. Ord. 848, 12-9-2015; amd. Ord. 902, 10-2-2019)

E. Required Findings. In order to approve the application, the Director shall find the following:

1. The design of the private road meets the requirements of this article;
2. Granting approval of the private road would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and
3. The use and location of the private road shall not conflict with the applicable comprehensive plan and/or the regional transportation plan. (Ord. 389, 6-14-2000)

8-3-12 Signs

Purpose. The purpose of this article is to control and regulate the erection and maintenance of signs in the unincorporated portions of Ada County by:

1. *Protecting state and federal constitutional rights to free speech by:*
 - a. Providing ample opportunities for expression through signs;
 - b. Avoiding regulatory triggers or distinctions based on a sign's content; and
 - c. Providing clear standards for approval of signs.
2. *Protecting the public health and safety by:*
 - a. Providing maximum visibility along highways;
 - b. Assuring unobstructed views at connecting roads and intersections for all users;
 - c. Preventing undue distraction of operators of motor vehicles; and
 - d. Preventing confusion with respect to traffic lights, signs, or signals.
3. *Promoting the County's appearance, character, quality, and business climate by:*
 - a. Encouraging attractive and functional signs;
 - b. Encouraging signs that harmonize with the sign's site and buildings and with surrounding buildings and developments.

B. Applicability. This article applies to signs that are installed, constructed, painted, or altered after the effective date of this title.

1. *Signs Requiring Building Permits.* The Ada County building code set forth in title 7, chapter 2 of this code determines signs that require building permits.
2. *Signs Requiring Administrative Approval.* Any sign greater than sixty-four (64) square feet requires administrative approval prior to construction

and/or placement unless this article exempts the sign from the permitting requirement.

3. *Interstate Roads and Primary Highways.* The standards of this article apply to all interstate roads and primary highways covered by the Idaho highway beautification act, Idaho Code title 40, chapter 19, to the extent that this article provides more restrictive standards for maintaining signs on such roadways.

C. Exempt Signs. This article does not apply to the following types of signs, which do not require permits.

1. Signs less than four square feet in sign area that are embedded, extruded, or carved into the material of a building façade or are made of bronze, brushed stainless steel or aluminum, or similar material that is permanently attached to the building façade.
2. Signs erected, maintained, or displayed by the State, Federal, or County government, or any other subdivision of the State. Government uses in all zoning districts may include signs.
3. Traffic control devices on private or public property erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in the State of Idaho or by the Federal Highway Administration.
4. Signs placed by a public utility showing the location of underground facilities.
5. Any sign that is visible only from the parcel where it is located.

D. Prohibited Signs. The following signs are prohibited:

1. Any sign or sign structure, other than approved county and highway signs in or on any street or highway right of way; and
2. Signs incorporating a rotating beam, beacon, or flashing illumination resembling an emergency light.

E. General Regulations.

1. *Owner's Consent Required.* A person may not place a sign or sign structure on private or public property without the written consent of the owner or the owner's agent.
2. *Illumination.*
 - a. Illumination of signs is subject to the regulations in section 8-3-7 of this chapter.
 - b. Where this article provides for illumination of a sign, the illumination may be direct, internal, or neon illumination unless the sign standard specifies otherwise.

- c. Flashing and/or animated signs are prohibited within three hundred feet (300') of any property within a residential base district.
- 3. *Measurement.*
 - a. For the purposes of this article, distance for the purpose of establishing location refers to the linear distance in either direction on the street to which the sign faces only.
 - b. For building signs, the maximum sign area is based on the area of the building face to which the sign is attached.
 - c. If the adjacent street grade to which the sign is oriented is more than ten feet (10') greater than the grade elevation at the base of the sign structure, the adjacent street grade may be used in determining the permitted height. This provision applies to all freestanding sign structures.
- 4. *Clear Vision Triangle.* Signs at railroad and street intersections are not permitted in the "clear vision triangle" as defined in this chapter.
- 5. *Blanketing.* For the purpose of preventing the blanketing of one sign by another, the following provisions govern the size of a sign and its location:
 - a. A projecting sign may not be erected in the same horizontal plane with other projecting signs unless the signs are spaced as provided in table 8-3-12-1, measured center to center.

Table 8-3-12-1 Required Spacing of Projecting Signs

Overlap Of Projecting Signs	Spacing Between Signs
3 feet or less	10 feet
Greater than 3 feet to 4 feet	20 feet
Greater than 4 feet to 6 feet	25 feet
Greater than 6 feet	30 feet

- b. A projecting sign erected closer than allowed by table 8-3-12-1 must be erected above the top edge or below the bottom edge of the blanketed sign.
- 6. *Setbacks.*
 - a. Signs must have a minimum setback of five feet (5') from any property line, unless this article provides otherwise.
 - b. A sign background area facing the side or rear property line of an abutting residential base district may not be located within fifty feet (50') of the side or rear property line.

7. *Substitution.* Any sign with a commercial message may contain any non-commercial message. Any sign with a non-commercial message may contain any other non-commercial message.
8. *Signs Not Addressed in this Article.* The commission will consider an application for any sign for which there is no applicable regulation in this title under the conditional use procedure outlined in section 8-6-26 of this title.

F. Signs in Commercial and Industrial Districts.

1. *Single Use Properties.* Properties with a single use in a commercial or industrial base district are allowed one or more building signs as provided in this subsection.
 - a. *Building Signs.* Table 8-3-12-2 provides the sign standards for building signs for single use properties in a commercial or industrial district.

Table 8-3-12-2 Building Sign Standards for Single Use Properties

Standard	Wall Sign	Projecting Sign	Canopy Sign
Max. Sign Area (as a % of building face)	40%	15%	15%
Max. Height	30 feet	30 feet	30 feet
Illumination Allowed	Yes	Yes	Yes
Animation (as a % of sign area)	20%	20%	20%

b. Freestanding Signs.

- (1) **Standards.** In lieu of building signs as provided in this subsection, one freestanding sign is permitted on each street frontage for any property as provided in Table 8-3-12-3 in each commercial or industrial base district.

Table 8-3-12-3 Freestanding Sign Standards for Single Use Properties

Standard	Allowance
Number	1 per street frontage
Max. Sign Area	Greater of 65 square feet or 1.5 square feet per linear feet of street frontage
Max. Height	40 feet
Illumination Allowed	Yes
Animation (as a % of the sign area)	20%

- (2) **Setback.** Freestanding signs must be located at least a distance equal to twenty percent (20%) of the length of the

road frontage where the sign is located within 50% of the sign's height from any abutting property line.

- c. *Combination of Building and Freestanding Signs.* Properties with a single use in commercial and industrial base districts are allowed a combination of a building sign and a freestanding sign provided:
 - (1) All signs are reduced by fifty percent (50%) in sign area; and
 - (2) The height to the top of the freestanding sign does not exceed thirty feet (30').
- 2. *Multi-Use Properties.* Properties with more than a single use in a commercial or industrial base district are allowed signs as provided in this subsection.
 - a. *Building Signs.*
 - (1) Standards. Table 8-3-12-4 provides the sign standards for building signs.

Table 8-3-12-4 Building Signs for Multi-Use Properties

Standard	C1 and LO Districts	C2 Districts	Industrial Districts
Max. Sign Area	200 square feet	315 square feet	315 square feet
Max. Height, Sign Background Area	35 feet	55 feet	55 feet
Max. Height, Sign Structure	45 feet	70 feet	70 feet
Illumination Allowed	Yes	Yes	Yes
Animation (as a % of the sign area)	10%	20%	20%

- (2) Projecting Signs. Table 8-3-12-5 provides the sign standards for projecting signs.

Table 8-3-12-5 Projecting Signs for Multi-Use Properties

Standard	C1 and LO Districts	C2 and Industrial Districts
Max. Sign Area (as a % of building face)	10%	10%
Max. Height	Lesser of 20 feet above grade or 4 feet above eaves or parapet	Lesser of 20 feet above grade or 4 feet above eaves or parapet
Illumination Allowed	Yes	Yes
Animation (as a % of the sign area)	10%	20%

- (3) Roof Signs. This subsection provides additional standards for roof signs.

- a. Roof signs are allowed by conditional use permit only.
 - b. The lower and upper edges of a roof sign must be within four feet (4') and eight feet (8') above the eaves of the building on which it is placed.
 - c. Illumination of roof signs is not allowed.
- b. *Freestanding Signs.*
- (1) Standards. In lieu of building signs as provided in this subsection, one freestanding sign is permitted on each street frontage as provided in Table 8-3-12-6 in commercial and industrial base districts.

Table 8-3-12-6 Freestanding Signs for Multi-Use Properties

Standard	Allowance
Number	1 per street frontage
Max. Sign Area	Greater of 50 square feet or 1 square foot per linear foot of street frontage
Max. Height	25 feet
Illumination Allowed	Yes
Animation (as a % of the sign area)	10%

- (2) Setback. A freestanding sign must be located at least a distance equal to twenty percent (20%) of the length of the road frontage where the sign is located within 50% of the sign's height from any abutting property line.
- c. *Combination of Building and Freestanding Signs.* Multi-Use properties are allowed a combination of a building sign and a freestanding sign if:
- (1) All signs are reduced by fifty percent (50%) in sign area;
 - (2) Signs in any commercial or industrial base districts base district is at least one hundred feet (100') from any property in a residential district except the R12 and R20 districts.
3. *Establishments Within Multi-Use Properties.* Each establishment within a property that has more than one use in a commercial or industrial base district is allowed one or more building signs as provided in this subsection.
- a. *Building Signs.*
 - (1) Standards. Table 8-3-12-7 provides the sign standards for building signs for each establishment in a multi-use property in a commercial or industrial district.

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Table 8-3-12-7 Building Sign Standards for Establishments in Multi-Use Properties

Standard	Allowance
Max. Sign Area (as a % of building face)	25%
Max. Height	Lesser of 20 feet above grade or 4 feet above eaves or parapet
Illumination Allowed	Yes
Animation (as a % of the sign area)	10%

- (2) Measurement. The maximum area is based on the building face area dedicated to each grade level use.
 - (3) Revolving signs are not allowed.
 - (4) Establishments above grade level may have business signs as outlined in this subsection, except that the maximum sign area is reduced by fifty percent (50%).
 - b. *Projecting Signs.* One projecting sign is allowed for each grade level use on each street frontage, plus one additional projecting sign for each one hundred fifty feet (150') of street frontage devoted to a single use.
 - 4. *Property With Frontage on Two Or More Streets.*
 - a. *Generally.* Property with frontage on two or more streets is allowed the number and dimensions of signs on each of the streets as provided in this section unless it is on a corner lot.
 - b. *Corner Lot.* Property located on a corner may have either one (1) freestanding sign designed to be read from both intersecting streets or two (2) freestanding signs where each sign is designed to be read from only one of the intersecting streets.
- G. Signs for Non-Residential Uses in Residential, Transitional, and Rural Districts.**
- 1. *Standards.* A permitted non-residential use in a residential, transitional, or rural district is allowed signs that conform with the standards in Table 8-3-12-8.

Table 8-3-12-8 Sign Standards for Non-Residential Uses in Residential and Rural Districts

Standard	Rural and Transitional	R4, R6, and R8	All Other Residential
Maximum Sign Area	Lesser of 64 square feet or 1 square foot for each 3 feet of frontage	Lesser of 32 square feet or 1 square foot for each 3 feet of frontage	Lesser of 64 square feet or 1 square foot for each 3 feet of frontage
Height (in feet)	12 feet	8 feet	12 feet
Illumination Allowed	Yes	Yes	Yes
Animation Allowed	No	No	No

2. *Frontage Calculation.* For the purposes of this subsection, street frontage means the frontage of the principal building on the principal street, measured in linear feet.
3. *Freestanding Sign Standards.* Freestanding signs may not revolve or flash.
4. *Roof Signs Prohibited.* Roof signs are not allowed. The top edge of a sign may not project above the lesser of the eaves of the building or the height in Table 8-3-12-8.

H. Subdivision Entry Signs.

1. *Standards.* A subdivision entry sign on the site of a single-family or multi-family residential development is allowed one sign that conforms with the standards in Table 8-3-12-9.

Table 8-3-12-9 Sign Standards for Subdivision Entry Signs

Standard	Residential, Transitional, and Rural Districts	Commercial Districts
Number	1 per residential development	1 per residential development
Max. Sign Area	Lesser of 64 square feet or 1 square foot per linear foot of street frontage	Lesser of 64 square feet or 1 square ft per linear foot of street frontage
Height	8 feet	12 feet
Illumination	Direct or Internal Illumination	Direct or Internal Illumination
Animation	No	No

2. *Movement Not Allowed.* Subdivision entry signs may not feature movement.
3. *Freestanding Signs.*
 - a. Freestanding signs may not be located in the required yards.
 - b. Freestanding signs are allowed only when the building setback is at least twenty feet (20') from the front property line.
4. *Building Signs.* Building signs may not exceed the height of the eaves line of the building.

I. Incidental Signs.

1. *Standards.* Incidental signs are allowed without a permit in all districts. Incidental signs are only allowed on a developed property and must comply with the standards in Table 8-3-12-10.

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Table 8-3-12-10 Incidental Signs by District

Standard	Rural	Residential	C1 and LO	Other Commercial/Industrial
Incidental Sign Setback	10 feet	10 feet	20 feet	30 feet
Perimeter Lot Signs				
Max. Number (per entrance)	1	1	2	2
Max. Sign Area	2 square feet	2 square feet	2 square feet	2 square feet
Max. Height	4 feet	4 feet	4 feet	4 feet
Interior Lot Signs				
Max. Number (per acre)	10	10	20	20
Max. Sign Area (number of signs of each size)	1 at 16 square feet 9 at 4 square feet	1 at 16 square feet 9 at 4 square feet	1 at 32 square feet 19 at 4 square feet	1 at 32 square feet 19 at 4 square feet
Max. Height	12 feet	12 feet	12 feet	12 feet
Max. Copy Height	4 inches	4 inches	4 inches	4 inches
Sign Features				
Illumination	Yes	Yes	Yes	Yes
Animation	No	No	No	No

- 2. Incidental Sign Setback.** The incidental sign setback is the setback from any street frontage that regulates the location and size of incidental signs. Table 8-3-12-10: Incidental Signs by District defines the incidental sign setback for each district. Incidental signs on a lot must comply with the applicable incidental sign setback for the district. Figure 8-3-12-1 illustrates the sign setback for incidental sign locations.

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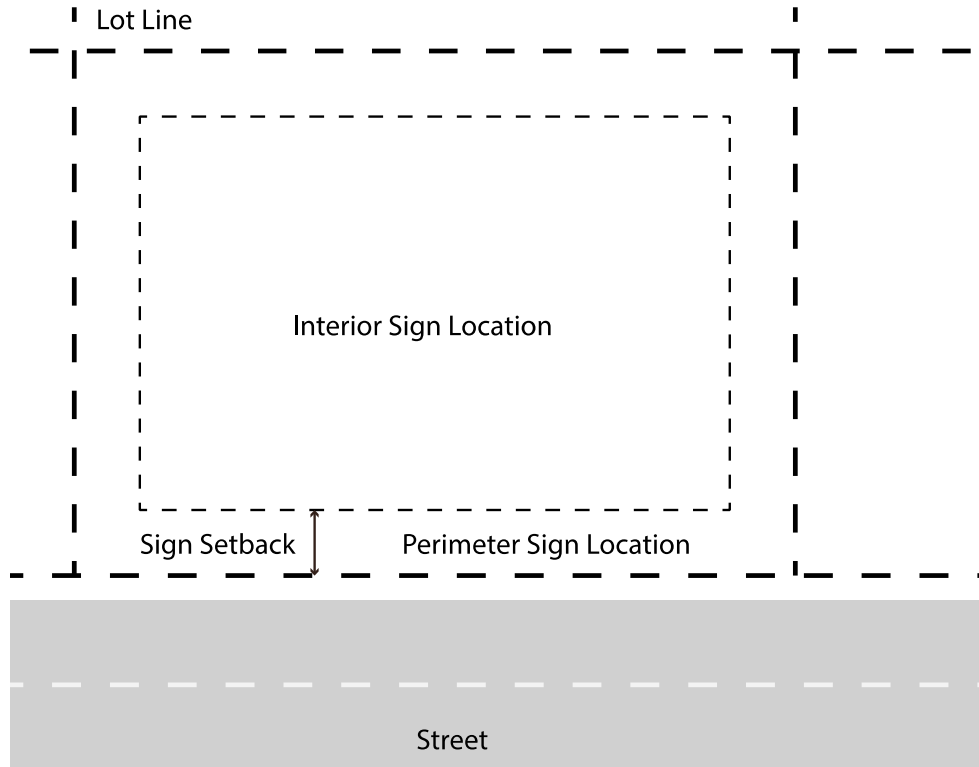


Figure 8-3-12-1 Incidental Sign Setback

- a. *Lot Perimeter Signs.* Lot perimeter signs are signs that may be located between the right-of-way and the applicable sign setback.
 - b. *Lot Interior Signs.* Lot interior signs must be located on the interior of a lot and may not be located within the sign setback.
3. *Number and Location.*
 - a. *Lot Perimeter Signs.* Table 8-3-12-10 defines the maximum number of lot perimeter signs per entrance to a public street. All lot perimeter signs must be located within 15 feet of an entrance to a public street.
 - b. *Lot Interior Signs.*
 - (1) Table 8-3-12-10 defines the maximum number of lot interior signs per acre. The standards generally allow different sizes of signs in different numbers for each district. The standards allow one larger incidental sign that exceeds the sign area and height allowance for smaller incidental signs.
 - (2) Lot interior signs may be located on a building façade if the building is within the incidental sign setback.
4. *Design Standards.*

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- a. *Roof Signs Prohibited.* Roof signs are not allowed. Incidental signs may not extend above the eaves line or parapet of the building.
- b. *Wall Signs.* An incidental sign on a wall must affix flush against the wall of the building.

J. Temporary Signs.

1. *Standards.* Temporary signs are allowed without a permit in all districts and must comply with the standards in Table 8-3-12-11: Temporary Signs by District.

Table 8-3-12-11 Temporary Signs by District

Standard	Rural	Residential	C1 and LO	Other Commercial/ Industrial
Max. Number (per property)	6	6	6	6
Total Sign Area (per lot)	64 square feet	64 square feet	96 square feet	96 square feet
Max. Sign Area (per sign)	32 square feet	4 square feet	32 square feet	32 square feet
Max. Sign Height	12 feet	8 feet	8 feet	12 feet
Illumination	No	No	Yes	Yes
Animation Allowed	No	No	No	No

2. *Number.* Table 8-3-12-11 defines the maximum number of temporary signs per property at any one time.
3. *Sign Area.* Table 8-3-12-11 provides a cumulative area (total sign area) for all temporary signs and a maximum area for one sign (max. sign area).
4. *Duration for Display.* One temporary sign may be displayed on each lot without any time limitation. All other temporary signs may only be displayed for one year or less.
5. *Removal of Signs.* The owner of the sign or the owner of the property where the sign is located must completely remove the sign at the expiration of the time for display of the sign.

K. Billboards.

1. *Where Allowed.*

- a. Billboards are:
 - (1) Allowed as uses permitted by right in the Commercial and Industrial Districts, except as provided below; and
 - (2) Prohibited in transitional districts, LO and CI.
- b. In addition to the zoning district limitations, billboards are only permitted on property that abuts a Federal Interstate Highway or U.S. Highway, an Idaho State Highway, or a street classified as an arterial on the County's Master Street Map. Billboards are not permitted on sites abutting other street classifications or within scenic byway corridors.

2. Sign Standards.

- a. Billboards must comply with the standards in 8-3-12-12: Billboard Standards by District.

Table 8-3-12-12 Billboard Standards by District

Standard	Rural	Residential, Transitional, C1 and LO	Other Commercial/ Industrial
Max. Sign Area	650 square feet	Not allowed	650 square feet
Max. Sign Height	50 feet		40 feet
Illumination	Yes		Yes
Animation	20%		20%

- b. The minimum clearance between ground level and the lowest point of display surface, exclusive of supports, is at least 6 feet.

3. Location.

- a. The billboard's location must comply with all established building lines and required setbacks as outlined in this chapter and all other ordinances of the County.
- b. Where there is no building setback line established by ordinance or subdivision plat, billboards must be set back from the front lot line at least 25 feet.
- c. If a railroad right-of-way crosses a public right-of-way, required setbacks or established building lines on adjacent properties are extended through or across the railroad right-of-way.
- d. A billboard may not be constructed, erected, or placed in any way on the roof or walls of a building. A billboard may be constructed

over but not on a roof if there is a minimum distance between the roof and the lowest point of the sign surface of 10 feet.

4. *Spacing Between Billboards.*

- a.** A billboard may not be constructed, erected, placed, or replaced closer than 750 feet to another billboard in any direction.
- b.** The measurement for the spacing requirement is from the center of the sign support structure.

5. *Spacing from Districts or Uses.*

- a.** A billboard may not be constructed, erected, placed, or replaced closer than 50 feet to the nearest property zoned R4, R6, and R8.
- b.** A billboard may not be constructed, erected, placed, or replaced closer than 150 feet to the nearest detached single-family residential building.

6. *Lighting.* Billboards may be illuminated in compliance with section 8-3-7 of this chapter, and any other applicable ordinances. However, no flashing or intermittent lighting of billboards is permitted.

L. Nonconforming Signs.

- 1.** Nonconforming signs are a nonconforming use or structure and may continue in use subject to the standards set forth in Chapter 7 of this title.
- 2.** Signs or sign structures for a nonconforming use may not be enlarged, altered, or relocated, other than as provided in this article or in section 8-7-3 of this title.

Ada County Zoning Ordinance
DRAFT APRIL 12, 2021 – FOR DISCUSSION ONLY

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Chapter 4 Use Standards

Purpose: *The general purpose of this Chapter is to establish land uses to zoning districts and prescribe additional regulations applicable to those uses.*

8-4-1 Purpose

- A. **Generally.** This chapter provides additional standards for specific uses established within Table 8-2-23-2.

8-4-2 Applicability

- A. This chapter applies to any property in unincorporated Ada County where the specific use is listed as a permitted, accessory, or conditional use in the base district or overlay district. (Ord. 389, 6-14-2000)
- B. Table 8-2-23-2 identifies which use requires specific use standards with a “Y”.
- C. These standards are in addition to the requirements of Chapter 3, Development Standards. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-3 Accessory Structure

- A. **General Standards.**
1. A principal permitted dwelling with a valid zoning certificate, certificate of occupancy, or a principal permitted dwelling under construction with a valid building permit, is present on the subject property.
 2. The structure is not used as an additional dwelling, except as provided for secondary dwellings.
 3. The structure is not used for commercial or industrial purposes unless approved as part of a home occupation.
 4. The accessory structure does not store commercial vehicles, except as provided in section 8-3-10.
 5. Coverage calculations include all accessory structures for a particular property.
- B. **Location Standards.** The following location restrictions apply to accessory structures:
1. Accessory structures shall not be located in any required setbacks or on any publicly dedicated easements.
 2. Accessory structures in the front yard shall not impede connection of the dwelling to a municipal wastewater collection and treatment system.

3. Accessory structures in the front yard shall not block the view of the main entrance to the principal permitted dwelling.
4. .
- C. **Height Standards.** The following height restrictions apply to accessory structures:
 1. An accessory structure shall not exceed a height of twenty-four feet (24').
- D. Design Standards
 1. All accessory structures shall meet all of the following design standards:
 - a. The roofing and finish materials shall be complimentary to the principal permitted building.
 - b. The roof shall have a similar pitch to that of the principal permitted dwelling.

8-4-4 Adult Entertainment Establishment

- A. **Separations.** In recognition of Idaho Code section 67-6533, the following required distance separations apply:
 1. No adult entertainment establishment is allowed within one thousand feet (1,000') of another existing adult entertainment establishment.
 2. No adult entertainment establishment is located within two thousand five hundred feet (2,500') of any religious land use.
 3. No adult entertainment establishment is located within two thousand five hundred feet (2,500') of any school.
 4. The applicant shall provide evidence certified by a professional land surveyor licensed in the state of Idaho that the proposed adult entertainment establishment conforms to the separation requirements of this subsection A.
- B. **Signs.**
 1. All adult entertainment establishments shall comply with Section 8-3-12.
 2. Any business providing adult entertainment or adult material shall have in place at each entrance to such business a legible door sign (as defined herein) stating "Persons under 18 years of age not permitted". The sign shall be no less than 0.5 square feet and no greater than one square foot in area. This sign shall not require administrative approval as set forth in Section 8-3-12. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

Zoning Ordinance

Chapter 4 Use Standards | 8-4-5 Agritainment; Equestrian Event Facility OF

8-4-5 Agritainment; Equestrian Event Facility ¹

- A. Size.** The following min property size requirements apply to agritainment and equestrian event facilities:
- Agritainment, Small.* Agritainment activities occurring on properties of at least is two and one-half (2.5).
 - Agritainment, Large.* Agritainment activities occurring on properties of at least twenty (20) acres.
 - Equestrian Event Facility.* The minimum property size is five (5) acres.
- B. Setbacks.** All structures shall set back at least 100 feet from any existing dwelling on an abutting property.
- C. Lighting.** Any outdoor arena lighting must direct light downward. Producing any glare or direct light onto nearby properties is prohibited. Illumination is prohibited after 10:00 p.m.
- D. Noise.** Uses shall comply with all County noise standards.
- E. Maneuverability.** Uses shall provide sufficient parking and turnaround areas for horse trailers and large vehicles. These areas shall preclude vehicles from backing out into a roadway.
- F. Event Operational Standards.** Uses follow the event operational requirements established in Table 8-4-7-1.

Table 8-4-7-1 Event Operational Standards

Property Requirements (Acres)	Hours of Operation	Number of Participants and Spectators			
		Event (0 – 25)	Informal Event (26 – 50)	Minor Event (51 – 150)	Major Event (151)
Up to 9.99	7 a.m. – 10 p.m.	Unlimited on any day	Prohibited	Prohibited	Prohibited
10 – 19.99	7 a.m. – 10 p.m.	Unlimited on any day	Unlimited on Saturday & Sunday; maximum of 4 weekdays per month	Maximum of 3 per year	Prohibited
20 – 39.99	7 a.m. – 10 p.m.	Unlimited on any day	Unlimited on Saturday & Sunday; maximum of 8	Maximum of 6 per year	Prohibited

New language for agritainment and equestrian event facility uses. The proposed regulations mitigate for the potential adverse impacts of these uses within a rural setting. Additionally, the existing regulations from Riding Arena are included in this section.

Property Requirements (Acres)	Hours of Operation	Number of Participants and Spectators			
		Event (0 – 25)	Informal Event (26 – 50)	Minor Event (51 – 150)	Major Event (151)
			weekdays per month		
44+	7 a.m. – 10 p.m.	Unlimited on any day	Unlimited on Saturday & Sunday; maximum of 16 weekdays per month	Maximum of 12 per year	Maximum of 8 per year

G. Conditional Use may Apply. A conditional use permit may be required for any uses that:

1. Is open to the general public, a homeowners' association or a club.
2. Have an enclosed structure that exceeds twenty-four feet (24') in height and/or the total area of the structure exceeds two thousand (2,000) square feet.
3. Rents equipment or livestock to an individual or group.
4. Provides spectator seating for more than fifty (50) people.
5. Offers accessory retail sales on site.
6. Provides group lessons to the general public.

8-4-6 Airport

- A. Prior to application, the applicant or owner shall receive airspace approval from the Federal Aviation Administration (FAA).
- B. The runway design shall comply with the design and construction standards and recommendations in the Federal Aviation Administration handbook entitled "Airport Design", advisory circular 150/5300-13.
- C. If applicable, the applicant shall provide verification of compliance with the regulations and requirements of the following agencies:
 1. Federal Aviation Administration.
 2. Idaho Transportation Department (Bureau of Aeronautics).
 3. Idaho Military Division-National Guard.
 4. The City of Boise Airport Commission.
- D. Any airport master site plan shall include any accessory uses including, but not limited to, fuel storage areas, structures, or facilities for storing and maintenance of aircraft, and any outdoor storage or tie down areas.

Zoning Ordinance**Chapter 4 Use Standards | 8-4-7 Amusement or Recreation Facility, Outdoor^{1F}**

- E. As applicable, the applicant shall obtain written approval for fuel tanks from Idaho Division of Environmental Quality, Idaho Department of Water Resources, and the appropriate fire authority.
- F. The following areas prohibit airports:
 - 1. The Snake River natural area birds of prey and canyon preservation as noted on the Ada County comprehensive plan generalized future land use map; or
 - 2. The Snake River birds of prey national conservation area. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-7 Amusement or Recreation Facility, Outdoor²

- A. **General Standards.**
 - 1. Any outdoor speaker system associated with the amusement or recreation facility shall comply Section 5-13-3.
 - 2. All outdoor activities and events shall conclude by ten o'clock (10:00) P.M. All illumination shall terminate by one hour after the event's conclusion.
- B. **Drive-In Theater.**
 - 1. *Projection Screen.* The projection screen shall not be:
 - a. located closer than fifty feet (50') from any public street,
 - b. visible from a public street, and
 - c. located closer than three hundred feet (300') from a residential district or use.
 - 2. *Access and Stacking.*
 - a. The site shall have access from a principal or minor arterial.
 - b. Vehicle stacking lanes shall be available on the property, but outside the theater entrance.
 - c. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by theater patrons.
 - 3. *Screening.* A landscape plan for all property lines abutting a residential district shall include a six-foot (6') sight obscuring fence, wall, or screen.
 - 4. *Noise.* Central loudspeakers are not permitted. Individual loudspeakers shall be designed to be heard by the occupants of one vehicle only.

The existing regulations for Golf Courses and Country Clubs are now located under the Amusement or Recreation Facility, Outdoor category

Zoning Ordinance**Chapter 4 Use Standards | 8-4-7 Amusement or Recreation Facility, Outdoor1F**

5. *Accessory Uses.* Accessory retail uses (including, but not limited to, food or beverage service) associated with the theater may be allowed if designed for use by patrons of the drive-in theater only.

C. Golf Course and Country Club.

1. *Eligibility.* To be eligible for an accessory country club and/or sale of alcoholic beverages, the golf course shall be a bona fide golf course as defined by Idaho Code section 23-903.
2. *Accessory Uses.*
 - a. Accessory sales and rental of golf equipment are allowed.
 - b. All other accessory structures to the golf course shall not be located within one hundred feet (100') of an abutting property within a residential district.
 - c. No outdoor recreation area associated with the country club shall be located within fifty feet (50') of any property line.
 - d. If an outdoor swimming pool is proposed on site, the pool shall be enclosed with a six-foot (6') barrier that meets the requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.
3. *Design.* The golf driving range design shall protect abutting property and roadways from golf balls.
4. *Noise.* Any outdoor speaker system associated with the golf course or country club shall comply with Section 5-13-3.
5. *Location.* For reasons of public health, safety and welfare, an accessory country club or clubhouse shall only be allowed on property located within a fire district.
6. *Storage.* Outdoor storage areas shall comply with Section 8-4-51. (Ord. 389, 6-14-2000; amd. Ord. 620, 5-24-2006; amd. Ord. 902, 10-2-2019)

D. Golf Driving Range.

1. *Accessory Uses.* Accessory sales and rental of golf equipment are allowed.
2. *Design.* The golf driving range design shall protect abutting property and roadways from golf balls.

- E. **Swimming Pool.** Any outdoor swimming pool shall be completely enclosed within a six-foot (6') barrier that meets the requirements of the Ada County building code as set forth in title 7, chapter 2 of this code. (Ord. 389, 6-14-2000; amd. Ord. 852, 3-2-2016; amd. Ord. 902, 10-2-2019)

8-4-8 Asphalt or Concrete Ready-Mix Plant

- A. **Accessory Use.** Asphalt mixing and concrete batching may be allowed as accessory uses to a pit, mine, or quarry in the Rural Preservation (RP) and Rural Residential (RR) districts. See Section 8-4-53.
- B. **Setback.** Any structure or equipment shall set back at least one thousand feet (1,000') from any dwelling other than the dwelling of the owner or caretaker of the subject property.
- C. **Storage.** Outdoor storage areas shall comply with Section 8-4-51. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-9 Auction

- A. **Generally.**
 - 1. Outdoor auction facilities are only allowed in rural districts.
 - 2. Outdoor auctions that exclude the sales and trading of livestock are allowed in all other districts. See Section 8-4-63 for indoor auctions.
- B. **Separation.**
 - 1. A three-hundred-foot (300') separation shall be maintained between the area and structures where animals are housed and any residential district or use.
 - 2. This requirement may be waived where the owner and/or operator of the establishment can demonstrate that the area or structure in which the animals are housed shall not allow sound or odors to be transmitted to the residential district or use.
- C. **Outdoor Storage.** Outdoor storage areas shall comply with Section 8-4-51. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-10 Vehicle Repair, Minor; Vehicle Sales

- A. **Generally.** The use shall not constitute a junkyard as defined in Chapter 10, Definitions.
- B. **Enclosure.** All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.
- C. **Storage.** Outdoor storage of accessories, replacement parts, or discarded parts shall comply with Section 8-4-51.
- D. **Landscaping and Screening.**

Zoning Ordinance

Chapter 4 Use Standards | 8-4-11 Vehicle Repair, Major

1. Inoperable or dismantled motor vehicles shall be stored behind a sight obscuring fence, wall, or screen or within an enclosed structure and shall not be visible from any street or private road.
2. Automotive sales and rental areas shall be subject to the landscape and screening requirement of parking areas in Section 8-3-8. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-11 Vehicle Repair, Major

- A. **Generally.** The use shall not constitute a "junkyard" as defined in Chapter 10, Definitions.
- B. **Enclosure.** All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.
- C. **Storage.** Outdoor storage of accessories, replacement parts, or discarded parts shall comply with Section 8-4-51.
- D. **Screening.** Inoperable or dismantled motor vehicles shall be stored behind a sight obscuring fence, wall, or screen or within an enclosed structure and shall not be visible from any street or private road. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-12 Automotive, Hobby

- A. It is the intent of this regulation to allow for restoration, maintenance, and/or preservation of motor vehicles as a hobby. The following standards shall apply:
 1. No wholesale or retail sale of automotive parts or supplies.
 2. No commercial restoration, repair, or maintenance of motor vehicles.
 3. The site does not create a public nuisance, junkyard, or automobile wrecking yard.
 4. No more than two (2) inoperable, dismantled, or unregistered motor vehicles may be visible from any street or private road. All other inoperable, dismantled, or unregistered motor vehicles shall be stored:
 - a. in the rear or side yard behind a sight obscuring fence, wall, or screen that is not less than six feet (6') tall, or
 - b. within a completely enclosed structure. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-13 Bar; Brewpub; Nightclub

- A. **Generally.** The facility shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.
- B. **Location.**
 - 1. No bar, brewpub, or nightclub shall be located within one thousand feet (1,000') of any religious land use or school property.
 - 2. No bar, brewpub, or nightclub shall be located within three hundred feet (300') of any residential use³.
- C. **Outside Activity.** For properties abutting a residential district, no outside activity or event shall be allowed on the site. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-14 Bed and Breakfast Establishment

- A. **Owner Occupancy.**
 - 1. A bed and breakfast establishment is an owner occupied dwelling.
 - 2. For the purposes of this subsection, an "owner" means a person with a fifty percent (50%) or greater interest in the bed and breakfast establishment.
- B. **Renovations.**
 - 1. If remodeling or renovating an existing structure, the exterior appearance of the structure shall resemble a single-family dwelling.
 - 2. 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. **Occupancy Limit.** No more than ten (10) occupants (including, but not limited to, the owner, the owner's family, and any resident or nonresident employees) shall occupy the bed and breakfast establishment at any one time (daytime, evening, or night).

8-4-15 Campground

- A. **Design Standards.**

Added this stipulation per common best practices to mitigate adverse effects of bars from residential areas

1. *Location.* The applicant shall indicate the specific location of each proposed cabin, campsite, or recreational vehicle space on the master site plan.
 2. *Landscape Setbacks.*
 - a. On property boundaries adjacent to a public right of way require a fifty foot (50') landscaped setback with protective screening or fencing.
 - b. Those property boundaries abutting private property shall require a fifty-foot (50') landscape setback with protective fencing.
 3. *Separation.* A three-hundred-foot (300') separation shall be maintained between any outdoor activity area (including campsites and recreation facilities) and any residential district.
 4. *Noise.* Any outdoor speaker system associated with the campground shall comply with Section 5-13-3.
- B. Accessory Uses.** Accessory uses including, but not limited to, management headquarters, recreational structures, coin operated laundry facilities, toilets, and showers may be allowed, subject to the following restrictions.
1. These uses shall be restricted in their use to occupants of the campground.
 2. These uses shall present no visible evidence of their commercial character to attract customers other than occupants of the campground.
 3. The structures enclosing these uses shall not be located closer than one hundred feet (100') to any public street and shall not be directly accessible from any public street, but shall be accessible only from a drive within the campground.
- C. Use of Spaces.** Spaces may be used by tents or temporary shelter arrangements or devices (including recreational vehicles).

8-4-16 Car Wash

- A. Site Plan.** All businesses providing self-service or drive-through car wash facilities shall identify the stacking lane and wash location on the master site plan.
- B. Accessory Use.** If within the C1 district, a car wash facility shall be allowed only as an accessory use to a gasoline, diesel, or alternative fuel sales facility. The car wash facility shall limit capacity to a single vehicle.
- C. Setbacks.** At least one hundred foot (100') shall separate any car wash facility and any residential district or use.
- D. Noise.** Any outdoor speaker system associated with the car wash shall comply with Section 5-13-3.

E. Stacking Lanes.

1. Vehicle stacking lanes shall be available on the property but outside the car wash facility entrance.
2. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons.
3. These stacking lanes shall be separate from areas required for access and parking and depicted on the master site plan showing the car capacity and adequate turning radius for standard vehicles.
4. The stacking lanes shall not be located within ten feet (10') of any residential district or use. (Ord. 389, 6-14-2000; amd. Ord. 772, 7-27-2011; amd. Ord. 902, 10-2-2019)

8-4-17 Cemetery

A. Generally.

1. For the purposes of this subsection, the term "structures" shall include, but not be limited to, mausolea, columbaria, and crypts.
2. Structures shall conform to the height limitation and required yards for the applicable base district.

B. Setbacks.

1. No structure, excluding fences or walls, shall be located within one hundred feet (100') from any existing dwelling other than the dwelling of the owner or caretaker.
2. Graves and monuments shall be set back at least fifteen feet (15') from any property line.

C. Platting. All cemeteries shall be platted according to Chapter 5, Subdivision Standards.

D. Private Ownership. If the cemetery is privately owned, the cemetery shall be established as a perpetual care cemetery in accord with Idaho Code section 27-401.

E. Accessory Uses. If the cemetery use includes a mortuary, the mortuary is considered an accessory use to the cemetery. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-18 Club or Lodge or Social Hall

A. Setbacks. All structures shall meet the minimum required setbacks for the applicable base district, or a thirty five foot (35') minimum setback from any

public street and twenty five feet (25') from any other property line, whichever is greater.

- B. Food Service.** Any food service shall be approved by the Central District Health Department. (Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001; amd. Ord. 902, 10-2-2019)

8-4-19 Composting Facility

- A. Generally.** The use shall comply with all applicable regulations pertaining to designation, licensing, and maintenance of commercial composting facilities including, but not limited to, federal, state, and local statutes, rules, and/or ordinances.
- B. Grass Composting.** Grass composting shall only be allowed when the applicant can demonstrate that the use will not cause undue adverse impacts on surrounding properties.
- C. Storage.** All structures, outdoor storage areas, or any areas where compost is stored shall be located at least one hundred feet (100') from any residential district or use and shall meet the standards of Section 8-4-51.
- D.** For the purposes of this subsection, compost material shall not be considered a fertilizer, and shall not be restricted by Section 8-3-2J.
- E. Nuisance.** The site shall not create a public nuisance. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-20 Contractor Yard

- A. General Standards.**
1. *Storage.*
 - a. If the property is located in a residential or rural base district, all outdoor storage areas shall be located at least fifty feet (50') from any property line abutting other property and depicted on the master site plan.
 - b. The one-hundred-foot (100') buffer from the property line shall have a vegetative ground cover and shall be regularly maintained to prevent weed growth.
 - c. All structures and outdoor storage areas shall be depicted on the master site plan.
 2. *Structures.* If the property is located in a transitional or rural base district, all structures shall be located at least fifty feet (50') from any property line abutting other property and depicted on the master site plan.

3. *Property Size.* If the property is located in a residential or rural base district the minimum property size for a contractor's yard shall be three (3) acres.
4. *Screening.* Outdoor storage areas shall be screened year-round and comply with Section 8-4-51.
5. The site shall not be used as a "junkyard" or "automobile wrecking yard" as defined in Chapter 10.
6. For the purposes of this title, a contractor's yard or shop is not a home occupation.
7. *Access.* The property shall have approved access from an improved public roadway for the use.
8. *Accessory Uses.*
 - a. Maintenance of vehicles or machinery shall be incidental to the contractor's yard or shop and the incidental use shall only include minor repair.
 - b. Accessory office space shall comply with Section 8-4-49 and shall be identified on the master site plan.
 - c. No retail sales associated with a contractor's yard or shop may occur on the property unless retail sales are approved with a different use that allows retail sales.
9. *Parking.*
 - a. Parking area improvements shall comply with the standards found in Section 8-3-10 and shall be delineated on the master site plan or parking plan.
 - b. No on street parking of vehicles or equipment associated with the use is allowed.
10. *Noise.* Use of the property shall comply with Section 5-13-3.
11. *Hours of Operation.* Hours of operation are limited between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. unless otherwise approved or restricted with a conditional use permit.
12. *Change in Use.* A building permit may be required for the change in use or occupancy of any existing structure, or portion thereof, used in association with a contractor yard.
13. *Inspection.*
 - a. For the duration of the approval, the use shall be subject to zoning inspection upon advanced notice and request by the Ada County Development Services Department.

- b. If a permit holder refuses to allow inspection of the premises by the Development Services Department, the approved zoning certificate or conditional use permit may be revoked.
- B. **Additional Standards.** Additional standards for a contractor yard permitted as a conditional use:
 - 1. *Application Requirements.* The application materials shall include the following documentation:
 - a. The proximity of existing dwellings;
 - b. The number of employees at the largest shift;
 - c. The hours and days of operation;
 - d. The number and type of vehicles that will be stored/used on the site;
 - e. Dust;
 - f. Noise;
 - g. Outdoor loading;
 - h. Traffic.
 - 2. *Duration.* The duration of a conditional use permit for a contractor yard shall be limited within the RR, RP, RSW, and RUT Districts. The conditional use permit shall expire five (5) years following the approval date, or upon annexation of the subject property into a city, whichever occurs first. Upon expiration of the conditional use permit, all equipment and materials stored outdoors shall be removed within thirty (30) days from the subject property. (Ord. 389, 6-14-2000; amd. Ord. 743, 2-10-2010; amd. Ord. 902, 10-2-2019)

8-4-21 Crematory

- A. The applicant or owner shall obtain written approval from the state of Idaho Division of Environmental Quality.
- B. **Setbacks.** A crematory, whether lying within or without the limits of a cemetery, shall set back at least one hundred feet (100') from any property line. The applicant shall provide written documentation that the crematory structures and equipment shall not create a public nuisance by reason of smoke or odor extending beyond or outside of the property lines of the subject premises.
- C. **Nuisance.** The site shall not create a public nuisance. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-22 Dangerous or Protected Animals⁴

A. Standards.

1. The facility, which may include more than one structure, must be located within a rural base district on at least forty (40) contiguous acres of land.
2. The applicant shall apply for a conditional use permit for approval of a conceptual development plan.
 - a. The decision making body shall determine the approval period for the conceptual development.
 - b. The maximum allowable time period shall not exceed twenty (20) years.
3. Allowable ancillary uses consistent with the research and educational mission of the endangered or protected species research facility, can be established at the time of conditional use permit approval of a conceptual development plan. These uses may include, but not be limited to:
 - a. museums,
 - b. visitor centers,
 - c. incidental retail,
 - d. libraries,
 - e. classrooms,
 - f. offices,
 - g. meeting spaces,
 - h. staff residences,
 - i. storage buildings and
 - j. veterinary and laboratory facilities.
4. Additional ancillary uses identified at time of conceptual development plan application may require separate conditional use approval at the time of development.
5. Unless specifically exempted or amended as part of an approved conditional use permit, all structures and uses, with the exception of incidental storage or utility structures having a building footprint of more than one thousand five hundred (1,500) square feet, shall set back two hundred feet (200') from any property line abutting a residential use.

Only the existing standards are provided.

Zoning Ordinance**Chapter 4 Use Standards | 8-4-23 Daycares (Daycare Center, Family Daycare Home, Group Daycare Facility) and Group Homes**

6. In no case shall setbacks be reduced below the minimum standards for the base zoning district, unless a variance is approved pursuant to Section 8-7-4⁵.
7. Incidental storage or utility structures having a building footprint of less than one thousand five hundred (1,500) square feet shall comply with standard setbacks for the base zoning district.

8-4-23 Daycares (Daycare Center, Family Daycare Home, Group Daycare Facility) and Group Homes

A. Standards For Daycare Centers.

1. There shall be at least thirty-five (35) square feet 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.
2. On site vehicle parking and pick up and turnaround areas shall provide safe discharge and pick up of clients.
3. The decision making body shall specify the maximum number of allowable clients as a condition of approval, based on the requirements of this title and Idaho Code.
4. The decision making body shall consider the uses of the surrounding properties in the determination of the compatibility of the proposed daycare center with such uses. The decision making body may require additional conditions as are necessary to protect the public health, safety, and welfare of the clients.
5. No portion of the facilities used by clients may be within three hundred feet (300') of explosive or hazardous material storage including, but not limited to, the following uses: brewery or distillery, explosive manufacturing or storage, flammable substance storage, gasoline, diesel, or alternative fuel sales facility, manufacture or processing of hazardous chemicals or gases, and winery.
6. The daycare center operator shall secure and maintain a daycare center license from the state of Idaho Department of Health and Welfare.
7. The daycare center operator shall provide a minimum outdoor recreation area of one hundred (100) square feet percent. The minimum recreation area requirement may be waived if:
 - a. there is greater or equal area of parks that abut the facility that can be used by the clients, or

To be cross referenced to the variance section when Module 3 is complete.

Zoning Ordinance**Chapter 4 Use Standards | 8-4-23 Daycares (Daycare Center, Family Daycare Home, Group Daycare Facility) and Group Homes**

- b. the program design is such that the number of clients using the recreation area at any one time conforms to the one hundred (100) square foot per client criteria.
 - 8. All outdoor recreation areas shall be completely enclosed by a minimum of six-foot (6') barriers to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.
 - 9. Outdoor play equipment over six feet (6') high shall not be located in any required yard.
 - 10. The proposed use shall be located and designed to protect the health, safety, and welfare of the clients.
 - 11. Minimum staff required is one per six (6) clients under eighteen (18) months; one per twelve (12) clients eighteen (18) months to five (5) years; and one per eighteen (18) clients aged five (5) years or older.
 - 12. A fire inspection and a health inspection are required by Idaho Code sections 39-1104, 39-1109 and 39-1110. The daycare operator shall apply to the Idaho Department of Health and Welfare for the inspections.
 - 13. A criminal history check is required by Idaho Code section 39-1105. The daycare operator shall apply for the criminal history check at the Idaho department of health and welfare.
 - 14. Immunizations and staff training are required by Idaho Code sections 39-1118 and 39-1119.
 - 15. A commercial building permit is required for the entire structure(s) used for the daycare center.
 - 16. Hours of operation are limited to six thirty (6:30) A.M. to seven (7:00) P.M. or as specified in the conditional use permit.
- B. Standards for Family Daycare Homes.**
- 1. If any of the clients cared for at the family daycare home are younger than seven (7) years of age, a criminal history check of staff shall be obtained from the Idaho Department of Health and Welfare.
 - 2. Hours of operation are limited to six-thirty (6:30) A.M. to seven (7:00) P.M.
 - 3. Outdoor lighting shall comply with Section 8-3-7.
- C. Standards for Group Daycare Facilities.**
- 1. There shall be at least thirty-five (35) square feet 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.

Zoning Ordinance**Chapter 4 Use Standards | 8-4-23 Daycares (Daycare Center, Family Daycare Home, Group Daycare Facility) and Group Homes**

2. No overnight parking shall be allowed. On-site parking for the group daycare facility shall not use the parking space(s) required for the dwelling unit or other approved uses located on the site.
3. The applicant shall provide a minimum outdoor recreation area of one hundred (100) square feet per client. The Director may waive the minimum recreation area requirement if there is a park that abuts the property that can be used by the clients.
4. All outdoor areas shall be completely enclosed by a minimum of six-foot (6') barriers to secure against exit or entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.
5. Outdoor play equipment over six feet (6') high shall not be located in any required yard.
6. Minimum staff required is one staff person per six (6) clients younger than eighteen (18) months and one staff person per twelve (12) clients eighteen (18) months old or older.
7. A fire inspection is required. The applicant shall apply to the local fire district, or, if not located within a fire district, to the Idaho fire marshal.
8. If any of the clients cared for at the group daycare facility are younger than seven (7) years of age, a criminal history check of staff is required from the Idaho Department of Health and Welfare, per Idaho Code section 39-1114.
9. Hours of operation are limited to six-thirty (6:30) A.M. to seven (7:00) P.M.
10. Outdoor lighting shall comply with Section 8-3-7. (Ord. 389, 6-14-2000; amd. Ord. 675, 11-14-2007; amd. Ord. 766, 12-8-2010; amd. Ord. 772, 7-27-2011; amd. Ord. 902, 10-2-2019)

D. Standards for Group Home.

1. Off-street parking shall be provided as per Section 8-3-10, in addition to the required off-street parking for the dwelling.
2. If the proposed group foster home results in more than ten (10) persons occupying a dwelling at any one time, the applicant or owner shall concurrently apply for a change of occupancy as required by the Ada County building code as set forth in title 7, chapter 2 of this code.
3. The applicant shall provide a minimum outdoor recreation area of one hundred (100) square feet per client. The Director may waive the minimum recreation area requirement if there is a park that abuts the property that can be used by the clients.

Zoning Ordinance**Chapter 4 Use Standards | 8-4-24 Drive-Up Window Service**

4. All outdoor play areas shall be completely enclosed by minimum six-foot (6') barriers to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.
5. The proposed use shall be properly located and designed to protect the health, safety, and welfare of the client.
6. Outdoor recreation equipment over six feet (6') high shall not be located in a front yard or within any required yard.
7. The use shall comply with the flood hazard overlay district as set forth in Section 8-2-28. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-24 Drive-Up Window Service

- A. **Site Plan.** All businesses providing drive-up window service shall identify the stacking lane, menu, and speaker location (if applicable), and window location on the master site plan.
- B. **Stacking Lane.**
 1. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons.
 2. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking and depicted on the master site plan showing the car capacity and adequate turning radius for standard vehicles.
 3. The stacking lane shall not be located within ten feet (10') of any residential district or use.
- C. **Noise.** Any outdoor speaker system associated with the drive-up window service shall comply with Section 5-13-3. (Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001; amd. Ord. 902, 10-2-2019)

8-4-25 Drug and Alcohol Treatment Facility

- A. **Licensing.** The owner of the facility shall secure and maintain a license from the state of Idaho Department of Health and Welfare Mental Health and Substance Abuse Division.
- B. **Location.** In areas that are zoned rural preservation (RP) or rural residential (RR), the facility shall only be permitted if it lies within an area of city impact. (Ord. 389, 6-14-2000; amd. Ord. 674, 9-12-2007; amd. Ord. 902, 10-2-2019)

8-4-26 Dwelling, Additional Farm

- A. **Farm Requirement.** The additional farm dwelling shall be located on a "farm" as defined in Chapter 10, Definitions.
- B. **Occupancy.** The additional farm dwelling shall be occupied by households where at least one individual is an "employee" (as defined in Chapter 10, Definitions) on the farm.
- C. **Location.**
 - 1. The location of the additional farm dwelling shall be:
 - a. on an existing or previously abandoned farmstead, or
 - b. not on prime agricultural land as herein defined.
 - 2. If such alternatives are not available, the farthest extent of the additional farm dwelling shall be located within one hundred feet (100') of the existing farm dwelling.
 - 3. The additional farm dwelling shall not conflict with existing or proposed wastewater treatment systems.
- D. **Demonstration.** The applicant shall demonstrate the need for the additional farm dwelling based on characteristics of the farm and/or farm operation. These characteristics shall include, but are not limited to:
 - 1. The size of the entire farm including all other property used for the farm operation within the immediate area.
 - 2. The types of farm crops and acreage for each type.
 - 3. The operational requirements for the particular farm activity.
 - 4. The number of other permanent or temporary dwellings on the farm.
 - 5. The numbers of owners/employees/workers on the farm (including permanent and seasonal). (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-27 Dwelling, Secondary Attached or Detached ⁶

- A. **General Standards.**
 - 1. *Incidental in Nature.* The secondary dwelling shall clearly be incidental and subordinate to the primary dwelling.

Provided the existing ADU language with additional revisions to make ADUs less onerous to the owner. Increased ADU size from 900' to 1,200' to fit a more rural context. ADUs can be rented out with revised *Occupancy* stipulations. There are design requirements for Attached ADUs where they can be attached to the primary structure in the side, rear, or underneath the first floor. There are additional requirements for Detached ADUs which can be 1 or 2 stories.

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2. *Size.* The maximum habitable space for a secondary dwelling is one thousand two hundred (1,200) square feet or sixty percent (60%) of the footprint of the primary dwelling, whichever is less. This does not include covered outdoor space or attached garage.
 3. *Dimensional Standards.* All secondary dwellings shall meet the dimensional standards for the applicable zoning district.
 4. *Certificate of Occupancy.* A principal permitted dwelling with a valid zoning certificate, certificate of occupancy, or a principal permitted dwelling under construction with a valid building permit, must be present on the subject property.
 5. *Number Allowed.* No more than one permanent additional dwelling including a secondary dwelling shall be permitted on a property.
 6. *Parking.* Off street parking shall be provided as per Section 8-3-10 in addition to the required off street parking for the dwelling.
 7. *Occupancy.* Either the principal dwelling or the secondary dwelling must be owner occupied at all times.
 8. *Design.* The secondary dwelling shall be complimentary with the principal permitted dwelling and shall have a similar roof pitch to that of the principal permitted dwelling.
 9. *Facilities.* The secondary dwelling shall have separate kitchen and bathroom facilities from the principal permitted dwelling.
- B. Additional Standards for Attached Secondary Dwelling Units.**
1. *Size.* The subject property shall have a minimum property size of at least six thousand (6,000) square feet.
 2. *Entry.* Attached secondary dwelling units shall have a primary point of entry separate from the principal dwelling unit.
- C. Conversion.** An existing detached accessory structure may be converted to a secondary dwelling, provided that the structure meets all applicable requirements of the Ada County building code, as set forth in title 7, chapter 2 of this code, and any applicable plumbing or electrical code requirements. (Ord. 389, 6-14-2000; amd. Ord. 715, 12-3-2008; amd. Ord. 902, 10-2-2019)

8-4-28 Explosive Manufacturing or Storage⁷

- A. The following standards apply to explosive manufacturing or storage as a nonaccessory use. This section shall not apply to gasoline fueling stations or research and development facilities.
1. *Setbacks.*
 - a. At least one thousand feet (1,000') shall separate the use from any residential district or use or medical care facility.
 - b. At least three hundred feet (300') shall separate all structures and outdoor activity areas from any property line.
 2. *Enclosure.*
 - a. The facility shall be enclosed by an eight foot (8') high security fence or wall.
 - b. Entrance and exit shall be through a gate that shall be locked during nonbusiness hours.
 3. *Fire Compliance.* The application materials shall include written documentation from the appropriate fire authority approving the proposed location and plan specifications of the facilities.
 4. *Application Materials.*
 - a. The application materials shall include maps and engineering drawings showing:
 - (1) proposed drainage,
 - (2) proposed sewer system design,
 - (3) the depth of the water table,
 - (4) soil composition,
 - (5) all existing surface water, and
 - (6) all existing uses within one-fourth (1/4) mile of the property.
 - b. The applicant shall also furnish evidence that the dangerous characteristics of the particular process or activity in question have been or shall be eliminated or minimized sufficiently to not create a public nuisance or be detrimental to the public health, safety, or welfare.
 5. *Flood Hazard Compliance.* The use shall comply with the flood hazard overlay district as set forth in Section 8-2-28. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

⁷ This use includes flammable and chemical storage, etc. Carried forward the existing language.

8-4-29 Freight or Truck Terminal

- A. **Setbacks.** The use shall be located:
 - 1. At least three hundred feet (300') from any residential district or use; and
 - 2. At least one thousand feet (1,000') from any medical care facility.
- B. **Outdoor Storage.**
 - 1. All outdoor storage of material shall be maintained in an orderly manner to not create a public nuisance.
 - 2. Outdoor storage areas shall comply with Section 8-4-51.
- C. **Accessory Uses.** Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.
- D. **Installation.** Installation of underground fuel tanks shall require written approval from Idaho Division of Environmental Quality, Idaho Department of Water Resources, and the appropriate fire authority. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-30 Fuel Sales

- A. When allowed as an accessory use, gasoline, diesel or alternative fuel sales facilities shall not occupy more than twenty five percent (25%) of the subject property.
- B. Installation of underground fuel tanks shall require written approval from Idaho Division of Environmental Quality, Idaho Department of Water Resources, and the appropriate fire authority.
- C. The use shall comply with the flood hazard overlay district as set forth in Section 8-2-28.
- D. Structures and pump station canopies on corner properties shall observe a thirty five foot (35') minimum setback' from any public street. There shall be a twenty five foot (25') minimum setback from any residential district or use.
- E. The total height of any overhead canopy or weather protection device shall not exceed twenty feet (20').
- F. Vehicle stacking lanes shall be available on the property 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. The stacking lanes shall not be located within ten feet (10') of any residential district or use.
- G. All trash, waste materials, and obsolete automobile parts shall be stored within a separate enclosure behind the principal structure of the gasoline, diesel or

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alternative fuel sales facility. (Ord. 389, 6-14-2000; amd. Ord. 772, 7-27-2011; amd. Ord. 902, 10-2-2019)

8-4-31 Heavy Equipment Sales or Service

A. Enclosure.

1. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.
2. Inoperable or dismantled equipment shall be stored behind a sight obscuring fence, wall or screen or within an enclosed structure, and shall not be visible from any street or private road. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

B. Storage. Outdoor storage of accessories, replacement parts, or discarded parts shall comply with Section 8-4-51.

8-4-32 Home Occupation

A. Standards for All Home Occupations.

1. The home occupation shall not cause the property to differ from its rural or residential character in appearance, or in the emission of noise, dust, fumes, odors, vibrations, or electrical interference.
2. No more than twenty five percent (25%) of the total floor area (both habitable and non-habitable space) of the principal permitted dwelling or one thousand feet (1,000') (whichever is less) shall be devoted to the home occupation or for storing goods or vehicles associated with the home occupation. Home occupations may be located in either the principal permitted dwelling or accessory structures.
3. The structure in which the home occupation is located must have a valid building permit and/or zoning approval. The home occupation and associated storage shall not occupy any space required for off street parking for the principal permitted dwelling.
4. No outdoor storage or outdoor loading shall be allowed, except that one work trailer, work vehicle or commercial vehicle may park on the property.
5. No home occupation shall discharge any hazardous material into any sewer, drainageway or the ground.
6. The following occupations are prohibited as home occupations: service, repair or painting of any vehicle; commercial kennel; adult entertainment;

- commercial composting; sale, repackaging or use of hazardous materials; or use not consistent with the applicable base district purpose statement.
7. Contractor's yard or shop is not a home occupation. Contractor's yard or shop is regulated by specific use standards in this chapter.
 8. Daycare is not a home occupation. Daycare is regulated by specific use standards found in this chapter.
 9. All signs shall comply with Section 8-3-12.
 10. No processing of soil or rock shall be allowed.
 11. Storage or use of hazardous materials, odor causing materials, or other materials that may cause a nuisance or health or safety problems is prohibited.
 12. For the duration of an approved zoning certificate or accessory use permit, the home occupation shall be subject to zoning inspection upon advanced notice and request by the Ada County Development Services Department. If a permit holder refuses to allow inspection of the premises by the department, the approved zoning certificate or accessory use permit may be revoked.
 13. Home occupations shall comply with all applicable state and federal regulations.
 14. In addition to the requirements set forth on the applicable application forms of the department, home occupation applications shall include the following:
 - a. A site plan drawn to scale, depicting the total square footage and location of all existing and proposed structures located within the property boundaries of the subject property.
 - b. A graphical depiction, such as a floor plan, showing the separation of home occupation space from residential and/or accessory use space.
 - c. A detailed letter indicating:
 - (1) The square footage of the proposed area of the home occupation;
 - (2) The number of employees who do not live on site;
 - (3) If retail sales are planned;
 - (4) The hours and days of operation;
 - (5) If group instruction is planned, the number of students at any one time;
 - (6) The number of off street parking spaces;

- (7) The number of commercial vehicles;
- (8) The frequency of pick ups, deliveries and visits by patrons; and
- (9) Any other information relative to the description of the proposed home occupation.

B. Standards for Small Home Occupations.

- 1. A zoning certificate is required. The resident owner of the home occupation shall continuously comply with the restrictions in this section and the specific use standards found in this chapter.
- 2. A building permit may be required for the change in use or occupancy of any portion of the principal permitted dwelling, greenhouse, garage, or accessory structure used for the home occupation.
- 3. The home occupation shall be conducted solely by the residents of the principal permitted dwelling. No employees are allowed.
- 4. No client, customer, and/or student visits shall be allowed.
- 5. The home occupation shall not receive more than two (2) pick ups or deliveries per day.

C. Standards for Large Home Occupations.

- 1. Administrative approval is required. The owner of the home occupation shall continuously comply with the restrictions in this section and the specific use standards found in this chapter.
- 2. A building permit may be required for the change in use or occupancy of any portion of the principal permitted dwelling, greenhouse, garage, or accessory structure used for the home occupation.
- 3. The home occupation shall be conducted by the inhabitants of the principal permitted dwelling, and no more than one nonresident employee shall be permitted to work on site.
- 4. All visits by the nonresident employee, clients and customers, and deliveries, shall occur between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M., Monday through Friday, and between the hours of ten o'clock (10:00) A.M. and six o'clock (6:00) P.M. on Saturday and Sunday.
- 5. Group instruction shall be limited to no more than five (5) students at one time with a maximum of two (2) classes per day.
- 6. The use of an outdoor swimming pool for swimming instruction shall be provided with a barrier which meets the requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.

7. One paved, off street parking space shall be provided for the nonresident employee, plus up to three (3) parking spaces for clients, if applicable, and shall be improved as per Section 8-3-10, in addition to the required off street parking for the dwelling. No overnight parking of client or employee vehicles shall be allowed on site. On site parking may be reduced by the number of off street parking spaces in the driveway and by on street parallel parking spaces in front of the single-family detached dwelling, if applicable.
8. The property shall have no more than twenty (20) additional vehicular trips per day of home occupation traffic.
9. Large home occupations, involving on site visits by clients, customers, and/or students shall not be allowed on private roads unless one of the following can be demonstrated:
 - a. The private road does not provide access or frontage to any other property; or
 - b. An existing or updated recorded maintenance/easement agreement addresses and permits nonresidential use of the private road. (Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001; amd. Ord. 692, 4-23-2008; amd. Ord. 731, 7-29-2009; amd. Ord. 902, 10-2-2019)

8-4-33 Medical Care Facility

- A. **Frontage.** The use shall have frontage on an arterial street.
- B. **Accessory Uses.** Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve patrons of the medical care facility and their visitors only.
- C. **Flood Hazard Compliance.** The use shall comply with the flood hazard overlay district as established in Section 8-2-28.
- D. **Setbacks.** No medical care facility shall be located within one thousand feet (1,000') of the following uses:
 1. explosive manufacturing or storage,
 2. livestock confinement facility with three hundred one (301) or more animal units,
 3. flammable substance storage,
 4. foundry,
 5. freight and truck terminal,
 6. manufacture or processing of hazardous chemicals,
 7. centralized power facility,

8. processing plant for agricultural and dairy products,
9. slaughterhouse,
10. soil or water remediation, or
11. tannery. (Ord. 389, 6-14-2000; amd. Ord. 772, 7-27-2011; amd. Ord. 902, 10-2-2019)

8-4-34 Hotel or Motel

- A. **Setback.** No structure or driveway shall be located within one hundred feet (100') of a property line abutting a residential district or use.
- B. **Accessory Uses.** Accessory retail uses including, but not limited to, restaurants, retail shops, food or beverage service, and personal service shops, may be allowed if such facilities are completely within the hotel or motel structure. A bar or nightclub shall require separate or concurrent approval subject to the regulations of this title.
- C. **Outdoor Recreation Areas.**
 1. No outdoor recreation area associated with the hotel or motel shall be within one hundred feet (100') of a residential district or use.
 2. If an outdoor swimming pool is proposed on site, the pool shall be enclosed with a six foot (6') barrier that meets the requirements of the Ada County building code as set forth in title 7, chapter 2 of this code. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-35 Junkyard or Automobile Wrecking Yard

- A. **Screening.**
 1. Outdoor storage areas shall comply with Section 8-4-51. The fence or wall and screening materials shall be at least ten feet (10') tall.
 2. No portion of the junkyard or automobile wrecking yard outdoor storage areas and/or outdoor activity areas may be visible from any "highway", "interstate", "principal arterial", or "minor arterial" as herein defined.
 3. All materials or parts shall be stored and located within the fenced or walled area. No vehicles or materials shall be stored so they exceed the height of the fence or wall.
- B. **Site Related Standards.**
 1. All structures or outdoor activity areas shall be located at least three hundred feet (300') from any property line. The use shall be located at least one thousand feet (1,000') from any residential district or use.

2. The master site plan shall designate an area for processing vehicles as they are brought to the site. The processing area shall be an impermeable surface that has a means to collect and properly dispose of oils and fluids in the vehicles.
3. The applicant shall obtain all necessary permits for the storage of materials on the site, including, but not limited to, oil, hazardous waste, and tires.
4. No person shall establish, operate, or maintain a junkyard or automobile wrecking yard, any portion of which is within one thousand feet (1,000') of the nearest edge of the right of way and visible from any "highway", "interstate", "principal arterial", or "minor arterial" as herein defined. See Idaho Code section 40-313.
5. The use shall comply with the flood hazard overlay district as set forth in Section 8-2-28.
6. The applicant shall submit review comments from the Boise regional office of the Idaho Division of Environmental Quality with the conditional use permit application. (Ord. 389, 6-14- 2000; amd. Ord. 902, 10-2-2019)

8-4-36 Kennel, Commercial

- A. **Generally.** The owner and/or operator shall comply with all county and state regulations relative to the operation of the commercial kennel.
- B. **Nuisance.** The owner and/or operator shall maintain sanitary practices to not create a public nuisance and to reduce noise and odor.
- C. **Outside Runs⁸.**
 1. *Separation.* A three hundred foot (300') separation shall be maintained between the area and structures where animals are housed and any property line.
 2. *Operational Standards.*
 - a. Outside runs for commercial kennels shall be operated only with an attendant present on the premises twenty four (24) hours a day.
 3. *Fences.*
 - a. Adequate fencing shall be provided to restrain animals from running at large.
 - b. At a minimum, the animals shall be enclosed within a six foot (6') fence or wall.

This is the existing language from the *Animal Boarding with Outside Runs* category

- c. Electronic fences shall not be used as the sole method of restraining animals.
 - d. In residential districts, visual screening shall be required to buffer adjacent land uses. (See also Section 8-3-6.)
- 4. *Accessory Uses.*
 - a. Five percent (5%) of the building floor area, excluding the kennel area, may be used for related retail sales.
 - b. A grooming facility is allowed, but not to occupy more than thirty five percent (35%) of the building floor area, excluding the kennel area. (Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001; amd. Ord. 902, 10-2-2019)

8-4-37 Kennel, Hobby

- A. **Generally.**
 - 1. A maximum of ten (10) dogs shall be allowed as a hobby kennel.
 - 2. For the purposes of this section, a litter of puppies together with the mother, shall count as one dog until the litter reaches six (6) months of age. Each puppy over six (6) months of age shall be counted as one dog.
- B. **Licensing.** The owner shall maintain a valid Ada County dog license for each dog as required by Section 5-7-3. The owner shall comply with Section 5-7-4 regarding limitations on dogs.
- C. **Operational Standards.**
 - 1. Facilities in which dogs are housed and the designated location for feeding and watering shall be in the rear yard and at least fifty feet (50') from any property line.
 - 2. In residential districts and properties under 2.5 acres in the rural base districts, all dogs shall be housed indoors during the night.
 - 3. The dogs shall be physically restrained from running at large. In residential districts, visual screening shall be required to buffer adjacent land uses.
 - 4. No commercial dog boarding shall be allowed.
- D. **Nuisance.** The owner shall maintain adequate housekeeping and sanitation practices designed to prevent the creation of a public nuisance and to reduce to a minimum the factors of noise and odor.

8-4-38 Personal Services⁹

- A. If abutting a residential district, the hours of operation shall be seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. (Ord. 389, 6-14- 2000; amd. Ord. 902, 10-2-2019)

8-4-39 Livestock Confinement Facility

- A. **Definitions.** For the purposes of this section, the following definitions shall apply:
1. The term "existing facility" shall apply to any livestock confinement facility that was legally in existence prior to the effective date of this title.
 2. The term "existing development" shall refer to uses and activities that are nonagricultural or nonindustrial in nature including, but not limited to: dwelling on a property less than ten (10) acres in size and that is under construction, occupied, or listed for rent or sale; amusement or recreation facility; outdoor auction establishment; bed and breakfast establishment; boarding house; children's treatment facility; campground; church; club or lodge or social hall; daycare facility; drug and alcohol treatment facility; golf course; skilled nursing facility; racetrack; residential care facility; and/or school. However, the term shall not include dwellings and/or establishments associated with the AFO operation.
 3. For information on "grandfather rights" for existing uses, see chapter 1, article B, "Nonconforming Property, Use, Or Structure"¹⁰, of this title.
- B. **Applicability.**
1. *Facilities less than 300 animal units.* A new livestock confinement facility or expansion of an existing facility that has three hundred (300) animal units or fewer shall not require Master Site Plan approval.
 2. *Facilities more than 300 animal units but less than 1,000 animal units.* A new livestock confinement facility or expansion of an existing facility that will have more than three hundred (300) animal units shall be deemed an animal feeding operation (AFO) and shall require Master Site Plan approval.
 3. *Facilities more than 1,000 animal units.* A new AFO or expansion of an existing AFO that will have more than one thousand (1,000) animal units shall require conditional use approval.

This stipulation applied to *Laundromats* but should apply to all *Personal Services*.
To be cross referenced to nonconformities language in Module 3.

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4. *Existing facilities more than 230 animal units.* Existing facilities with more than two hundred thirty (230) animal units shall have the option to register their facility with the Ada County Development Services Department by one year after the effective date of this title. The purpose of the registration is to establish the property boundaries and the operating capacity of the livestock confinement facility. Operating capacity shall be either the historic maximum animal units or the maximum design capacity (in animal units) of the facility, whichever number is greater. Existing facilities that register shall be allowed up to a thirty percent (30%) increase in the registered operating capacity without Master Site Plan or conditional use approval.
 5. Aquaculture AFOs are exempt from the regulations in this section, except for manure storage setback.
- C. Location.** Livestock confinement facilities shall be located within an RP, RR, RUT, RSW, R1, R2, R4, R6, or R8 Base District.
- D. Standards for AFOs.** In addition to the requirements of subsection C of this section, the following standards shall apply:
1. *Compliance.* The AFO must comply with and not be in violation of any Federal, State, or local law including, but not limited to, all applicable State of Idaho Department of Agriculture, State of Idaho Department of Environmental Quality, State of Idaho Department of Water Resources, and/or Central District Health Department regulations and specifications.
 2. *Lighting.* All proposed lighting shall comply with the provisions of Section 8-3-7.
 3. *Siting Standards.* For expansions of existing facilities that require Master Site Plan or conditional use approval, the location standards shall only apply to proposed expansions.
 - a. Lagoons and manure storage shall not be located within a Flood Hazard Overlay District.
 - b. All lagoons and manure storage areas shall maintain a minimum separation distance.
 - c. Silage, haylage, potatoes, or any feed product resulting from the ensilage process shall be stored no closer than three hundred feet (300') from any property line.
 - d. Each existing facility with three hundred (300) or more animal units and each proposed AFO shall have a one mile radius sphere of influence from the lagoons and/or manure storage areas. The sphere of influence of a proposed AFO may overlap the sphere of

another AFO if no existing development is within more than two
(2) AFO spheres of influence.

- E. **Alternative Design.** The Director may approve, or recommend approval of, alternative site development when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this section and shall not be detrimental to the public health, safety, and welfare. (Ord. 389, 6-14-2000; amd. Ord. 801, 9-12-2012; amd. Ord. 880, 3-14-2018; amd. Ord. 902, 10-2-2019)

8-4-40 Manufactured Home Park

- A. **Definitions:** For the purposes of this section, the following definitions shall apply:
- COMMON PLAY AREA: Shall refer to the play area required in subsection F3 of this section. The term common play area shall not refer to the outdoor living area required in subsection D4 of this section.
- DRIVE: A privately owned roadway that provides internal circulation for vehicles within the manufactured home park and/or access to manufactured home spaces within the manufactured home park.
- MANUFACTURED HOME SPACE: Shall refer to the area that is for lease or rent as a site to place a manufactured home, including the required outdoor living area. The manufactured home space shall be delineated on an approved master site plan for a manufactured home park.
- SERVICE AREA: Shall refer to areas necessary for the management of the manufactured home park. Such areas may include, but shall not be limited to: storage and collection areas for trash and garbage, loading and unloading areas other than passenger vehicles, and outdoor storage areas.
- B. **Density.** The maximum density of a manufactured home park shall not exceed the maximum density of the corresponding base district.
- C. **Use Standards.**
1. Accessory uses shall be in conformance with the accessory uses of the corresponding base district.
 2. A single-family detached dwelling or a manufactured home may be allowed for the sole use of a caretaker.
 3. A recreational center and clubhouse may be allowed for the use of park residents.
 4. Manufactured home parks shall accommodate only manufactured homes – not vacation trailers or other recreational vehicles except when stored within a designated storage area. A manufactured home shall not remain

overnight in a manufactured home park unless it is parked in a manufactured home space. Not more than one manufactured home shall be parked at one time in a manufactured home space.

5. Manufactured home parks approved subject to the regulations of this section may be expanded or altered after approval is obtained from the decision making body. The application, filed by the owner or other party in interest, shall be filed and processed in the same manner as an application for a new manufactured home park.

D. Manufactured Home Space Design Standards.

1. No manufactured home space shall contain less than two thousand (2,000) square feet. The gross average areas of all spaces in the park shall not be less than three thousand (3,000) square feet. No drives, common play area, or service area shall be considered as providing any part of the required manufactured home space.
2. No manufactured home space shall be less than thirty feet (30') in width and/or depth.
3. The boundaries of each manufactured home space shall have an approved fence, wall, planting, or other permanent marker defining the perimeter of the space.
4. An outdoor living area shall be provided in each manufactured home space. Such outdoor living area shall be a minimum of ten percent (10%) of the individual space, but in no case shall such area be less than three hundred (300) square feet nor required to be more than five hundred (500) square feet. The minimum dimension of such area shall not be less than fifteen feet (15').

E. Drives. Drives shall comply with the following standards and are subject to plan review, field inspection, and approval by the County Engineer:

1. The following construction standards apply to all drives in manufactured home parks:
 - a. A minimum of one drive shall originate at a public street and terminate at a public street. This standard is not intended to require two (2) access points to the manufactured home park.
 - b. Drives shall have rolled concrete curb and gutter sections along both sides of the drive and extending the length of the drive.
 - c. Drives shall be at least thirty feet (30') wide from back of curb to back of curb. The entire width of the drive shall be improved.

- d. Drive shall have a crown or transverse slope a minimum of two percent (2%) to drain water away from the travelway and shall be disposed of in a manner that protects life and property.
 - e. The improved surface shall include 2.5 inches of asphalt plant mix paving on top of the base course of six inches (6") of three-fourths inch (3/4") minus crushed gravel or other materials approved by the county engineers over a stable compacted subbase. As an alternative to asphalt plant mix, concrete shall be allowed with the approval of the county engineer.
 - f. Bridge and culvert crossings shall be designed for a minimum H-16 loading.
 - g. The maximum allowable grade shall be ten percent (10%) slope.
 - h. The minimum center line curve radius shall be fifty feet (50').
 - i. The minimum curb radius at intersections shall be twenty feet (20').
- 2. The County Engineer may approve, or recommend approval of, alternative drive designs when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this section and shall not be detrimental to public health, safety, and welfare.
 - 3. Sidewalks shall be constructed along one side of the drive and constructed to the standards for local streets in the most current edition of the development policy manual as adopted by the Ada County Highway District.

F. Park Design Standards.

- 1. Two (2) off-street parking spaces shall be provided for each manufactured home space. All off-street parking shall be improved to the same standards as drives as noted in subsection E of this section. Parking areas for accessory uses shall be paved in a like manner. For the purposes of this section, off-street parking spaces shall mean off-drive parking spaces.
- 2. Outdoor lighting shall be provided to illuminate drives and sidewalks. Lighting shall be subject to Section 8-3-7.
- 3. Manufactured home parks that accommodate children less than fourteen (14) years of age shall provide a common play area restricted to that use. Parks that qualify as housing for older persons subject to the federal fair housing act are exempt from this regulation.
 - a. At least one hundred (100) square feet of common play area shall be provided per manufactured home space; provided, however, that no such common play area, regardless of the number of

manufactured home spaces, shall be less than two thousand five hundred (2,500) square feet.

- b. The common play area shall be protected from all streets, drives, driveways, and parking areas by a minimum thirty six inch (36") barrier. The fencing material shall meet the swimming pool barrier requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.
 - 4. All manufactured home parks shall comply with the Americans with disabilities act accessibility guidelines.
 - 5. Manufactured home parks shall provide at least a twenty foot side and rear yard.
 - a. Where the neighboring property is in a residential base district, such yard may be used for open space but shall not contain carports, storage structures, or any other structures.
 - b. Where the neighboring property is in a rural, commercial, or industrial base district such yard may be used for open space, group or individual parking, recreational facilities, carports, or storage structures.
- G. **Screening.** The following standards shall be in addition to the landscaping and screening standards in Section 8-3-8.
 - 1. Along the perimeter of the manufactured home park, fences, walls, and/or vegetative screening shall be provided to screen off-street parking areas with more than five (5) spaces and service areas.
 - 2. Fences, walls, and/or vegetative screening along the perimeter of the manufactured home park shall be provided to protect park residents from undesirable views, lighting, noise, or other off- site influences, or to protect occupants of neighboring residential districts from potential adverse influences within the manufactured home park including, but not limited to, undesirable views, lighting, and/or noise.
 - 3. Off-street parking areas with five (5) or more parking spaces and service areas shall be screened from view of park residents.
- H. **Manufactured Home Placement Standards.**
 - 1. Carports, cabanas, awnings, and all other structures, whether herein defined or not, that are attached to the manufactured home shall be considered as a portion of the manufactured home. Such additions and structures shall conform to the requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.
 - 2. Trailer hitches shall not project beyond the manufactured home space.

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3. The minimum distance between a manufactured home (exclusive of trailer hitches) and:
 - a. Any other manufactured home shall be ten feet (10').
 - b. Any structure shall be ten feet (10').
 - c. Any property line (excluding manufactured home space boundaries), shall be equal to or greater than the required setback for the base district.
 - d. Any public street shall be equal to the required setback for the base district.
 - e. Any common drive or walkway shall be five feet (5').
4. Not more than sixty percent (60%) of a manufactured home space may be occupied by a manufactured home and any other accessory structures. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-41 Manufactured Home Storage

- A. Manufactured homes shall not be stored within the required yards. Outdoor storage areas shall comply with Section 8-4-51.
- B. The site shall not be used as a "junkyard" or "automobile wrecking yard" as herein defined.
- C. The use shall comply with the flood hazard overlay district as set forth in Section 8-2-28 (Ord. 389, 6-14- 2000; amd. Ord. 902, 10-2-2019)

8-4-42 Meatpacking/Slaughterhouse Facility

- A. **Setbacks.** All structures or outdoor activity areas shall be located at least three hundred feet (300') from any property line. The use shall be located at least one thousand feet (1,000') from any residential district or use or medical care facility.
- B. **Waste.** The applicant or owner shall obtain written approval of the state of Idaho Department of Health and Welfare for elimination of waste materials.
- C. **Compliance.** The application materials shall include written documentation that the proposed facility meets any applicable federal, state, or local standards regarding such use including, but not limited to, those of the Environmental Protection Agency, the U.S. Department of Agriculture, Central District Health Department, and Idaho Department of Water Resources. (Ord. 389, 6-14- 2000; amd. Ord. 902, 10-2-2019)

8-4-43 Mortuary

- A. **Fire Requirements.** A mortuary may be allowed as an accessory use to a cemetery when located within a fire district and/or when fire flow is available. (Ord. 389, 6-14- 2000; amd. Ord. 902, 10-2-2019)

8-4-44 Multi-Family Development

- A. **Frontage.** The minimum roadway frontage shall be fifty feet (50') for multi-family developments in the R12 and R20 districts.
- B. **Open Space.**
1. The minimum dedicated open space requirement shall be thirty percent (30%) for multi-family developments in the R12 and R20 districts.
 2. Dedicated open space shall abut multi-family development within a planned unit development.
- C. Multi-family site development shall comply with the design standards specified in Section 8-4E-4¹¹.

8-4-45 Nursery, Wholesale or Retail

- A. **Mechanical Equipment.** Outdoor mechanical equipment (including, but not limited to, heaters and fans) shall not be located within fifty feet (50') of a property line. To reduce noise, permanently mounted mechanical equipment shall be enclosed to the maximum extent possible.
- B. **Storage.** Outdoor storage areas for materials shall comply with Section 8-4-51. The following nursery materials shall be exempt from this requirement:
1. Growing plants in ground or in containers; and
 2. Wood chips, bark, rock, gravel, or similar ground cover material where such storage piles do not exceed six feet (6') tall.
- C. **Sound.** Any outdoor speaker system associated with the nursery shall comply with Section 5-13-3.
- D. **Fertilizer.** The application of fertilizer or process wastewater at agronomic rates shall be deemed a component of the nursery use.
- E. **Additional Standards.** Additional standards for wholesale and/or retail nursery within a residential district or adjoining a residential district:
1. All proposed lighting shall comply with the provisions of Section 8-3-7.

To be cross referenced when Module 3 is complete.

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2. Any storage area for material in the process of being converted into compost shall be located at least one hundred feet (100') from any property line.
 3. No aerial spraying of the property shall be allowed.
- F. Retail nurseries in the RUT (rural-urban transition) district shall also comply with the following:
1. The total amount of enclosed retail space shall not exceed five thousand (5,000) square feet. Greenhouses (as defined by this title) shall not be considered retail space.
 2. The property shall have frontage to an arterial street. (Ord. 389, 6-14-2000; amd. Ord. 518, 10-8-2003; amd. Ord. 902, 10-2-2019)

8-4-46 Office, Relating to an Approved Use

- A. An accessory office shall be allowed for an approved use. The office shall not occupy more than twenty five percent (25%) of the gross floor area of the approved use. If the approved primary use is not located in a structure, the office structure shall not occupy more than five percent (5%) of the property area on which the primary use is located or five thousand (5,000) square feet, whichever is less. (Ord. 389, 6-14-2000; amd. Ord. 743, 2-10-2010; amd. Ord. 902, 10-2-2019)

8-4-47 Office, Temporary Construction

- A. Any offices or accessory structures shall be removed from the property within thirty (30) days of completion of the construction project. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-48 Outdoor Storage Area

- A. **Screening.** Outdoor storage areas shall be screened according to Section 8-3-8. As required by Section 8-3-2J, outdoor storage of chemicals and/or fertilizers shall be prohibited.
1. All outdoor storage areas shall be completely fenced and screened from public view. The fencing shall be at least six feet (6') tall, but no more than ten feet (10') tall. One side of the outdoor storage may be left unenclosed, provided that the materials stored in the area shall not be visible from a public roadway or an abutting property.
 2. Cyclone or chainlink fencing (with or without slats) shall not be deemed a screening material.

3. The landscaping plan shall incorporate vegetative materials along the length of the screening to soften the appearance of such features.
- 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.** The site shall not be used as a "pit, mine, or quarry" or "contractor's yard" as herein defined unless such use has been approved.
- D. **Prohibited Uses.** The site shall not be used as a "junkyard", "automobile wrecking yard", or vehicle impound yard as herein defined.
- E. **Compliance.** The use shall comply with the flood hazard overlay district as set forth in Section 8-2-28.
- F. **Additional Standards for Outdoor Storage as an Accessory Use.** Accessory outdoor storage shall be allowed for approved uses subject to the following standards:
 1. The location of the outdoor storage area shall be noted on the master site plan and reviewed as part of that application.
 2. Storage areas shall not be rented, leased, let, or otherwise used as a commercial business.
 3. Outdoor storage for commercial or industrial uses shall be limited to those items owned or used by the business.
 4. Outdoor storage for a multi-family development, recreational vehicle park, or manufactured home park, shall be only for recreational vehicles or personal recreation items of the tenants. (Ord. 389, 6-14-2000; amd. Ord. 743, 2-10-2010; amd. Ord. 902, 10-2-2019)

8-4-49 Postal Service

- A. **Location.** No structure, facility, drive lane, parking area, nor loading area shall be located within twenty feet (20') of a residential district unless a six foot (6') sound reduction wall is provided.
- B. **Hours of Operation.** If abutting a residential district, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- C. **Storage.**
 1. All outdoor storage of material shall be maintained in an orderly manner to not create a public nuisance.
 2. Outdoor storage areas shall comply with Section 8-4-51. (Ord. 389, 6-14-2000 ; amd. Ord. 902, 10-2-2019)

8-4-50 Pit, Mine, or Quarry

A pit, mine, or quarry that meets the standards of subsection C of this section shall be reviewed as a temporary use. Any other pit, mine, or quarry shall be reviewed as a conditional use.

A. General Use Standards.

1. All operations shall be subject to accepted safety conditions for the type of excavation being performed.
2. Asphalt mixing and concrete batching may only be allowed as accessory uses to a pit, mine, or quarry in an industrial or rural district. See standards in Section 8-4-10.
3. Extraction, movement, or stockpiling within the required yards shall be prohibited. The tops and toes of cut and fill slopes shall remain outside the required yards.
4. Areas where equipment is stored shall be deemed outdoor storage areas and shall meet the standards of Section 8-4-51. Such storage areas shall be constructed and maintained to prevent chemicals from discharging into surface or ground waters. Such chemicals shall include, but not be limited to, petroleum products, antifreeze, and lubricants.
5. The extraction area shall be watered daily to reduce dust impacts to surrounding properties. Haul roads shall have a durable and dust free surface, and shall be graded to drain all surface water from the haul roads.
6. The pit, mine, or quarry shall comply with Section 8-2-28.
7. For any pit, mine, or quarry requiring an administrative or conditional use approval, the Director shall notify all property owners within one thousand feet (1,000') of any property boundary of the proposed site and any additional area that may be substantially impacted by the use, as determined by the Director.
8. In accord with title 5, chapter 2 of this code, the storage and/or disposal of solid waste on the proposed site shall be prohibited.
9. Upon reclamation of the final phase, all temporary structures shall be removed from the property, except for property line fences or walls. Any contaminated soils shall be properly recycled or disposed.

B. General Design and Reclamation Standards.

1. The applicant shall provide documentation (from the appropriate agency) that the proposed pit, mine, or quarry operation and reclamation plan comply with federal and state regulations in regard to air and water quality and site reclamation.

2. For a pit, mine, or quarry where the excavation area results in a pond, the following standards shall apply:
 - a. The extraction areas shall be designed to create a meandering edge.
 - b. The applicant shall provide written documentation from Idaho Fish and Game that the proposed pond is designed to create viable fish and/or wildlife habitat.
 - c. The applicant shall provide documentation from Central District Health Department that the proposed pond shall not cause septic leach fields on abutting properties to fail.
 - d. For the purposes of this section, a "pond" shall be defined as any pit, mine, or quarry area where the rehabilitation plan results in an area that contains water to within six feet (6') of the surface year round.
3. Any riparian vegetation disturbed as part of the operation shall be replaced at a ratio of two to one (2:1). Replacement vegetation shall be native plant materials and shall meet the requirements of table 8-4F-1¹², "Minimum Plant Size Standards", of this title.
4. The applicant or owner shall comply with all requirements of "Best Management Practices for Mining in Idaho", published by the Idaho Department of Lands.

C. Standards for Temporary Use Approval.

1. The property has not received previous approval for a pit, mine, or quarry as a temporary use.
2. The maximum area of the extraction site shall be six (6) acres.
3. The proposed extraction activities shall be completed within five (5) years.
4. The pit, mine, or quarry shall meet the standards in subsections A and B of this section.
5. Stockpiles shall be a maximum of fifteen feet (15') tall.
6. All extraction and hauling activities shall take place between seven o'clock (7:00) A.M. and dusk or six o'clock (6:00) P.M. (whichever is earlier) Monday through Friday.
7. Haul roads shall not pass through existing residential neighborhoods. For the purpose of this subsection C, the term "residential neighborhood" shall be any residential subdivision development at a density of one or more units per acre. This standard shall not apply to a pit, mine, or quarry that is located in R1, R2, R4, R6, R8, R12, or R20 base district.

To be cross referenced when landscaping regs are finalized.

8. Additional standards for a pit, mine, or quarry located in an R1, R2, R4, R6, R8, R12, or R20 base district:
 - a. The maximum extraction area shall be limited to the equivalent of the maximum allowed coverage.
 - b. Stockpiles shall be a maximum of six feet (6') tall.
 - c. No rock crushing shall be done on site.
 - d. The proposed extraction activities shall be completed within one year.

D. Standards for Conditional Use Approval.

1. The pit, mine, or quarry shall meet the standards in subsections A and B of this section.
2. The approved site plan shall include adequate parking and loading areas to accommodate the peak number of vehicles. Such areas shall not be within the required yards.
3. Rock crushing may be allowed as an accessory use.
4. The applicant shall show the extraction and reclamation phasing plan on the master site plan.
5. The reclamation plan for each phase shall be implemented as soon as the subject area is depleted of resources or when the allowed time has ended (whichever occurs first).
6. The conditional use approval shall consider and/or establish a time frame for the extraction of material. For any proposal where the applicant requests an extraction period greater than five (5) years, the commission shall review the status of the pit, mine, or quarry after 2.5 years and consider amendments or additions to the approval. (Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001 ; amd. Ord. 902, 10-2-2019)

8-4-51 Portable Classroom

- A. Portable classrooms that are not indicated on an approved conditional use require administrative approval. A proposed use that cannot meet all of the following specific use standards requires conditional use approval:
- B. The placement of the portable classroom shall not reduce the number of required off street parking spaces.
- C. The use shall comply with the flood hazard overlay district as set forth in Section 8-2-28. (Ord. 389, 6-14-2000 ; amd. Ord. 902, 10-2-2019)

8-4-52 Power Facilities

A. General Standards.

1. *Electric Distribution Line.*
 - a. Electric distribution line shall be a principal permitted use. Master site plan approval shall not be required.
 - b. Electric distribution line rights of way shall be exempt from Section 8-3-8.
 - c. Electric distribution line shall comply with Section 8-3-2N.
2. *Electric Subtransmission Line.*
 - a. Electric subtransmission line shall be a principal permitted use. Master site plan approval shall be required. A parking plan is not required with the master site plan application unless a parking area is proposed with the subtransmission line.
 - b. Electric subtransmission line rights of way shall be exempt from Section 8-3-8.
 - c. Electric subtransmission line shall comply with Section 8-3-2N.
3. *Electric Transmission Line and Substation.*
 - a. Electric transmission line and substations shall require conditional use approval.
 - b. All electric transmission line rights of way shall be exempt from Section 8-3-8.
 - c. Electric substations and other utility structures shall be deemed outdoor storage areas and shall meet the standards in Section 8-4-51.
 - d. Towers for the purpose of communicating from the substation to remote devices shall be deemed an accessory use to an approved substation, provided that the pole and antenna are no taller than the existing towers.
 - e. Electric transmission line and substations shall comply with Section 8-3-2N.
4. *Centralized or Distributed Power Facilities.*
 - a. No power facility shall be used for displaying any advertising except for reasonable identification of the manufacturer or operator.
 - b. The power facility shall comply with Section 8-3-5B.
 - c. The power facility shall comply with all local, state, and federal regulations.

- d. Installation of an anemometer or similar devices shall be reviewed as a temporary use..

B. Specific Standards Applicable to Centralized Power Facilities.

1. *Standards Applicable to All Centralized Power Facilities:*
 - a. The minimum property size shall be forty (40) acres.
 - b. The centralized power facility shall not be located within an area of city impact.
 - c. The applicant may be required to obtain approval from the appropriate agency, including, but not limited to, the following: Federal Energy Regulatory Commission, Federal Aviation Administration, National Guard, Mountain Home military base, Idaho Bureau of Aeronautics, Boise Airport director, IPUC, Idaho Power Company compliance, Idaho Fish and Game, U.S. Department of Fish and Wildlife, Idaho Department of Water Resources, IDEQ, Ada County Emergency Communications Division, Idaho Bureau of Homeland Security Public Safety Communications, and the appropriate fire authority as a condition of approval.
 - d. The master site plan for the proposed centralized power facility shall include a map of the proposed transmission line corridors and any proposed or existing substations, if any.
2. *Additional Standards for Certain Centralized Power Facilities.*
 - a. *Biomass Facility.*
 - (1) The applicant shall identify the specific location and type of all fuel sources for the biomass facility, and the method of gathering and delivering the fuel to the site.
 - (2) Mass burn facilities shall not use waste containing hazardous materials as a fuel source.
 - b. *Hydroelectric Facility.*
 - (1) Major earthwork associated with construction and maintenance shall be scheduled to minimize soil disturbance between December 1 and April 15.
 - (2) Any removal of riparian vegetation along watercourses shall be replaced at a ratio of two to one (2:1).
 - (3) A master site plan approval is not required for a hydroelectric facility, relating to a seasonal irrigation canal.
 - c. *Solar Facility.*

- (1) Solar equipment shall meet the required setbacks of the rural preservation (RP) district.
- (2) All solar panels shall be nonreflective.

C. Specific Standards for Certain Distributed Power Facilities.

1. *Geothermal Resources.* Direct use of geothermal resources for heating spas, greenhouses, and other similar uses shall not constitute a distributed power facility.
2. *Solar Facility.*
 - a. All solar panels shall be nonreflective.
 - b. Roof mounted solar equipment shall not exceed five feet (5') above the roof surface and in no case shall the equipment exceed the maximum height of the base district.
 - c. Ground and pole solar equipment shall be prohibited in the required front or side yard.
 - d. Pole solar equipment shall not exceed a maximum height of fifteen feet (15').
 - e. Pole solar equipment shall be set back 1.5 feet from the property line for every one foot (1') of maximum height or the minimum setback for the district, whichever is greater.
 - f. Ground solar equipment shall meet the minimum setback for the district in which it is located.
3. *Wind Facility.*
 - a. *Specific Standards for Rooftop or Freestanding Wind Tower.*
 - (1) The applicant may be required to obtain approval from the appropriate agency, including, but not limited to, the following: Federal Energy Regulatory Commission, Federal Aviation Administration, National Guard, Mountain Home military base, Idaho Bureau of Aeronautics, Boise Airport director, IPUC, Idaho Power Company compliance, Idaho Fish and Game, U.S. Department of Fish and Wildlife, Idaho Department of Water Resources, IDEQ, Ada County Emergency Communications Division, Idaho Bureau of Homeland Security Public Safety Communications, and the appropriate fire authority as a condition of approval.
 - (2) Documentation shall be submitted that describes the expected maximum noise level that will be generated by the facility. If the noise level exceeds the applicable standard set forth below, the applicant shall submit an acoustical study

prepared by a licensed professional that demonstrates how the facility will comply with the maximum allowed noise level.

- (3) No experimental, homebuilt, or prototype wind turbines shall be allowed.

b. *Rooftop Wind Facilities.*

- (1) A minimum property size shall be one acre.
- (2) One rooftop wind facility requires an accessory use.
- (3) Two (2) or more rooftop wind facilities require a conditional use.
- (4) Rooftop wind equipment shall not exceed the maximum height of the base district in which it is located.
- (5) The maximum diameter of the blades shall not exceed five feet (5').
- (6) Roof mounted wind equipment shall be located so that in the event of failure, no part of the equipment will fall across any property line.
- (7) Noise emitted from a rooftop wind facility shall not exceed thirty five (35) decibels (dBA) measured from all external property lines of the subject property.

c. *Freestanding Wind Facilities.*

- (1) *Minimum Property Size.* The minimum property size shall be forty (40) acres.
- (2) *Number of Towers Allowed per Acre.* One wind tower per forty (40) acres shall be allowed.
- (3) *Restriction on Number of Towers.* A property owner shall only be allowed to construct a maximum of two (2) wind towers on their property, including all of their abutting properties.
- (4) *Maximum Height.* The maximum height shall be one hundred twenty feet (120') including the tip height of the blade.
- (5) *Location from Property Lines.* All wind tower facilities shall be located a minimum of 1.5 feet from all property lines for every one foot (1') of tower height, including the tip height of the blade as illustrated in section 8-1A-2, figure 7¹³, of this title.

Update cross referenced and provide new graphic.

- (6) *Fall Zone.* In addition to the setback requirements in subsection C3c(5) of this section, a fall zone for each wind tower facility shall be delineated and permanently restricted from future development, as follows:
 - a. The fall zone shall consist of the land area centered beneath the wind facility and circumscribed by a circle with a radius equal to the maximum height including the tip height of the blade plus ten feet (10') as illustrated in section 8-1A-2, figures 7 and 8¹⁴, of this title.
 - b. All future development with the exception of agricultural structures shall be prohibited within the fall zone.
- (7) *Minimum Setback from Overhead Utility Lines.* The minimum required setback distance from all overhead utility lines shall be no less than the tower height including the tip height of the blade plus ten feet (10') unless extended by an easement from the overhead utility line company for the fall distance.
- (8) *Maintenance and Removal.*
 - a. *Maintenance.* All wind facilities and their identification tags, supports, braces, mechanical and electrical equipment, and associated apparatus must be kept fully operable and maintained in a safe, neat, and clean condition.
 - b. *Removal.* Any wind facility that is not operated for a continuous period of twelve (12) months or more or that is in an obvious state of disrepair and a threat to public safety will be deemed abandoned and must be removed within sixty (60) days.
- (9) *Shadow Flicker.* The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any nonparticipating landowner's property.
- (10) *Color.* Wind facilities shall be a neutral, nonreflective color designed to blend with the surrounding environment. This shall not preclude towers requiring FAA painting and/or marking from meeting those standards.

Update cross referenced and provide new graphic.

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Chapter 4 Use Standards | 8-4-53 Processing Plants for Agricultural or Dairy Products

- (11) *Minimum Distance from Ground to Blade.* Minimum distance between the ground and the tip of the blade closest to the ground in a resting position shall not be less than twenty feet (20').
- (12) *Landscaping.* All wind facilities shall be exempt from Section 8-3-8.
- (13) *Lighting.* No lighting is allowed, except as required by the Federal Aviation Administration.
- (14) *Uncontrolled Rotation Prevention.* All wind turbines must have an automatic braking, governing, or feathering system to prevent uncontrolled rotation creating excessive pressure on the tower structure, rotor blades, and turbine components.
- (15) *Emergency Shutdown.* Procedures for emergency shutdown of power generation units shall be established and posted prominently and permanently within three feet (3') of the meter panel.
- (16) *Director's Review.* The conditional use permit shall require a Director's review every five (5) years upon issuance of a zoning certificate. The Director shall review the conditions of approval for compliance.
- (17) *Noise.* Noise emitted from a freestanding wind facility shall not exceed forty five (45) decibels (dBA) as measured from all external property lines of the subject property. (Ord. 389, 6-14-2000; amd. Ord. 772, 7-27-2011; amd. Ord. 797, 4-24-2012 ; amd. Ord. 902, 10-2-2019)

8-4-53 Processing Plants for Agricultural or Dairy Products

- A. All structures or outdoor activity areas shall be located at least three hundred feet (300') from any property line. The use shall be located at least one thousand feet (1,000') from any residential district or use or approved medical care facility use.
- B. The application materials shall include written documentation that the proposed facility meets any applicable federal, state, or local standards regarding such use including, but not limited to, those of the Environmental Protection Agency, the U.S. Department of Agriculture, Central District Health Department, and Idaho Department of Water Resources. (Ord. 389, 6-14-2000 ; amd. Ord. 902, 10-2-2019)

8-4-54 Produce Stand, Agricultural or Roadside¹⁵

A. Standards for both agricultural and roadside produce stands.

1. *Number Allowed.* One stand per property under one ownership is allowed, subject to approval as set forth in this chapter.
2. *Duration.* Display and sale of produce shall be allowed from May 1 to October 31 each year.
3. *Access.* Access to a stand shall be from a roadway and shall be approved by the Ada County Highway District or Idaho Department of Transportation.
4. *Private Road Requirements.* A stand shall not be allowed on private roads unless one of the following can be demonstrated:
 - a. The private road does not provide access or frontage to any other property; or
 - b. An existing or updated recorded maintenance/easement agreement addresses and permits nonresidential use of the private road.
5. *Hours of Operation.* Hours of operation shall be limited between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.
6. *Building Permits.*
 - a. A building permit may be required for the change in use or occupancy of any portion of structures used for the stand.
 - b. A stand that is a membrane covered structure under the IBC shall require a building permit if it is erected for one hundred eighty (180) days or longer.

B. Additional standards for agricultural produce stands.

1. The agricultural produce stand shall only be located on a "farm" as defined in this title.
2. The agricultural produce stand shall only sell produce grown on the premises.
3. A zoning certificate is required.
4. The area dedicated to the sale, display and storage of produce shall not exceed four hundred (400) square feet.

C. Additional standards for roadside produce stands.

1. Administrative approval and zoning certificate is required.

Erased the irrelevant regulations like "submitting a detailed letter addressing the type of produce" and the basic site plan submittal requirement.

2. Sales at the roadside produce stand shall be limited to 90% of the produce sold, must be grown on the premises.
3. The area dedicated to the sale, display and storage of produce shall not exceed six hundred (600) square feet. (Ord. 902, 10-2-2019)

8-4-55 Public or Quasi-Public Use

- A. **Public Recreation Facilities.** The standards as set forth for amusement and recreation facilities shall apply for all public recreation facilities.
- B. **Storm Drainage and Storm Detention Facilities.** A storm drainage facility and/or storm detention facility that are an accessory use to a roadway on the same property shall be exempt. For the purposes of this standard, Section 8-3-2D shall not apply.
- C. **Underground Utilities.** Underground utilities within an easement or within a public street right of way shall not require additional approval.
- D. **Correctional Facilities.** Any privately owned correctional facility designed for residence by incarcerated individuals shall meet the following standards:
 1. No structure or outdoor recreation area shall be located within one thousand feet (1,000') of a property line that abuts a residential district or use.
 2. No structure or outdoor recreation area shall be located within one thousand feet (1,000') of a public or private school, daycare center, or church. (Ord. 389, 6-14-2000; amd. Ord. 772, 7-27-2011)

8-4-56 Racetrack

- A. All structures or outdoor activity areas shall be located at least three hundred feet (300') from any property line. The use shall be located at least one thousand feet (1,000') from any residential district or use.
- B. Any outdoor speaker system associated with the racetrack shall comply with Section 5-13-3.
- C. Lighted facilities shall maintain a three hundred foot (300') setback from any property line abutting a residential district or use and shall comply with the lighting standards set forth in Section 8-3-7. Setback requirements may be reduced at time of master site plan approval when conditions warrant a reduction. Possible conditions include, but are not limited to, building orientation, topography, distance to off site improvements, and physical obstructions.

- D. Accessory retail uses including, but not limited to, retail shops and food or beverage service, may be allowed if designed to serve patrons of the facility only, and is approved by the Central District Health Department and the applicable fire authority. (Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001; amd. Ord. 852, 3-2-2016; amd. Ord. 902, 10-2-2019)

8-4-57 Railroad Switching Yard

- A. **Setbacks.** All structures shall be located at least one hundred feet (100') from any residential district or use.
- B. **Storage.** No outdoor storage of material shall be permitted. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-58 Recreational Vehicle Park

- A. **Use of Spaces.** Spaces may be used by recreation vehicles, tents, or other shelter arrangements or devices.
- B. **Accessory Uses.** Accessory uses including, but not limited to, management headquarters, recreational facilities, caretaker dwelling, coin operated laundry facilities, toilets, and showers may be allowed, subject to the following restrictions:
1. The park shall have direct access to a collector or arterial street. No entrance or exit to the park shall be permitted through a residential district.
 2. *Drives.* Drives shall comply with the following standards and are subject to plan review, field inspection, and approval by the county engineer:
 - a. A minimum of one drive shall originate at a public street and terminate at a public street. This standard is not intended to require two (2) access points to the recreational vehicle park.
 - b. Drives shall have rolled concrete curb and gutter sections along both sides of the drive and extending the length of the drive.
 - c. Drives shall be at least thirty feet (30') wide from back of curb to back of curb. The entire width of the drive shall be improved.
 - d. Drive shall have a crown or transverse slope a minimum of two percent (2%) to drain water away from the travelway and shall be disposed of in a manner that protects life and property.
 - e. The improved surface shall include 2.5 inches of asphalt plant mix paving on top of the base course of six inches (6") of three-fourths inch (3/4") minus crushed gravel or other materials approved by

the county engineers over a stable compacted subbase. As an alternative to asphalt plant mix, concrete shall be allowed with the approval of the county engineer.

- f. Bridge and culvert crossings shall be designed for a minimum H-16 loading.
- g. The maximum allowable grade shall be ten percent (10%) slope.
- h. The minimum center line curve radius shall be fifty feet (50').
- i. The minimum curb radius at intersections shall be twenty feet (20').

C. Design Standards.

- 1. The park shall have direct access to a collector or arterial street. No entrance or exit shall be permitted which moves traffic from the park through a residential district.
- 2. Internal drives shall meet the drive standards required for a manufactured home park.
- 3. The applicant shall indicate the specific location of each proposed space on the master site plan.
 - a. All recreational vehicle spaces shall have an all weather surface and be drained to prevent standing water.
 - b. Spaces shall be a minimum size of one thousand five hundred (1,500) square feet.
 - c. Recreational vehicles shall not be located closer than ten feet (10') to any other recreational vehicle, structure, manufactured home, public street, or property line.
 - d. Recreational vehicle spaces shall not be located in any required off street parking space or required yard.
- 4. Any outdoor speaker system associated with the recreational vehicle park shall comply with Section 5-13-3.
- 5. A dump station for discharging wastewater holding tanks shall be provided unless each space is equipped with a sewer connection. Such discharge facilities shall be approved by the Central District Health Department. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-59 Recycling Center

- A. Outdoor storage areas shall comply with Section 8-4-51. 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.

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- C. Any container provided for after hours donation of recyclable materials shall be at least fifty feet (50') from a residential district or use, shall be of sturdy, rustproof construction, and shall have sufficient capacity to accommodate materials collected.
- D. Power driven processing (including, but not limited to, 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 to not create a public nuisance. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-60 Accessory Retail Sales

- A. **Generally.**
 - 1. Accessory retail sales are allowed for an approved commercial or industrial use, excluding uses within the M3 district.
 - 2. The area devoted to retail sales shall not occupy more than twenty five percent (25%) of the gross floor area of the approved use.
 - 3. Unless otherwise permitted in this title or as a condition of approval, no accessory retail sales shall be permitted in the rural base districts. (Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001; amd. Ord. 902, 10-2-2019)

8-4-61 Sanitary Landfill, Restricted

- A. All structures shall be located at least three hundred feet (300') from any property line. Active landfill disposal sites shall be located at least one thousand feet (1,000') from any residential district or use.
- B. The use shall comply with all applicable overlay districts as set forth in Chapter 2.
- C. The decision making body may specify definite time limits for daily operation and for termination of such use.
- D. The applicant shall comply with all applicable regulations pertaining to designation, licensing and maintenance of restricted sanitary landfills and disposal sites as set forth in title 5, chapter 2 of this code; Idaho Code title 31, chapter 44; and title 39, chapters 65, 70, and 74.
- E. All structures shall comply with the height limit per the applicable base district unless specifically exempt under Section 8-3-2F.
- F. All off street parking shall be provided as per Section 8-3-10.

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Chapter 4 Use Standards | 8-4-62 Sawmill or Planing Mill

- G. All outdoor lighting shall comply with Section 8-3-7. (Ord. 389, 6-14-2000; amd. Ord. 772, 7-27-2011; amd. Ord. 816, 12-4-2013; amd. Ord. 902, 10-2-2019)

8-4-62 Sawmill or Planing Mill

- A. **Enclosure.** The use shall be conducted within an enclosed structure.
- B. **Setback.** There shall be a one thousand foot (1,000') separation from the mill structure and any residential district.
- C. **Storage.** Outdoor storage areas shall comply with Section 8-4-51. (Ord. 389, 6-14-2000)

8-4-63 School

- A. **Location.** Locations for school sites are determined in conformance with the applicable comprehensive plan. The following location criteria shall apply unless in conflict with the applicable comprehensive plan:
1. Elementary schools (Kindergarten through 5th Grade) shall take access off a local or collector street.
 2. Middle schools, junior high schools, and senior high schools (6th through 12th Grades) shall take access off a designated arterial, collector, or local street.
 3. No school except for a high school, shall abut a commercial or industrial district.
 4. No school shall be located in a floodplain or adjacent to a hazardous land use.
- B. **Setbacks.** All structures shall meet a minimum setback of:
1. forty feet (40') from any public street and
 2. thirty feet (30') from any other property line.
- C. Accessory uses including, but not limited to, daycare centers, community services, social services, meeting facilities for clubs and organizations, and administrative offices for the individual school facility may be allowed. (Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001; amd. Ord. 591, 7-27-2005 ; amd. Ord. 902, 10-2-2019)

8-4-64 Seasonal Farmworker Housing

- A. The applicant shall specify the season and crop for which the housing is required. The facility shall not be occupied or otherwise used as dwelling units other than during the specifically permitted period.

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- B. All dwellings or dormitories within the facility shall have adequate sewage and water facilities as provided in Section 8-3-5C. If recreational vehicles are proposed as dwelling units, such recreational vehicles shall have power, water, and sewer hookups.
- C. Accessory uses including, but not limited to, management headquarters, recreation areas, coin operated laundry facilities, and communal toilets and showers, may be allowed if such facilities are designated on the facility master site plan and are to be used only by residents of the facility.
- D. No structure shall be closer than one hundred feet (100') from an abutting property within a residential district or use. No structure shall be closer than ten feet (10') from any other structure.
- E. Access drives and parking areas shall have a durable and dust free surface, and the area shall be graded so as to drain all surface water from the driveways.
- F. If the applicant and/or owner are found to be in violation of any of the standards listed in this section, the facility approval shall be revoked. Upon revocation of a permit, the owner may not reapply for a facility for any location in the county for a period of three (3) years following the date of revocation. (Ord. 389, 6-14-2000; amd. Ord. 699, 6-18-2008 ; amd. Ord. 902, 10-2-2019)

8-4-65 Septage Treatment and Disposal Facility, Private

The following standards apply to establishments that import septage from septic tanks for treatment and disposal.

A. General Use Standards.

1. *Minimum Property Size.* The minimum property size shall be forty (40) acres.
2. *Written Approval.* The applicant or owner shall obtain written approval for the acceptance, treatment and disposal of septage from the state of Idaho department of environmental quality. The approval shall make specific reference to the location of the facility, type of facility, the substance(s) being treated and its sources, the method(s) of treatment, the method(s) and location(s) of disposal of solids, monitoring methods, and the ability of the site to support the proposed use.
3. *Security Fencing.* Security fencing shall be provided to prevent access to the facility by animals and unauthorized persons as required by DEQ.
4. *Prohibited Locations.* The proposed use shall not be located in any city area of impact, the Snake River birds of prey national conservation area, airport overlay district, or wildlife habitat area as depicted in the Ada County comprehensive plan.

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Chapter 4 Use Standards | 8-4-65 Septage Treatment and Disposal Facility, Private

5. *Minimum Distance from Property Line/Residential District.* All structures, ponds/lagoons, and waste storage areas shall be located at least three hundred feet (300') from any property line. The use shall be located at least one thousand feet (1,000') from any residential district or use.
6. *Compliance With Flood Hazard Overlay Zone.* The use shall comply with the flood hazard overlay district as set forth in Section 8-2-28.
7. *Zoning Inspection.* For the duration of the approval, the use shall be subject to zoning inspection upon advanced notice and request by the Ada County development services department. If a permit holder refuses to allow inspection of the premises by the development services department, the approved zoning certificate or conditional use permit may be revoked.
8. *Operator Licensed and Qualified.* The applicant shall submit written approval that the operator of the private septage disposal facility is licensed and qualified as required by DEQ.
9. *Private Roads Prohibited.* Private septage treatment and disposal facilities shall not be allowed on a private road.
10. *Odor Management Plan.* The applicant shall submit an odor management plan for the septage disposal facility as required by DEQ.

B. Application Requirements.

1. The application materials shall include the following written documentation:
 - a. Description of the surrounding area within one mile of the subject site including the proximity of existing residential dwellings;
 - b. The number and frequency of anticipated deliveries from outside companies dumping septage;
 - c. The anticipated quantity (in gallons) of septage to be accepted;
 - d. *Parking.* One spot for every one employee and one for every one thousand (1,000) square feet of gross floor area;
 - e. The hours and days of operation;
 - f. Description of the disposal method(s), including, but not limited to: evaporative lagoon(s), land application, or subsurface discharge (interment), and proposed location of disposal;
 - g. Description of the proposed substance(s) being treated and its source(s), the method(s) of treatment, monitoring methods, and the ability of the site to support the proposed use;
 - h. Storage and screening method for materials to be used to process solid waste (i.e., woodchips) and location of storage goods. (Ord. 852, 3-2-2016 ; amd. Ord. 902, 10-2-2019)

8-4-66 Shooting Range

- A. **Written Approval.** The applicant or owner shall obtain written approval from the Federal Bureau of Alcohol, Tobacco, and Firearms.
- B. **Outdoor Range.**
 - 1. The proposed use shall be within a rural district, but outside the Snake River birds of prey national conservation area or wildlife habitat area as depicted in the Ada County comprehensive plan.
 - 2. The master site plan shall designate the layout of the range including, but not limited to, shooting platforms, targets, target backstops, and berms.
 - 3. The range shall be designed and located so no ammunition travels off site.
 - 4. The applicant shall provide written documentation that the proposed target backstops conform to the standards for outdoor ranges in "The NRA Range Source Book" published by the National Rifle Association.
- C. **Indoor Range.**
 - 1. All related activities shall be housed totally within an enclosed structure and designed with full consideration for safety and noise factors involved in the type of use.
 - 2. If located on the ground level, accessory uses such as gun sales, gun repair, and training courses may be allowed when such uses take up no more than twenty five percent (25%) of the gross floor area on the ground level.
 - 3. If gun sales or gun repair are conducted within the facility, the owner of the indoor shooting range shall secure and maintain a valid federal firearms license from the Bureau of Alcohol, Tobacco, and Firearms.
 - 4. The applicant shall provide written documentation that the proposed target backstops conform to the standards for indoor ranges in "The NRA Range Source Book" published by the National Rifle Association.
- D. **Alternative Development Proposal.** The Director may approve, or recommend approval of, an alternative development proposal when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this chapter and shall not be detrimental to public health, safety, and welfare. (Ord. 389, 6-14-2000; amd. Ord. 389, 6-14-2000; amd. Ord. 852, 3-2-2016 ; amd. Ord. 902, 10-2-2019)

8-4-67 Soil or Water Remediation

- A. The following standards apply to establishments that import soil and/or water for remediation. The standards do not apply to in situ remediation of soil and/or water.
- B. The minimum property size shall be forty (40) acres.
- C. The proposed use shall not be located in the Snake River birds of prey national conservation area or wildlife habitat area as depicted in the Ada County comprehensive plan.
- D. The applicant or owner shall obtain written approval from the state of Idaho Division of Environmental Quality. The approval shall make specific reference to the location, substance being treated, method of treatment, monitoring methods, and ability of the site to support the proposed use.
- E. The applicant or owner shall obtain written approval from Central District Health Department.
- F. The use shall comply with the flood hazard overlay district as set forth in Section 8-2-28.
- G. All structures shall be located at least three hundred feet (300') from any property line. The use shall be located at least one thousand feet (1,000') from any residential district or use or approved medical care facility use. (Ord. 389, 6-14-2000; amd. Ord. 852, 3-2-2016 ; amd. Ord. 902, 10-2-2019)

8-4-68 Storage Facility, Self-Service and Storage Facility, Self-Service – Outdoor Only

- A. **Storage Facility, Self-Service.** Specific standards for storage facilities, self-service, shall be as follows:
 - 1. Storage areas shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item from or at a self-service storage facility is specifically prohibited.
 - 2. The maximum size of individual storage areas shall be five hundred (500) square feet.
 - 3. The distance between structures shall be designed to allow a twelve foot (12') travel lane for emergency vehicles to pass while tenant's vehicles are parallel parked (9 foot width) at the entrance to their storage areas.
 - 4. The perimeter of the storage facility shall be completely fenced, walled, or enclosed and screened from public view. Fencing materials shall complement the exterior building materials.

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5. No structure, facility, drive lane, parking area, nor loading area shall be located within twenty feet (20') of a residential district unless a six foot (6') sound reduction wall is provided.
6. If abutting a residential district, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
7. Storage of any hazardous materials as defined by title 40 code of federal regulations part 261, or subsequent amendments thereto, shall be prohibited.

B. Storage Facility, Self-Service - Outdoor Only. Specific standards for storage facilities, self-service - outdoor only, shall be as follows:

1. *Parcel Size; Site Coverage.* A minimum parcel size of five (5) acres shall be required for any proposed outdoor only storage facility. No facility shall be greater than ten (10) acres in size.
2. *Frontage.* The property shall have frontage to an arterial or collector street.
3. *Distance Between Stored Vehicles.* The distance between stored vehicles, including RVs and trailers, shall be a minimum of ten feet (10') side to side, while maintaining a twenty foot (20') minimum access aisle on at least one end or as approved by the local fire authority. The distance between parking rows shall be at least twenty feet (20') of travel lane for emergency vehicle access or as approved by the local fire authority. Each space shall have access from an access aisle that is a minimum of twenty feet (20').
4. *Screening.* The perimeter of the storage facility shall be completely fenced, walled, or enclosed and screened from the public right of way, and comply with Section 8-3-8. For the purpose of perimeter landscaping and screening, property lines, as described in Section 8-3-8, shall refer to the specific facility boundaries.
5. *Location.* No boundary of the facility shall be located within one hundred feet (100') of property line adjacent to a rural, transitional or residential district, with the exception of a boundary adjacent to a public roadway.
6. *Dwellings; Places of Business.* Stored vehicles, including RVs and trailers, shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item from or at an outdoor only self-service storage facility is specifically prohibited.
7. *Storage of Hazardous Materials.* Storage of any hazardous materials as defined by title 40 code of federal regulations part 261, or subsequent amendments thereto, shall be prohibited.

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8. *Design Standards.* Minimum design standards for the facility shall include the following:
 - a. The storage facility shall be screened year round and comply with Section 8-3-8. This section provides for the minimum required screening. The commission may require additional or modified screening and/or buffering in order to prevent or enhance the blocking of views of existing adjacent residences and to maintain the rural and residential character of the RUT district.
 - b. Access locations into the facility shall be approved by the applicable transportation jurisdiction.
 - c. All parking, storage and drive aisles within the facility shall be improved with a compacted gravel base, not less than four inches (4") thick, surfaced with asphaltic concrete or some comparable all weather dustless material.
 - d. All storage stalls shall be clearly defined on the site plan. The facility shall designate and maintain storage stall locations on site at all times.
 - e. Outdoor storage areas shall further comply with the requirements for outdoor storage, as set forth in Section 8-4-51.
9. *Use As a Junkyard Prohibited.* The site shall not be used as a "junkyard" or "automobile wrecking yard" as herein defined.
10. *Storage.* The storage of any items and materials other than vehicles, RVs, or trailers is prohibited unless otherwise approved by the commission; provided, that items and materials contained within a vehicle, RV or trailer are permitted.
11. *Maintenance, Repair, or Rebuilding.* Maintenance, repair, or rebuilding of vehicles or machinery on the property is prohibited.
12. *Noise.* Use of the property shall comply with Section 5-13-3.
13. *Hours of Operation.* Unless otherwise approved or restricted through the conditional use, hours of operation shall be limited between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. Facilities abutting residential uses (section 8-1A-2, figure 5¹⁶ of this title) shall be limited to the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.
14. *Prohibited Locations.* Vehicles shall not be stored within the required yards.
15. *Use of Site.* The site shall not be used as a "contractor's yard" as herein defined unless such use has been approved.

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16. *Compliance.* The use shall comply with the flood hazard overlay district as set forth in Section 8-2-28.
17. *Zoning Inspection.* For the duration of the approval, the use shall be subject to zoning inspection upon advanced notice and request by the Ada County development services department. If a permit holder refuses to allow inspection of the premises by the development services department, the approved zoning certificate or conditional use permit may be revoked.
18. *On Site Office Prohibited.* An on site office within the confines of the storage facility is prohibited. If the facility owner has a dwelling located on the remaining property, and if that dwelling will be used by the owner to administer the facility, or if the owner intends to administer the facility from an off site dwelling, then the owner shall obtain a home occupation permit and comply with the requirements of Section 8-4-35.
19. *Additional Standards.*
 - a. The following shall be considered as part of the review of an application:
 - (1) The proximity of existing dwellings;
 - (2) The number of vehicles anticipated to be stored upon the property;
 - (3) The hours of operation;
 - (4) Dust;
 - (5) Noise;
 - (6) Traffic and circulation;
 - (7) Landscaping and screening;
 - (8) Other.
 - b. The duration of a conditional use permit for an outdoor only storage facility shall be limited. The conditional use permit shall expire five (5) years following the approval date, or upon annexation of the subject property into a city, whichever occurs first. If the applicant wishes to continue the use beyond the five (5) year period, a new conditional use permit shall be submitted prior to expiration of the original conditional use permit and approved by the commission. Upon expiration of the conditional use permit, all stored vehicles shall be removed within thirty (30) days from the subject property. (Ord. 389, 6-14-2000; amd. Ord. 822, 5-7-2014; amd. Ord. 852, 3-2-2016 ; amd. Ord. 902, 10-2-2019)

8-4-69 Transit Facility

- A. **Generally.** The master site plan shall designate sufficient areas to accommodate the maximum number of buses, vans, or other transit vehicles anticipated at any one time.
- B. **Queuing.** No queuing areas shall be located within the required yards. (Ord. 389, 6-14-2000 ; amd. Ord. 902, 10-2-2019)

8-4-70 Truck Stop

- A. **Location.** The use shall be located on a principal arterial that is within one thousand three hundred twenty feet (1,320') of an interstate interchange.
- B. **Accessory Uses.**
 - 1. Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.
 - 2. Other accessory uses including, but not limited to, office, restaurant, and convenience retail, may be allowed if such facilities are completely within the truck stop facility. (Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001; amd. Ord. 902, 10-2-2019)
- C. **Installation.** Installation of underground fuel tanks shall require written approval from the Idaho Division of Environmental Quality, Idaho Department of Water Resources, and the appropriate fire authority.
- D. **Safe Haven Designation¹⁷.** If the truck stop has been designated a safe haven facility by the Board for Trucks Transporting Hazardous Materials, accessory sleeping quarters may be allowed.
 - 1. *Sleeping Quarters.*
 - a. No more than 10 guest rooms shall be provided.
 - b. No kitchen facilities shall be provided.
 - c. Bathroom facilities may be provided.

8-4-71 Vehicle Impound Yard

- A. **Screening.**
 - 1. Outdoor storage and outdoor activity areas shall comply with Section 8-4-51. The fence or wall and screening materials shall be at least ten feet (10') tall.

Provided clear sleeping quarters regulations for Truck Stops with a Safe Haven Designation.

2. No portion of the vehicle impound yard outdoor storage areas and/or outdoor activity areas may be visible from any "highway", "interstate", "principal arterial", or "minor arterial" as herein defined.
3. All materials or parts shall be stored and located within the fenced or walled area. No vehicles or materials shall be stored so they exceed the height of the fence or wall.

B. Site Related Standards.

1. The use shall be located at least one thousand feet (1,000') from any residential district or use.
2. No person shall establish, operate, or maintain a vehicle impound yard, any portion of which is within one thousand feet (1,000') of the nearest edge of the right-of-way and visible from any "highway", "interstate", "principal arterial", or "minor arterial" as herein defined.
3. The use shall comply with the Flood Hazard Overlay District as set forth in Section 8-2-28. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-72 Winery¹⁸

A. Generally.

1. The winery shall comply with all applicable State, Federal, and local regulations.
2. The property shall have access and frontage on a public road.
3. In zoning districts where a winery is a conditional use, tasting rooms and promotional events, such as but not limited to wine club events and winemakers dinners, may be allowed as part of the conditional use. A tasting room is only allowed on a property when part of a winery. Promotional events shall be limited to not more than twenty-four small (fifty guest maximum) events per year. (Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001; amd. Ord. 477, 1-7-2003; amd. Ord. 755, 7-21-2010; amd. Ord. 902, 10-2-2019)

B. Size.

1. A winery has a minimum property size of 5 acres.
2. No building or structure, or combination of any building or structure shall exceed 12,000 square feet.

Provided improved winery standards from the County's winery draft ordinance and best practices from the West Coast and Mountain West Regions. Size, accessory uses, location, occupancy and event limits are included for the winery use.

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- C. **Location.** A winery shall set back at least three hundred feet (300') from any religious land use or school use.
- D. **Accessory Uses.** A winery includes on-site consumption (tasting room) as a principal or accessory use, which includes a maximum of twenty-five percent (25%) of the gross floor area or 4,000 square feet, whichever is less. A winery may include other secondary uses like retail sales or outdoor events.
- E. **Occupancy.** Except for small promotional events, a winery is limited to 150 guests at any one time.
- F. **Hours of Operation.** Outdoor events associated within a winery's operations are limited to Sunday through Thursday 11 am to 7 pm, and Friday through Saturday 10 am to 10 pm.
- G. **Event Limits.** A maximum of 24 events are allowed annually.
- H. **Waste.** All waste, both solid and liquid, shall be managed, treated, stored, and/or disposed of in accordance with County, State, and Federal rules, regulations, and ordinances pertaining to waste.

8-4-73 Tower or Antenna Structure, Commercial

- A. **Applicability.**
 - 1. The following regulations shall apply to tower structures and associated equipment for the purpose of commercial radio, television, telephone, paging, or satellite reception and/or transmission.
 - 2. A facility that meets the following standards shall be reviewed as an accessory use. Any other facility shall be reviewed as a conditional use.
 - a. Collocation of new antenna and/or equipment for an approved tower structure, commercial shall be deemed an accessory use and shall require a zoning certificate prior to installation.
 - b. Small wireless facilities shall be deemed an accessory use and shall require a zoning certificate prior to installation.
 - c. Small Wireless Support Structures located outside of the Ada County Highway District and Idaho Department of Transportation rights-of-way shall require a zoning certificate and building permit prior to installation.
- B. **General Standards for Commercial Tower Structures and Associated Equipment.**
 - 1. *Radio Frequency Emissions.* The facility shall comply with FCC standards regarding radio frequency (RF) emissions.

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2. *Approval Required.* The facility shall have approval from the Federal Aviation Administration and the Chief of the Idaho Bureau of Aeronautics prior to operation.
3. *Additional Approval.* The facility shall have approval from the Boise Airport Director prior to operation. The approval shall include specific reference to the site location, height of the facility, lighting, and issuance of an aviation easement.
4. *Permits Required.* The applicant or owner shall obtain all necessary permits, required under Federal, State or local statutes, regulations, or ordinances including, but not limited to, building permits.
5. *Maintenance of Facility.* The facility shall comply with all Federal, State, and local regulations and the construction standards established in this section.
6. *Public Nuisance Prohibited.* The owners of the facility shall have a continuous obligation to ensure the maintenance and upkeep and to prevent the creation of a public nuisance.
7. *Outdoor Storage Areas.* The proposed facility shall meet the standards for outdoor storage areas in Section 8-4-51.
8. *Conditional Use Approval.* For any facility requiring conditional use approval, the Director shall notify all property owners within one thousand feet (1,000') of any property boundary of the proposed site.
9. *Removal.*
 - a. Any tower that has had no antenna mounted upon it for a period of 120 consecutive days, or if the antennas mounted thereon are not operated for a period of 120 successive days, shall be considered abandoned. The tower owner or landowner shall:
 - (1) Remove any such tower and any accompanying equipment enclosure within ninety (90) days of abandonment; and
 - (2) Bring the location of the removed facility back to its original state, or better.
 - b. The Director, upon determining that a tower has been abandoned, shall serve notice of its determination of abandonment upon the owner of the tower.
 - (1) The notice shall contain the reasons why the tower has been deemed abandoned, the owner's obligation to remove the tower and the owner's right to appeal the determination of abandonment.

- (2) If the structure and equipment enclosure are not removed within 90 days, then the County has the right without further notice to enter upon the land and remove and abate such structures at the expense of the tower owner or landowner.

10. *Tower Construction, Setback, and Fall Zone Standards.*

- a. The tower shall be constructed to the Telecommunications Industry Association/Electronic Industries Association (TIA/EIA) 222 revision F standard entitled "Structural Standards for Steel Antenna Supporting Structures", or as hereinafter may be amended.
- b. Within the Boise Air Terminal Airport Influence Areas Overlay District, the height limit on the tower or antenna structure shall be as required by the Code of Federal Regulations 14 CFR 77.
- c. The design for towers over twenty feet (20') tall must allow for future arrangements of antennas upon the tower. These towers must also be designed to accept antennas mounted at varying heights.
- d. If the tower does not exceed the height limitations of the applicable base district, the tower shall meet the setback requirements of the district. If the tower exceeds the height limitation of the applicable base district, the tower shall meet the setback requirements of the district or it shall set back one foot (1') for every ten feet (10') of total tower height from all property lines, whichever is greater.
- e. In addition to the setback requirement noted in the preceding paragraph, a fall zone for each tower shall be delineated and permanently restricted from future development, as follows:
 - (1) The fall zone shall consist of the land area centered beneath the tower and circumscribed by a circle with a radius equal to a length of one foot (1') for every ten feet (10') of tower height.
 - (2) If the fall zone does not lie completely within the subject property, the applicant must obtain a nonrevocable easement from all owners of property within the fall zone that prohibits the construction or placement of new structures within the fall zone, except as may be specifically permitted through the conditional use process. If an easement is utilized, a copy of the fully executed easement agreement shall be submitted as part of the application.

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- f. Towers shall be architecturally and visually compatible with the existing structures, vegetation, and/or uses in the area or likely to exist in the area under the terms of the applicable base district and/or comprehensive plan. The decision making body shall consider, but shall not be limited to, the following factors: similar height, color, bulk, and/or shape, or camouflage techniques to disguise the facility. This shall not preclude towers requiring FAA painting and/or marking from meeting those standards.
- g. This subsection B shall not apply to small wireless facilities that meet the standards found in subsections C and D of this section.

C. General Standards for Small Wireless Support Structures and Small Wireless Facilities.

1. *Small Wireless Support Structures.*

- a. Small Wireless Support Structures shall not exceed the height limitation of forty five feet (45').
- b. Small wireless support structures that are over twenty feet (20') tall and located within a utility easement or public right-of-way must be designed to allow for future arrangements of antennas and to accept antennas mounted at varying heights upon the small wireless support structure, to the extent reasonably feasible based upon construction, engineering and design standards.
- c. Small wireless support structures shall be permitted within utility easements or public rights-of-way in accordance with the requirements of this section.
- d. Single carrier small wireless support structures may be used within utility easements and public rights-of-way due to the height restrictions imposed by this section.
- e. The replacement of pre-existing small wireless support structures shall be subject to all the same requirements as the construction of new small wireless support structures.

2. *Small Wireless Facilities.*

- a. Small wireless facilities located within utility easements or public rights-of-way are exempted from setback requirements.
- b. Small wireless facilities may extend up to ten feet (10') above the height of a small wireless support structure.
- c. Small wireless facilities may be mounted on a roof of a building only if the height of the small wireless facility at the highest point

does not exceed the horizontal distance from the small wireless facility to the edge of the roof.

- d. The Small Wireless Facilities shall be architecturally and visually compatible with regard to similar height, color, bulk, and/or shape, and/or use of camouflage techniques.

D. Application Requirements. The application materials shall include the following written documentation:

1. *Suitability Analysis of The Proposed Site.* The analysis shall include, but is not limited to, the following:
 - a. Description of the surrounding area within one mile of the subject site including topography; and
 - b. For towers and/or associated facilities that do not meet the definition of Small Wireless Support Structures and Small Wireless Facilities. Propagation charts showing existing and proposed transmission coverage at the subject site and within an area large enough to provide an understanding of why the facility needs to be placed at the chosen location.
 - c. For towers and/or associated facilities that meet the definition of Small Wireless Support Structures and Small Wireless Facilities. A map and written analysis describing existing and proposed transmission coverage.
2. *Facilities Not Meeting Definitions of Small Wireless Support Structures and Facilities.* For towers and/or associated facilities that do not meet the definitions of small wireless support structures and small wireless facilities: if applicable, a signed lease agreement, relevant portions of which require the applicant to remove the tower and/or associated facilities upon cessation of use.
3. *Facilities Meeting Definitions of Small Wireless Support Structures and Facilities.* For towers and/or associated facilities that meet the definitions of small wireless support structures and small wireless facilities: if applicable, a signed lease agreement, master lease agreement or letter of authorization from the property owner or controlling entity that requires the applicant to remove the tower and/or associated facilities upon cessation of use.
4. *Prior To Construction.* Before construction of a small wireless support structure or small wireless facility commences in a utility easement or public right-of-way, the applicant shall provide written evidence of a permit, license, or legal right or approval to use such structure or facility

by the Ada County Highway District, other controlling entity, or the owner.

5. Applicants may submit consolidated applications for up to five (5) Small Wireless Facilities being installed, modified, replaced, or collocated.

E. Additional Application Requirements for Facilities That Require a Conditional Use Approval.

1. Engineering data showing that the tower is designed structurally, electrically, and in all other respects to accommodate both the applicant's equipment and comparable equipment for a minimum of one additional user if the tower is over twenty feet (20') tall. If the tower is over one hundred ten feet (110') tall, it shall be designed structurally, electrically, and in all other respects to accommodate both the applicant's equipment and comparable equipment for a minimum of two (2) additional users.
2. A report from a qualified and licensed professional engineer that describes the facility height and design (including a cross section and elevation); documents the height above grade for the recommended mounting position for collocated antennas and the minimum separation distances between antennas; describes the facility's capacity; and any other information necessary to evaluate the request. The report must include the engineer's stamp and registration number.
3. A letter of intent committing the facility owner and successors to allow the shared use of the facility, as required by this title, if additional users agree in writing to meet reasonable terms and conditions for shared use.
4. A map and written analysis demonstrating that the facility cannot be accommodated on an existing or approved tower within a two (2) mile radius.
5. It shall be the burden of the applicant to demonstrate that the proposed facility cannot be accommodated on an approved tower or structure within the two (2) mile search radius due to one or more of the following reasons:
 - a. Unwillingness of a property owner, or tower or facility owner to entertain shared use.
 - b. The planned equipment would exceed the structural capacity of the existing tower or structure, as documented by a qualified and licensed professional engineer, and the existing tower or facility structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

- c. The planned equipment would cause radio interference with material impacting the usability of other existing or planned equipment at the tower or structure, and the interference cannot be prevented at a reasonable cost as documented by a qualified and licensed professional engineer or other professional qualified to provide necessary documentation.
 - d. Existing or approved towers or other structures within the search radius cannot accommodate the planned equipment at a height necessary to be commercially functional as documented by a qualified and licensed professional engineer or other professional qualified to provide necessary documentation.
 - e. The proposed collocation with an existing tower or structure would be in violation of a local, State, or Federal law.
 - f. Any other unforeseen reasons that make it unfeasible to collocate upon an existing or approved tower or structure as documented by a qualified and licensed professional engineer, or other professional qualified to provide necessary documentation.
6. It shall be the burden of the applicant to demonstrate that a good faith effort has been made to solicit the location of the proposed tower on federal, state, county or city property when such property exist within the two (2) mile radius. Evidence of this shall include, at a minimum, copies of notices sent by certified mail, return receipt requested, to all federal, state, county or city property managers asking the possibility of locating the proposed tower on said property and requesting a written response within fifteen business days.
7. It shall be the burden of the applicant to demonstrate that a good faith effort has been made to solicit additional users for the proposed tower. Evidence of this shall include, at a minimum, copies of notices sent by certified mail, return receipt requested, to all other providers of cellular and wireless communications services within Ada County, advising of the intent to construct a new tower, identifying the location, inviting the joint use and sharing the costs, and requesting a written response within fifteen business days. (Ord. 389, 6-14-2000; amd. Ord. 417, 1-10-2001; amd. Ord. 426, 9-26-2001; amd. Ord. 757, 8-11-2010; amd. Ord. 894, 1-9-2019; amd. Ord. 902, 10-2-2019)

8-4-74 Tower or Antenna Structure, Private

- A. **Applicability.** The following regulations shall apply to tower structures for the purpose of private radio, television, or satellite reception and antennas for

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amateur radio. Towers are not subject to the accessory structures regulations of Section 8-4-5.

B. General Standards.

1. The tower or antenna structure is only for private, not commercial, use.
2. The tower or antenna structure is accessory to a permitted or approved use.
3. The applicant shall provide verification of compliance with the regulations and requirements of the following agencies, as applicable:
 - a. Federal Aviation Administration.
 - b. Idaho Transportation Department (Bureau of Aeronautics).
 - c. The City of Boise Airport Commission.
4. An amateur radio tower for a licensed amateur radio operator that exceeds the height limit for structures in the applicable base district shall require accessory use approval by the Director. The applicant must be a licensed amateur radio operator. Any other tower that exceeds the height limit for structures in the applicable base district shall require conditional use approval.

C. Tower Construction Standards.

1. Within the Boise Air Terminal Airport Influence Areas Overlay District, the height limit on the tower shall be as required by the Code of Federal Regulations 14 CFR 77.
2. If the tower does not exceed the height limitations of the applicable base district, the tower shall meet the setback requirements of the district.
3. If the tower exceeds the height limitation of the applicable base district, the following standards shall apply:
 - a. The tower shall meet the setback requirements of the district or it shall be set back one foot (1') for every ten feet (10') of total tower height from all property lines, whichever is greater.
 - b. The applicant shall submit a report from a qualified and licensed professional engineer and installed in accord with the manufacturer's specifications that describes the facility height and design (including a cross section and elevation). The report must include the engineer's stamp and registration number.
 - c. The applicant shall provide a copy of the notice of construction filed with the Federal Aviation Administration (FAA).
 - d. A fall zone for each tower shall be delineated and permanently restricted from future development, as follows:

- (1) The fall zone shall consist of the land area centered beneath the tower and circumscribed by a circle with a radius equal to a length of one foot (1') for every ten feet (10') of tower height.
 - (2) If the fall zone does not lie completely within the subject property, the applicant must obtain a nonrevocable easement from all owners of property within the fall zone that prohibits the construction or placement of new structures within the fall zone, except as may be specifically permitted through the conditional use process. If an easement is utilized, a copy of the fully executed easement agreement shall be submitted as part of the application.
4. Towers not requiring FAA painting and/or marking shall have either a galvanized finish or painted with a noncontrasting blue, gray, or black finish. Alternative colors or finish materials may be approved by the Director. (Ord. 389, 6-14-2000; amd. Ord. 902, 10-2-2019)

8-4-75 Temporary Uses¹⁹

A. Generally.

1. Except for those uses that may be allowed in this title for periods exceeding twelve (12) months, the use may be granted for a specified period not exceeding twelve (12) months from issuance of the zoning certificate. If the use will continue beyond twelve (12) months, then a conditional use and/or master site plan application must be submitted and approved.
2. The use shall not result in the construction of any permanent structure that would not otherwise be permitted subject to these regulations.
3. No structure shall be located within the required yard, nor shall any structure obstruct the "clear vision triangle".
4. Temporary signs less than or equal to six (6) square feet in area are exempt. Temporary signs shall not exceed forty eight (48) square feet.

B. Seasonal Stands. Seasonal stands shall be located in a C1 or C2 base district. The zoning certificate shall specify a beginning and end date.

C. Fireworks Stand. This use shall meet the following additional standards.

Only the existing general temporary use standards are provided. The existing purpose, applicability, process, and required findings will be housed in Module 3.

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1. Prior to the issuance of a zoning certificate, the applicant or owner shall obtain a permit to sell fireworks in accordance with Idaho Code section 39-2604 from the appropriate fire district.
 2. Stands shall be located in a C1 or C2 base district.
 3. Dates of fireworks sales shall comply with Idaho Code section 39-2606.
 4. The use shall comply with the flood hazard overlay district established in Section 8-2-28.
- D. Subdivision Model Home/Real Estate Sales Offices.** This use shall meet the following additional standards.
1. The sales office shall be located on a lot within a subdivision or planned unit development, or on a space within a manufactured home park.
 2. The principal use of the sales office shall be the sale of lots and/or dwellings or renting of spaces within the development.
 3. The sales office shall meet the construction standards for a commercial occupancy as required by the Ada County building code established in title 7, chapter 2 of this code. The applicant or owner shall obtain all necessary building permits as required by the Ada County building code established in title 7, chapter 2 of this code.
 4. The applicant or owner shall obtain a building permit to convert the sales office to a dwelling or shall remove the sales office within thirty (30) days of the sale or rental of the final lot or space.
 5. Subdivision model home/real estate sales offices may operate continually for over twelve (12) months upon the director's approval.
- E.** Permission to live in an existing dwelling or a temporary manufactured home shall be granted until the completion of the construction of the new principal permitted dwelling, or for not more than twelve (12) months, whichever time period is less, unless otherwise permitted. The existing dwelling or the temporary manufactured home shall be removed prior to issuance of the certificate of occupancy for the principal permitted dwelling, unless the existing dwelling or manufactured home is approved for use as a secondary dwelling.
- F.** For standards related to temporary permits for a pit, mine, or quarry in a residential district, see the specific use standards in Section 8-4-53.
- G.** The applicant shall have a continuous obligation to maintain adequate housekeeping practices to not create a nuisance.
- H.** For uses that require Director approval, the Director may require additional conditions to mitigate impacts. The conditions may include, but not be limited to, any or all of the following:

1. Standards related to the emission of noise, vibration, and other potentially objectionable impacts.
 2. Limits on time of day of the specified use.
 3. Other standards necessary to protect the public health, safety, and welfare and mitigate adverse effects on surrounding property.
- I. **Temporary living quarters** shall meet the additional required standards:
1. The temporary living quarters is needed to house a member of the owner's immediate family or the owner's employee.
 - a. Need for temporary living quarters for a family member shall be justified for reasons of health, employment, or upkeep on the property.
 - b. Need for temporary living quarters for an employee shall be justified for reasons of upkeep on the property, supervision of livestock, healthcare of owner, or tending to crops. For the purposes of this section, "owner's employee" shall mean a person employed on the premises by the property owner and receiving not less than seventy five percent (75%) of the employee's annual income from said property owners.
 2. The temporary living quarters shall be a securely anchored manufactured home.
 3. The temporary living quarters shall not be permanently affixed to the property, and shall be maintained in a condition to permit removal of the unit upon termination of the authorized use or expiration of the approval.
 4. The temporary living quarters shall have adequate sewage facilities as provided for in Section 8-3-5C.
 5. No more than one temporary living quarters shall be permitted on a property.
 6. The property shall be maintained in a neat and orderly manner and shall not differ in appearance from surrounding residential uses.
 7. The temporary living quarters, any attached structures, and the anchoring devices shall be removed from the property within thirty (30) days of termination of the authorized use or expiration of the approval.
 8. Temporary living quarters may be approved for a maximum of two (2) years. The applicant or owner may extend the duration of the temporary living quarters approval for up to four (4) 2-year time periods, by securing a zoning certificate prior to the expiration date of the temporary use or previous zoning certificate extension. After ten (10) years the applicant or owner may reapply for a new temporary living quarters.

- J. An anemometer or similar device for the purpose of determining feasibility of a wind facility site shall meet the following additional standards:
1. An anemometer for a distributed power facility, wind freestanding tower shall only be allowed in the RP, RR, and RUT districts on property containing a minimum of forty (40) acres.
 2. An anemometer for a distributed power facility, wind freestanding tower shall not exceed a height of one hundred twenty feet (120'), including the maximum tip height.
 3. An anemometer for a distributed power facility, wind rooftop shall not exceed the height of the base district in which it is located.
 4. An anemometer for distributed power facility, wind rooftop shall only be allowed in the RP, RR, RUT, RSW, R1 districts, on property containing a minimum of one acre. (Ord. 389, 6-14-2000; amd. Ord. 426, 9-26-2001; amd. Ord. 693, 5-14-2008; amd. Ord. 766, 12-8-2010; amd. Ord. 772, 7-27-2011; amd. Ord. 804, 11-14-2012; amd. Ord. 902, 10-2-2019)

Ada County Zoning Ordinance
DRAFT APRIL 14, 2021 – FOR DISCUSSION ONLY

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Chapter 5 Subdivision Standards

Purpose: *The purpose of this chapter is to provide uniform standards for the subdivision of property, to protect property, and to protect the health, safety, and general welfare of the people of Ada County.*

8-5-1 Generally

A. Purpose.

1. To guide the future growth and development of the County in accordance with this Code, Comprehensive Plan, and all other County development-related ordinances.
2. To promote safety from fire, flood, and other danger,
3. To ensure that public and private development are served by adequate public facilities and services with sufficient capacity for efficient transportation, water, sewer, drainage, and other public requirements and facilities, and that the development bear its fair share of the cost of providing the facilities and services.
4. To provide for the circulation of pedestrians required for the beneficial use of land and buildings throughout the County.
5. To establish policies governing traffic flow and safety on street facilities, minimize traffic congestion, improve traffic safety and flow, and ensure that traffic generated from the proposed development can be adequately and safely served by the existing and future street system.
6. To establish reasonable standards of design and procedures for platting to further the orderly layout and use of land and to promote proper legal descriptions and documenting of platted land.
7. To minimize the pollution of streams and ponds; to provide for the adequacy of drainage facilities; to control stormwater runoff; to minimize erosion and siltation problems; to safeguard the water table; to encourage the wise use and management of natural resources; and enhance the stability and beauty of the community and the value of the land.
8. To assure that sufficient parks and/or open spaces are provided to meet the recreational demands resulting from new residential development and to encourage measures for nonstructural flood control that will reduce the risk of flood damage for surrounding development.
9. To remedy the problems associated with illegally subdivided lands and/or previously platted lands, including premature subdivision, incomplete subdivision, or scattered subdivision of land.

B. Applicability.

1. *Subdivision in Unincorporated Areas.* This chapter shall apply to the subdivision of all property within the unincorporated area of Ada County except by modification of title 9 of this code.
2. *Unlawful.*
 - a. It is unlawful to make a subdivision of property until the requirements of this chapter are satisfied.
 - b. No plat or any instrument passing title to any portion of a plat shall be offered for recording unless approved in accord with the regulations of this title.
 - c. No building permit shall be issued on any property being considered in the subdivision process until:
 - (1) the final plat has been recorded,
 - (2) assessor's parcel numbers have been assigned, and
 - (3) all required public improvements have been constructed and approved by the appropriate authority or a surety agreement has been submitted to and approved by the Director.
 - d. It shall be unlawful to reduce a property containing an approved distributed power facility, wind freestanding tower below the forty (40) acre minimum property size as of the effective date hereof; provided further, none of the exceptions listed in Section 8-5-1B.3 are applicable to such properties, excepting a "property reduced by governmental action" in accord with Section 8-3-2M.
3. *Exceptions.* The following divisions of property shall not constitute a subdivision:
 - a. A "property boundary adjustment" in accord with Section 8-6-20 and as defined in Chapter 10, Definitions.
 - b. An approved "one time division" in accord with Section 8-6-19.
 - c. The division of property because of condemnation, as defined and allowed in the Idaho Code.
 - d. The expansion or acquisition of street rights of way by a public highway agency.
 - e. An approved farm development right in accord with the regulations of Section 8-2A-5 of this title.
 - f. Abutting parcels that qualify as an exception to the contiguous parcel regulation as set forth in Section 8-3-2D.

- g. A "property reduced by governmental action" in accord with Section 8-3-2M. (Ord. 389, 6-14-2000; amd. Ord. 490, 4-9-2003; amd. Ord. 699, 6-18-2008; amd. Ord. 768, 1-12-2011; amd. Ord. 772, 7-27-2011)
- C. **Subdivision Types.** The three (3) subdivision types –, preliminary plat, final plat, and short plat – shall comply with this chapter and follow the specifications, processes, and requirements established in Chapter 6.

8-5-2 Access

- A. **Generally.**
 - 1. All lots shall have access that comply with Section 8-3-3.
 - 2. The arrangement, character, extent, and location of all streets shall conform to the comprehensive plan or portions thereof and shall consider their relation to existing and planned streets, topographic conditions, and in their appropriate relation to the proposed uses of the property to be served by those streets.
 - 3. All required public street improvements and additional design standards are subject to the jurisdiction of the Ada County Highway District and the Idaho Transportation Department if taking access from a State Highway.
 - 4. Where a subdivision borders a railroad right of way or limited access highway right of way, a street approximately parallel to such right of way, at a distance suitable for appropriate use of the intervening property may be required.
 - 5. Street layout shall be planned to facilitate future development of abutting areas and the entire neighborhood, and shall provide for adequate access to abutting lands. (Ord. 389, 6-14-2000)

8-5-3 Alleys

- A. **Generally.** Alleys may be provided.
- B. **ACHD Compliance.** Alleys shall comply with ACHD standards. (Ord. 389, 6-14-2000; amd. Ord. 738, 2-23-2010)

8-5-4 Blocks

- A. **Generally.** The length, widths, and shapes of blocks are determined by:

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Chapter 5 Subdivision Standards | 8-5-5 Easements

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated including the base district requirements as to property sizes and dimensions.
2. Avoiding double front lots, not to include corner lots. If unavoidable, one of the frontages shall be restricted from access, unless approved by the Director.
3. Needs for convenient access, circulation, control, and safety of street traffic. The number of intersecting streets with arterials of all classes shall be held to a minimum.
4. The limitations and opportunities of topography.
5. Arranging lots within blocks or abutting a cul-de-sac.

B. Standards.

1. Residential block lengths should range between four hundred feet (400') and six hundred feet (600'), the Director approves an alternative length based on consistency with adjacent streets, future land development patterns provided in the comprehensive plan, to provide a lot configuration that better protects natural resources or agricultural land.
2. Pedestrian access rights of way not less than ten feet (10') wide, may be required for walkways through or across a block when deemed desirable to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities. That access right of way shall be located within an easement or on a separately platted lot. (Ord. 389, 6-14-2000)

8-5-5 Easements

- A. The subdivision shall plat shall provide easements for utilities, drainage, and irrigation abutting to all public street right of way and subdivision boundaries, and where considered necessary, centered on the interior property lines.
- B. Those easements shall have a minimum width of ten feet (10').
- C. Where a subdivision is transversed by a watercourse, appropriate easements shall be provided. (Ord. 389, 6-14-2000)

8-5-6 Flood Hazards

Generally. AProposed subdivisions in a flood hazard overlay district shall comply with Section 8-2-28. (Ord. 389, 6-14-2000)

8-5-7 Improvements

- A. **Owner's Responsibility.** The owner shall complete the improvements required by this Section and any additional improvements required as a condition of approval. (Ord. 389, 6-14-2000)
- B. **Monument Requirements.** The owner shall comply with the requirements of Idaho Code sections 50-1302, 50-1303, 54-1227, and 55-1608. (Ord. 389, 6-14-2000; amd. Ord. 681, 3-12-2008)
- C. **Streets and other Improvements.** The applicant shall fulfill the following requirements (as applicable) before the final plat is signed:
 - 1. Public streets shall be accepted by the Ada County Highway District.
 - 2. Approved private roads shall be completed and comply with Section 8-3-11.
 - 3. All new developments shall have adequate sewage facilities as provided for in Section 8-3-5.D or the plat shall have a sanitary restriction approved by the appropriate health authority.
 - 4. Stormwater facilities and drainage improvements shall be constructed by the applicant or owner and approved by the County Engineer.
 - 5. Streetlights shall comply with the lighting regulations established in Section 8-3-7. (Ord. 389, 6-14-2000; amd. Ord. 738, 2-23-2010)
- D. **Surety and Surety Agreement.** See section 8-3-5.

(Ord. 389, 6-14-2000; amd. Ord. 699, 6-18-2008)

8-5-8 Lots

- A. **Generally.** Except as otherwise permitted by this Code, every building shall be located on a lot.
- B. **Standards.** The property size, width, depth, shape, and orientation, and the minimum structure setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
 - 1. The minimum dimensional standards for all lots shall comply with the applicable base district.
 - 2. Corner lots in residential zoning districts shall increase five percent (5%) above the minimum property size of the applicable base district to permit appropriate front and street side setbacks.
 - 3. For a distance of fifty feet (50'), side property lines originating at the front of the lot shall be within twenty degrees (20°) of right angles or radial to the street providing access.

4. Through lots shall be avoided except to separate developments from arterial streets or to overcome topographic restrictions.
 - a. A screening easement or common area lot having a minimum width of ten feet (10') shall be provided along the arterial streets.
 - b. If unavoidable, one of the frontages shall be restricted from access.
5. Frontage for lots on a cul-de-sac turnaround is measured fifty feet (50') back from the front property line along an arc parallel to the right of way of the cul-de-sac (see Figure 8-5-8-1 below).

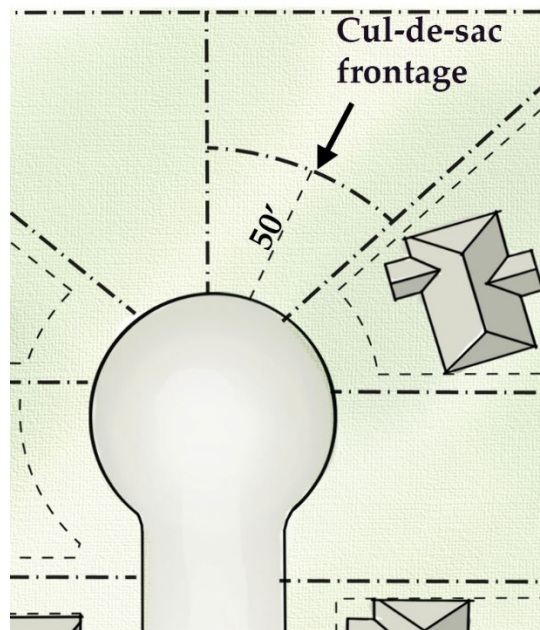


Figure 8-5-8-1 Cul-de-sac frontage

6. Frontage for lots on a knuckle shall be measured fifty feet (50') back from the front property line along the arc parallel to the right of way of the knuckle. See section 8-1A-2, figure 11 of this title. (Ord. 389, 6-14-2000; amd. Ord. 591, 7-27-2005)

8-5-9 Watercourses

A. Generally.

1. There shall be a minimum structural setback of thirty feet (30') from the normal high water line of all watercourses, whether covered or uncovered.
2. For open watercourses, normal high water line shall be as determined by a licensed surveyor or engineer.

- B. Board Requirements.** Only when required by the Board shall watercourses be covered or fenced.
1. Proposed fences within the southwest planning area shall comply with Section 8-2-26.
 2. Proposed fences in a designated flood hazard area shall comply with Section 8-2-28.
 3. Unless otherwise specified by this title, fences shall be a six foot (6') barrier that meets the barrier requirements for swimming pools in the Ada County building code as set forth in title 7, chapter 2 of this code.
 4. Proposed covers or fences involving an irrigation distribution system shall have the prior approval of the affected irrigation district. (Ord. 389, 6-14-2000)