

**Boise County
Zoning
And
Development
Ordinance**

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***Boise County
Planning & Zoning Department***

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Chapter 1

INTRODUCTORY PROVISIONS

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SECTION 1-1 TITLE

AN ORDINANCE PROVIDING LAND USE AND DEVELOPMENT REGULATIONS FOR BOISE COUNTY, IDAHO, CONSIDERING ALL LANDS WITHIN THE JURISDICTION OF THE GOVERNING BOARD AS ONE MULTIPLE USE DISTRICT; SETTING THE AUTHORITY, PURPOSE, SCOPE, AND DEFINITIONS OF TERMS; SETTING STANDARDS AND REVIEW PROCEDURES FOR VARIOUS LAND USES, PROVIDING FOR VARIANCES; PROVIDING FOR DESIGNATION OF HAZARDOUS DEVELOPMENT SITES; SETTING GENERAL SIGN REGULATIONS; PROVIDING FOR APPEALS, AMENDMENTS, SEVERABILITY, ENFORCEMENT AND PENALTIES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

The text of this document together with appropriate maps and appendices shall be known as the ABoise County Zoning and Development Ordinance, hereinafter referred to as the Ordinance. The passage of this Ordinance repeals Boise County Ordinance 99-1.

SECTION 1-2 AUTHORITY

This Ordinance is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Code and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently codified. The standards and policies of this Ordinance have been

adopted in accordance with the Comprehensive Plan adopted by Resolution of the Board.

SECTION 1-3 PURPOSE

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the county. It is designed to:

- a. protect both property rights and property values and minimize the conflicts among the uses of land and buildings.
- b. assure adequate on-site and off-site public facilities or services.
- c. establish reasonable standards for development which promotes the orderly and beneficial development of all parts of the county.
- d. prevent the pollution of air, soil, streams, rivers and ponds and safeguard the ground water and encourage the wise use and management of natural resources throughout the county in order to preserve the integrity, stability and beauty of the county and the value of the land.
- e. preserve the natural beauty and topography of the county and insure appropriate development with regard to these natural features while maintaining the open space and rural atmosphere of the county.
- f. encourage well-planned development, and assure equitable handling of all proposals by providing uniform procedures and standards.

SECTION 1-4 SCOPE

- a. This Ordinance is to be in full force and effect from and after its passage, approval, and publication according to law.
- b. If any one or more of the sections, sub-section or any other part of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the same shall remain in full force and effect.
- c. Regulations of this Ordinance shall apply to all real property, buildings, structures or fixtures attached thereto in Boise County outside of any incorporated city except as may be altered under Idaho Code Sections 67-6525 (annexation) and 67-6526 (area of impact). The United States of America, the State of Idaho, Boise County and all their respective agencies, boards, departments, institutions, and local special purpose districts, shall comply with this Ordinance unless otherwise excepted by law.

- d. Whenever a provision of this Ordinance, or any provision of any City, State, Federal, or County regulation, resolution, law, rule, or contract contains restrictions covering the same subject matter, the more restrictive requirement or higher standard shall govern when authorized by law.

SECTION 1-5 ORGANIZATION AND USE OF ORDINANCE

- a. All lands, except as may be classified otherwise pursuant to Idaho Code Sections 67-6525 and Section 67-6526 in the unincorporated areas of the county, are hereby classified into one Multiple Use Zone District. (This is to simplify requirements and processing procedures, yet manage land development for the benefit of all residents.) The purpose of one land use classification is to grant landowners maximum flexibility in using and developing their properties in a way that will protect, retain or enhance the natural beauty and open space characteristics of Boise County. All uses in the county have been classified as "allowed", "not-allowed" or "conditional". It is necessary to classify some land uses as conditional so they can be reviewed and evaluated individually by the Commission and commented upon by neighboring landowners as to compatibility with existing uses and the physical surroundings of the use.
- b. Allowed and conditional land uses are listed in **Table 1-A**.
- c. Not Allowed land uses are listed in **Table 1-B**.
- d. Allowed uses are defined in Chapter 2.
- e. Conditional uses are defined and procedures outlined in Chapter 3.

SECTION 1-6 ENFORCEMENT AND ADMINISTRATION

- a. Office of Planning and Zoning Administrator - There is established in Boise County, State of Idaho, the office of the Planning and Zoning Administrator, which shall be under the jurisdiction of the Board of County Commissioners of Boise County, State of Idaho. The Board of County Commissioners shall appoint the officers who shall be charged with the administration and enforcement of this Ordinance, but the Board of County Commissioners may from time to time, upon passage of a resolution, entrust the administration and enforcement, in whole or in part, to any other office of the county. (Ordinance 95-7)
- b. County Planning and Zoning Commission - Boise County Planning and Zoning Commission shall implement this Ordinance with powers and duties as set forth in Idaho Code. Said Commission shall consist of seven (7) members appointed by the elected Board County Commissioners. (Ordinance 95-7)

SECTION 1-7 RELATED COUNTY ORDINANCES, POLICIES, OR STANDARDS

Related documents containing land use policies, standards, or regulations which, together with the Ordinance, shall apply in the county.

SECTION 1-8 GENERAL PROVISIONS OF ORDINANCE

- a. Agricultural Land - The requirements of this Ordinance are intended to be compatible with Chapter 45 of Title 22 of the Idaho Code (Right to Farm Legislation) and this Ordinance shall not be construed so as to deprive the owner of agricultural land of the full and complete use of said land for the production of any agricultural products.
- b. Building Permits - Any person, firm or corporation desiring to construct, erect, move or remodel a structure, other than agricultural structures, which will be one hundred twenty (120) square feet or greater in roof area shall first obtain a permit from the county and shall pay a fee as required by the county. A building permit shall be a condition of approval for a Conditional Use Permit.
- c. Non-Conformance - The non-conforming use of buildings, structures and land use that was in place at the time of passage of the first Zoning and Development Ordinance in March 1997 may be continued to the same extent and character as that which existed at that time to the extent that such continuation does not violate other laws and is in conformance with all requirements of Chapter 8 of this ordinance.
- d. Land Previously Subdivided - Any lot or parcel of land which was of record at the time this Ordinance became effective which was in conformance with prior subdivision regulations may be used as a dwelling site provided the building placement and health requirements are met and that safe access can be accomplished.
- e. Sewage Disposal and Water Systems - All domestic sewage disposal facilities must be approved and a permit issued by the Health Authority and installed and operating before a building shall be occupied. No building shall be occupied as a residence or commercial, civic, industrial establishment unless and until an approved and permitted supply of water and sewage disposal system is installed and operating on the premises.
- f. Lots Below Minimum Space Requirements - After the effective date of this Ordinance, no parcel of land which has less than the minimum width and area requirements may be created from a larger parcel of land for the purpose, whether immediate or future, of building or development, excepting for bona fide agricultural use or other purposes not subject to this Ordinance.

SECTION 1-9 DEFINITIONS OF TERMS

Except as defined hereafter, any terms not defined herein shall be given the meaning

ordinarily applied to such words as used in zoning terminology.

Accessory Structure: A subordinate structure incidental to the main use or principal building of a property and which is located on the same lot or tract as the main structure but does not include any building containing a dwelling unit as hereinafter defined.

Accessory Use: A use incidental and subordinate to the principal use of the same premise.

Administrator: The term Administrator shall mean an official of the county or their designee, who is authorized by the Board to administer this Ordinance.

Agricultural Building: Any building designed and constructed to be used for agricultural purposes which is not intended for human habitation (including pumphouses, barns, toolsheds, storage buildings, etc.).

Agricultural Uses: Farming, dairying, pasturage, cultivation, tillage, horticulture, floriculture, silviculture, viticulture, vermiculture, animal, poultry, and fish husbandry, as the principal land use and the necessary accessory uses for packing, treating, or storing the produce. Agricultural uses shall not include commercial riding stables, race tracks, slaughterhouses, plants, factories, works for the reduction of animal matter, or commercial poultry, kennels, or feed lots.

Airport: Any runway, land area or other facility designed for the accommodation, servicing, landing, and take-off of aircraft.

Animal Hospital: Any building or portion thereof designated for the care or treatment of cats, dogs, or other animals.

Applicant: Any person initiating an application for subdividing or development of land for the building or modification of any improvement on land. The applicant need not be the owner of the property; however he/she shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.

Application: The forms and information required to be filed by the applicant for any permit or variance or appeal under this Ordinance.

Area of Impact: An area mutually agreed upon, including boundaries and Ordinances between the city and county as provided for in Idaho Code 67-6526.

Bar/Lounge/Tavern: A building where alcoholic beverages are sold on the premises not including restaurants where the principle business is serving food.

Bed and Breakfast: A residence used for the lodging of paying guests. 1-4 guest rooms is an allowed use; 5 or more guest rooms requires a conditional use permit.

Board: The Boise County Board of Commissioners.

Building: Any structure which is designated or intended for the shelter, enclosure or protection of persons, animals, or property of any kind.

Bulk Plant: An establishment where liquids are received by tank, vessel, pipe lines, tank car or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipe line, tank car, tank vehicle or container.

Churches: Any structure or property which is owned by any church which is qualified as an organization exempt from income tax.

Civic Uses: Of or relating to a citizen, citizenship or civil affairs; of or relating to or involving the general public and community and their activities, needs or ways or civic affairs.

Clinic: A building or portion of a building containing offices and facilities for providing medical, dental or psychiatric services for out-patients only.

Cluster Development: A subdivision or other development planned and constructed so as to group structures or lots into relatively concentrated and contiguous areas while providing a unified network of open space, wooded area, recreational, or agricultural land.

Commercial Use: A use other than agriculture which involves the sale of products or services for profit or compensation

Commission: The Boise County Planning and Zoning Commission. (Idaho Code 67-6504)

Comprehensive Plan: A compilation of goals, policies, maps and other data guiding the physical, social and economic development, both public and private, of the county and its environs, as defined in the Idaho Local Planning Act of 1975.

Conditional Use: Any use as defined by this Ordinance which, because of its potential incompatibility with adjacent or traditional uses, is subject to limitations and conditions specified herein. Also known as a Special Use Permit.

Density: A unit of measurement which specifies the number of dwelling units per acre of land.

Development: Any grading, vegetation removal, construction activity, or any other activity, excluding maintenance, which changes the existing character or use of the land or has any impact on adjoining properties.

Drive-In Establishment: An establishment, other than an automobile service station,

that is designed to accommodate the motor vehicles or patrons in such a manner as to permit the occupants of such vehicles, while remaining in the vehicle, to make purchases or receive services.

Dwelling: A building, or portion thereof, containing one or more dwelling units. The term “dwelling” does not include any recreational vehicle, hotel or motel as defined herein.

- Dwelling, One-Family: A detached building containing one (1) dwelling unit designed for and occupied exclusively by one (1) family. For purposes of this Ordinance the classification of Dwelling, One-Family shall include group homes, mobile homes and manufactured homes as herein defined.
- Dwelling, Two-Family: A building containing two (2) dwelling units for two (2) families living independently of each other including duplexes, and semi-detached housing.
- Dwelling, Multiple-Family: A building containing at least three (3) dwelling units for three (3) or more families living independently of each other.

Family: An individual or two (2) or more individuals related by blood, marriage, legal adoption or guardianship, or a group of four (4) or fewer persons who are unrelated and reside together using common cooking facilities.

Family Food Production: The keeping of domestic animals and fowl for the production of food for the use of the family occupying the premises.

Feedlot, Commercial: An area where livestock is contained for the purpose of resale or slaughter at an average monthly confined animal density exceeding two (2) animal units per acre and using a primary feed supply other than grazing, excluding family food production or incidental sale.

Greenhouse, Commercial: An establishment where flowers, shrubbery, vegetables, trees and other horticulture products are grown in the open and/or in an enclosed building for sale to the general public on a retail basis.

Greenhouse, Wholesale: An establishment where flowers, shrubbery, vegetables, trees and other horticulture products are grown in the open and/or in an enclosed building for sale on a wholesale basis, with retail sales on premises to be on an occasional and incidental basis.

Group Home: Residential shelter care facilities for mentally retarded, physically handicapped and elderly citizens. Group homes for eight or fewer people are considered single family dwellings for purposes of land use ordinances.

Half-Way House: A type of housing for persons convicted of non-violent crimes who are in the latter stages of serving a sentence and are being transitioned back into free

society.

Health Authority: Means the Central District Health Department (Region IV), the Idaho Department of Labor and Industrial Services, Plumbing Division and the Idaho Division of Environmental Quality.

Height, Building: The maximum distance possible, measured vertically, from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the decline of mansard roofs and top of building walls for gable, hip and gambrel roofs.

Holding Facility: Any building used for the purpose of housing persons under the custody of any county or the Idaho State Board of Corrections as a prisoner for the violation of a criminal offense for a period not to exceed seventy-two (72) hours.

Home Occupations: Any gainful commercial operation, profession or craft, which is customarily incidental to or carried on entirely within in a dwelling place, and wherein the use is clearly incidental and secondary to the use of the structure for dwelling purposes. Not more than fifty percent (50%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

- X There shall be no change in the outside appearance of the building or premises other than one (1) sign, not exceeding four (4) square feet in area and mounted flat on the building.
- X No significant traffic shall be generated by such home occupation and parking shall not be located in a required yard.
- X No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference offensive to normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises in violation of Federal Communication Regulations.
- X There shall be no more than three (3) non-family member employees in such home occupation.

Hospital: The term "Hospital" shall mean an institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by the State of Idaho to provide facilities and services in surgery, obstetrics, and general medical practices.

Hotel/Motel: The word "Hotel or Motel" shall mean a building in which lodging is provided and offered to the public for compensation and which is open to transient guests.

Industrial Use: Any manufacturing processing, testing, energy production, storing, assembling, testing and similar uses which generally generate by-products of noise, smoke, odor, glare, gas, vibration, dust, or light. It does not refer to the growing of agricultural crops, or the raising of livestock.

Junkyard: An outdoor space where waste, discarded, or salvaged materials including inoperative automobiles are bought, sold, exchanged, baled, packed, disassembled, stored or handled. Junkyard also includes house wrecking and structural steel materials and equipment, but does not include such places where such uses are conducted entirely within a completely enclosed building such as pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment or for used cars in operable condition, or salvaged materials which are incidental to manufacturing operations.

Kennel, Commercial: The commercial boarding, caring or breeding of four (4) or more dogs, cats and other household domestic animals in return for compensation or kept for sale. The sale of two or less litters of pets per year per animal shall not be deemed "commercial".

Livestock: Hoofed domesticated animals, poultry, rabbits and fur bearing animals.

Lot: A parcel, plot, tract, or other land area of suitable size as required in these regulations and created by subdivision for sale, transfer or lease.

Lot Area: The total area of a lot measured on a horizontal plane within the boundary lines exclusive of public and private roads, and access easements to other property.

Lumber Mill, Permanent: The site, equipment, and buildings necessary to saw, plane, or mill tree logs into posts, poles, building logs, lumber, dimensional lumber or similar products.

Lumber Mill, Portable: A temporary enterprise where logs are cut and milled on the same site.

Manufactured Home: A factory built structure constructed according to the National Manufactured Housing Construction and Safety Standards Act of 1974, and as amended, which became effective June 15, 1976. A manufactured home:

- X is transportable in one (1) or more sections, which in the traveling mode, is eight (8) feet or more in width or is forty (40) feet or more in length.
- X when erected on site is three hundred twenty (320) or more square feet.
- X is built on a permanent chassis, however, it does not have permanently attached to its body or frame any wheels or axles, and, it is not constructed or equipped

with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site.

X is designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities.

X has a pitched roof with a minimum pitch of 2:12 (two inches of rise to twelve inches of run).

Mobile Home: A transportable, factory-built residential dwelling, which was constructed prior to enactment of the National Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976 or has been rehabilitated according to standards set by Title 44 of the Idaho Code.

Mobile Home – Pre June 15, 1976 located within Boise County Prior to March 1997: may be relocated within the county. If being used as a residential unit, must be rehabilitated as required by state code. A 30-day temporary permit may be issued for the new location while the mobile is being rehabilitated. It may not be occupied during this period. If the intended use is other than residential, no rehabilitation is required. A building permit is required before the mobile is moved.

Manufactured/Mobile Home Park: Any area, tract, plot or parcel of land developed as a planned unit development (PUD) and designed primarily for placement of manufactured/mobile homes located and maintained for dwelling purposes on a permanent or semi-permanent basis.

Mineral Extraction: Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any natural mineral resource.

Modular Building: Any building or building component, other than a manufactured home, and is either entirely or substantially prefabricated or assembled at a place other than the building site. Modular homes are subject to the same standards as site-built homes. Modular buildings are not required to comply with the National Manufactured Home Construction and Safety Standards Act of 1974.

Non-conforming Building: A building or structure or portion thereof lawfully existing or being lawfully constructed prior to March 1997 when the first Zoning and Development Ordinance was passed, which was designed, erected or structurally altered for a use, or to dimensional standards that do not conform to the requirements for structures and/or uses as outlined by this Ordinance.

Nonconforming Lot: A lot of record which was lawfully existing prior to March 1997 when the first Zoning and Development Ordinance was passed, but which, because of the application of this Ordinance to it, no longer conforms to lot area or width requirements prescribed in this Ordinance.

Nonconforming Use: A use which was lawfully established and maintained prior to March 1997 when the first Zoning and Development Ordinance was passed , but which, because of the application of this Ordinance to it, no longer conforms to the use regulations.

Original Parcel: An original parcel of land is hereby defined as a lot or tract as recorded on any plat of record on file in the office of the Boise County Recorder, or any unplatted contiguous parcel of land held in one ownership and of record on December 28, 1978.

Permanent Foundation: Concrete or timbered structure that is not easily moveable and the primary purpose is support of a structure or sign.

Planned Community Base District: An area of land with a minimum of 640 acres which is located outside existing areas of City Impact. The Planned Community has a boundary that enhances the area's ability to incorporate or be annexed. A variety of residential, commercial and industrial uses develop in a pre-planned environment.

Planned Unit Development: An area of land in which a variety of residential, commercial and industrial uses develop under single ownership or control are accommodated in a pre-planned environment with more flexible standards, such as lot sizes and set backs, than those restrictions that would normally apply under these regulations.

Plat: The drawing, map or plan of a subdivision, cemetery, townsite or other tract of land, into lots, blocks, and roads in accordance with Title 50 Chapter 13, Idaho Code.

Principal Use: The term APrincipal Use≅ shall mean the specific purpose for which a lot is arranged, intended, designed, occupied or maintained.

Recreational Vehicle: A licensed vehicle (8 by 40) eight foot by forty foot, or less, wherein people reside on a temporary basis which is incidental to their principle residence.

Recreational Vehicle Park: A parcel of land which has been planned and improved or which is rented or used for the placement of two (2) or more transient recreational vehicles. Recreational vehicle parks are for temporary living quarters and not permanent housing.

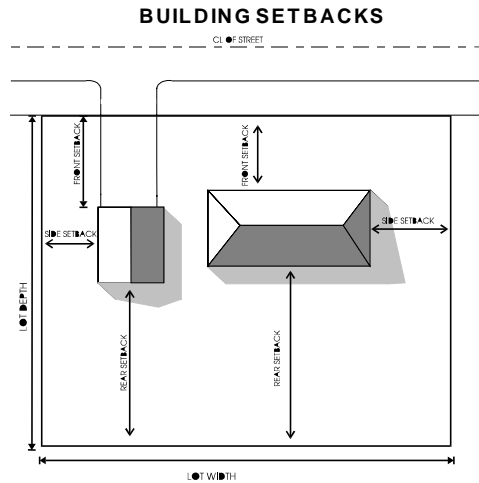
Restaurant: The word ARestaurant≅ shall mean any land, building or part thereof, other than a boarding house or bed and breakfast, where meals are provided for compensation, including, among others, such uses as cafe, cafeteria, coffee shop, lunch room, and dining room.

Right-of-Way: A strip of land dedicated or reserved for use as a public street, crosswalk, railroad, road electric transmission line, oil or gas pipeline, water main,

sanitary or storm sewer main, or for other special uses.

Roadside Stand: A temporary or mobile structure designed or used for the display or sale of products or services.

School: An organization specializing in the instruction of students.



Setbacks: The space between every structure and all property lines on the lot on which structures are located, required to be left open and unoccupied by buildings or structures, either by the front, side, or rear yard requirements of this Ordinance, or by delineation on a recorded subdivision map.

Setback Average: The minimum front or rear yard setbacks may be adjusted to conform with the average setback of existing similar buildings on the adjoining four (4) properties (two on each side of the proposed use).

Shall: The word *shall* is mandatory.

Signs: ON-PREMISES: Any sign or advertising structure that the message identifies the property on which the sign is located, its owner or tenant, or directs attention to an offer for sale, lease or rent of said property, or warns the public as to danger, or trespassing thereon, or directs the public upon said property, or informs the public as to current or proposed use of the property, or recites the name of the land use, business, proprietor or nature of products or services provided or manufactured upon said property.

OFF-PREMISE OR OUTDOOR ADVERTISING SIGNS: Any sign that directs attention to the use, name, business, commodity, service, entertainment or land use conducted, sold, or offered elsewhere than the sign location.

NONCONFORMING SIGNS: Any sign, sign structure or use of sign existing before enactment of this Ordinance that does not conform to the standards cited by this Ordinance.

Site Plan: A drawing of existing and planned conditions to facilitate review and approval

of an application.

Slaughterhouse/Meat, Poultry or Fish Packing: A facility which includes slaughtering, meat canning, curing, smoking, salting, packing, rendering, or freezing of meat products or a facility in which meat products are so processed for sale to the public and where the inspection of meat, meat by-products and meat food products are maintained.

Slope: Refers to an incline from the horizontal plane which may be expressed as Apercent slope,≡ Aslope ratio≡ or Agradient,≡ a fifteen percent (15%) slope is equal to a fifteen (15) foot vertical change within a one hundred (100) foot horizontal distance.

Special Use Permit: See conditional use.

Structure: Anything constructed or erected, except fences, exceeding three (3) feet in height, which requires permanent location on the ground or is attached to something having permanent location on the ground.

Stable Riding: A building or structure used or designed for the boarding or care of riding horses for remuneration, hire, or sale.

Utilities: All water supply, drainage, sewer, gas, electrical, telephone, television and other communications lines, and related features.

Variance: A grant of relief from certain provisions of this Ordinance when, because of unique, natural site characteristics of a property, compliance would result in undue hardship upon the owner as distinguished from a mere inconvenience or inability to receive greater profit, and which would not be contrary to the public interest (Idaho Code 67-6516).

Vicinity Map: A small scale map showing the location of a tract of land in relation to a larger area.

Wetlands: Those areas that are within the definition of wetlands as defined by the Environmental Protection Agency and within the jurisdiction of the U.S. Army Corps of Engineers.

Wood Processing Plant: The site, equipment and buildings necessary to convert wood into chips or fibers, or fibers into byproducts such as paper, plywood and particle board, or to extract byproducts from wood fibers.

Wrecking Yard: Any use of a site, excluding enclosed buildings, on which three (3) or more motor vehicles not in operating condition are standing more than 30 days, and which vehicles do not carry valid state registrations and license plates.

Zoning Ordinance: The Boise County Zoning and Development Ordinance.

SECTION 1-10 ALLOWED AND CONDITIONAL USES

Within Boise County's Multiple Use Zone District, all land uses are termed either "**allowed**", "**conditional**" or "**not allowed**".

An "**allowed**" land use is one which may be established in compliance with this Ordinance and related laws by evidencing compliance with applicable requirements and paying required permit fees. An allowed use may be conducted when compliance with this Ordinance and related laws is demonstrated and maintained.

A "**conditional**" use permit is required when a land use may possess characteristics that require review and appraisal by the Planning and Zoning Commission to determine whether or not the use would cause any damage, hazard, or nuisance to persons, property, or natural resources in the vicinity. A conditional use permit shall be subject to the terms and conditions by which it is approved. Conditions of approval may include, but are not limited to:

- hours of operation
- setbacks
- grading
- fencing
- landscaping
- signage
- screening
- road volumes, traffic control, maintenance
- natural resources impact mitigation including wildlife habitats, historic sites, shorelines, floodplains, fire hazards, etc.
- sight obstruction mitigation
- visibility from roads
- noise mitigation, etc.

A "**not allowed**" land use is one which has been appraised by the Planning and Zoning Commission and has been determined that such use would cause damage, hazard or nuisance to persons, property or natural resources in the vicinity. A listing of not allowed uses is found in **Table 1-B**.

A **listing of allowed and conditional uses** is found in **Table 1-A**. Check this table to see whether the principal use you propose for your project is considered allowed or conditional. If the land use you propose is not listed in Table 1-A, a determination as to the appropriate classification of a new or unlisted form of land use shall be made according to procedures found in Chapter 12.

An **application fee** will be charged for all administrative and other costs incurred directly or indirectly by Boise County in processing applications.

ALLOWED AND CONDITIONAL LAND USES

Residential Uses

Uses	Allowed Use	Conditional Use
Accessory structures to allowed uses	X	
Bed and Breakfast (1-4 guestrooms)	X	
Bed and Breakfast (5 or more guestrooms)		X
Condominium, townhouse, or other multi-family residence		X
Dwelling, One family on two (2) acres or more	X	
Dwelling, Two family, Multi-family		X
Group Homes, physically and mentally handicapped, elderly for up to and including eight (8).	X	
Group Homes, for more than eight (8)		X
Home Occupations as defined on pg. Eight (8).	X	
Home Occupations that violate criteria found on pg. Eight (8).		X
Manufactured home	X	
Mobile Home - Post 1976 which meets building requirements	X	
Mobile Home - Pre 1976 which meets state rehabilitation standards & building requirements	X	
Modular Home	X	
Mobile Home – Pre 1976 that has been located within Boise County since March 1997 to be used for other than residential unit – not rehabilitated.	X	

SECTION 1-10

**TABLE 1-A (Continued)
ALLOWED AND CONDITIONAL LAND USES**

Uses	Allowed Use	Conditional Use
Neighborhood Business		
Beauty/barber shops		X
Child care center (more than 10 children)		X
Drug store		X
Florist		X
Grocery store		X
Laundromat/cleaners		X
Repair businesses		X
Service Business		
Bar/lounge		X
Car wash		X
Motel, hotel, resort, lodge		X
Service/gas station/fuel		X
Area Business/Commerce		
Auto sales, service, storage, rental, repair		X
Banks/financial institutions		X
Bowling alley		X
Building materials, retail or wholesale		X
Clinic, animal; animal hospital; veterinary office		X
Commercial recreation centers		X
Drive-In establishment		X
Equipment rental-sales yard		X
Furniture and/or appliance shop		X
Jails/Detention centers/Holding facilities		X
Mortuary		X
Office, medical, and professional; clinic		X
Restaurant-(inside and/or outside seating).Drive-In		X
Salvage yard or storage		X
Shopping center		X
Storage rental		X
Theaters (indoor-outdoor)		X
Recycling center		X

SECTION 1-10

**TABLE 1-A (Continued)
ALLOWED AND CONDITIONAL LAND USES**

Commercial Uses

Recreational

Uses	Allowed Use	Conditional Use
Archery, trap or skeet range		X
Dude ranch		X
Fairground – private		X
Golf course/driving range and facilities		X
Miniature golf course or amusement park		X
Race track		X
Recreational vehicle park		X
Riding stables and schools		X
Rifle/Pistol range		X
Rodeo arena		X
Skating rinks		X
Ski area, lodge and related facilities		X

SECTION 1-10

**TABLE 1-A (Continued)
ALLOWED AND CONDITIONAL LAND USES**

Industrial Uses

Uses	Allowed Use	Conditional Use
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The purpose of this chapter is to provide procedures and standards for those uses which by their nature are compatible with existing land uses in the Multiple Use District of Boise County.

SECTION 2-2 MINIMUM STANDARDS

An approved allowed use shall meet the minimum bulk standards, such as, but not limited to, setback requirements, lot size, and building height (See **Table 2-A**)

SECTION 2-3 APPLICATION PROCEDURES

Building permits for all structures are required and shall be obtained from the Boise County Planning and Zoning Office. The applicant shall demonstrate compliance with this Ordinance, the current Building Permit Ordinance and other standards, regulations and laws.

SECTION 2-3-1 Project Information Application

An application shall be filed with the Administrator by the applicant. At a minimum the application shall contain the following information:

- a. Name, address and telephone number of applicant.
- b. Proof of ownership.
- c. Legal description of the property.
- d. Solid waste disposal method.
- e. School district.
- f. Fire department.
- g. Proposed utilities including, electricity, telephone, water, sanitary waste water treatment.
- h. Development plans showing:
 1. Property boundaries.
 2. Location and dimensions of all buildings; setback dimensions and heights.
 3. Access to road(s).
- i. Application fees.

SECTION 2-2

TABLE 2-A

STANDARDS FOR ALLOWED USES

			<u>Building Setbacks in ft.</u>			

Chapter 3

CONDITIONAL USE PERMITS

< Section 3-1	Purpose
< Section 3-2	Minimum Standards, Table 3-A
< Section 3-3	General Provisions
< Section 3-4	Application Procedures
< Section 3-4-1	Pre-Application Conference
< Section 3-4-2	Project Information Application
< Section 3-4-3	Application Process
< Section 3-4-4	Notice To Agencies
< Section 3-5	Hearing Procedures
< Section 3-6	Notification to the Applicant
< Section 3-7	Expiration of Conditional Use Permit
< Section 3-8	Violations
< Section 3-9	Conditional Use Approval
< Section 3-10	Multiple Use on One Parcel
< Section 3-11	Determination of Use

SECTION 3-1 PURPOSE

Every use that requires a conditional use permit is declared to possess characteristics such as to require review and appraisal by the Commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons, property, or natural resources in the vicinity. It is the responsibility of the applicant to present plans to implement a conditional use in a way which will not harm existing or potential use of nearby lands or place additional demands on public services.

SECTION 3-2 MINIMUM STANDARDS

An approved conditional use permit shall at least meet the minimum bulk standards, such as, but not limited to, setback requirements, lot size and building height (**Table 3-A**). Exceptions to those requirements must be sought through the variance procedure.

SECTION 3-3 GENERAL PROVISIONS

Conditional uses may be permitted only after proper application, review, approval and conformance to the conditions of approval. Conditional uses are listed in **Table 1-A** and

Table 3-A. If a land use is proposed which is not provided for within **Table 1-A**, its status as an allowed or a conditional use shall be determined according to procedures outlined in Chapter 12 Section 4.

INSERT TABLE 3-A

SECTION 3-4 STANDARDS

The provisions of this section shall apply to the various buildings and uses designated herein as conditional uses. Standards for conditional uses are found in Table 3-A, p. 26

SECTION 3-4-1 Pre-Application Conference

Prior to formal filing of an application, the applicant is encouraged to confer with the Administrator to obtain proper forms, information, guidance and project review.

SECTION 3-4-2 Project Information Application

An application for a conditional use permit shall be filed with the Administrator by at least one owner or lessor of the property for which such conditional use is proposed. At a minimum, the project information application shall contain the following information:

- a. Name, address and telephone number of applicant.
- b. Copy of the deed or contract for sale.
- c. Legal description of the property.
- d. Description of existing use.
- e. Description of proposed conditional use.
- f. Number of people using proposed facility.
- g. Total acreage and area of each use.
- h. Solid waste disposal method.
- i. Schools district and number of potential students.
- j. Fire department.
- k. Existing and proposed utilities including electricity, telephone, water, and sanitary waste water treatment.

I. Site Plan showing.

1. Boundaries of the property and adjoining parcels.
2. Location and dimensions of all buildings; setback dimensions and heights.
3. Parking, loading areas.
4. Traffic access and traffic circulation.
5. Natural features and special areas of the site including drainage, rock outcrops, wildlife habitat, etc.
6. Open spaces, landscaping.
7. Refuse and service areas.

m. A narrative statement discussing the general compatibility with surrounding areas including any elements that could be considered detrimental and mitigation plans for:

1. Storm water runoff.
2. Impact to schools.
3. Impact to law enforcement, fire departments or other public service providers.
4. Impact to adjoining property including noise, glare, odor, fumes, vibration, etc.
5. Impact to natural resources (wildlife, wildlife habitat, soil, water, etc.)

n. Application fee.

SECTION 3-4-3 Application Process

- a. The Administrator shall sign and date the application upon acceptance thereof. The application will be officially accepted only after it has been completed as determined by the Administrator and submitted along with the required plans, and fees.
- b. Following receipt of a full application, the Administrator shall notify all property owners within six hundred (600) feet of the external boundaries of the land being considered and any additional area that may be impacted by the proposed use as determined by the Administrator.

SECTION 3-4-4 Notice to Agencies

Following receipt of a full application, the Administrator shall notify required agencies (67-6509) that the application has been received. The purpose of the notice will be to notify the agency of a proposed use that may affect matters within their jurisdiction or to obtain comments relying on the expertise within that agency to provide information relevant to the review of the application. When permits are required by other agencies for all or parts of the application, evidence of the permit and compliance with the provisions of the permit shall be a condition of the conditional use permit. Such permits include but are not necessarily limited to: permits to use public lands; permits to construct wastewater collection treatment and disposal facilities; commercial wastewater collection treatment and disposal facilities; permits to alter wetlands; permits to construct in flood prone areas; and permits to alter stream channels. No conditional use permit will be issued until required complementary permits are received.

SECTION 3-5 HEARING PROCEDURES

Following the acceptance of the completed conditional use permit application by the Administrator and prior to considering a conditional use permit request, a public hearing shall be held by the Planning and Zoning Commission to review the conditional use permit request.

a. Notification:

At least fifteen (15) days prior to the date of the public hearing the Administrator shall cause notice of time and place and a summary of the proposed conditional use to be published in the official newspaper of the county. Notice by First Class US Mail shall be sent to all property owners within at least six hundred (600) feet of the external boundaries of the subject property at least fifteen days prior to the public hearing date. When notice is required to two hundred (200) or more property owners, two (2) notices in the newspaper of general circulation are sufficient provided the first notice be provided a minimum of fifteen (15) days prior to the date of the public hearing and the second notice appear a minimum of ten (10) days prior to the public hearing. Additional notice shall be posted at the county post offices. The Administrator shall cause notice to be posted upon one (1) distinctly visible area of the subject site not less than ten (10) days prior to the public hearing.

b. Action by the Hearing Body:

Conditional use permits shall be heard by the Planning and Zoning Commission. The Commission shall consider the facts and circumstances of each conditional use application and shall make findings of fact based on the following standards:

1. That the use will in fact, constitute a conditional use as specified in **Table 1-A** or as determined by the Commission/Board.
2. That the use will be in accordance with the goals and policies of the Boise County Comprehensive Plan.

3. That the use will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character and uses of the vicinity and that such use will not change the essential character of the same area.
4. That the use will not be hazardous or in conflict with existing neighboring uses.
5. That the use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, schools, etc., at reasonable marginal cost.
6. That the use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. That the use will not involve uses, activities, processes, materials, equipment and conditions or operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, pollution or odors.
8. That the use will not have vehicular approaches to the property which create hazardous interference with traffic on surrounding thoroughfares.
9. That the use will not result in the destruction of any significant natural, scenic or historic feature.

c. Conditions of Approval:

In recommending approval of any conditional use permit, the Commission may prescribe appropriate conditions, bonds, and safeguards in conformity with this Ordinance or the comprehensive plan. Conditions may include, but shall not be limited to, specific requirements that:

1. Minimize adverse impacts on other development.
2. Control the sequence and timing of development.
3. Control the duration of development.
4. Assure that development is maintained properly.
5. Designate the exact location and nature of development.

6. Require the provisions for on-site public facilities or services.
7. Require more restrictive standards than those generally required in this Ordinance.
8. Require mitigation of effects of the proposed development upon service delivery by any political subdivision; including school districts providing services within the planning jurisdiction.
9. Require financial guarantees.

d. Commission's Actions:

Following the public hearing the Commission shall approve, conditionally approve or deny the application; or delay a decision for up to one hundred and twenty (120) days for further study or hearing. Upon final action, the Commission shall specify: The Ordinances and standards used in evaluating the application; and the reasons for approval or denial.

SECTION 3-6 NOTIFICATION TO THE APPLICANT

- a. Within ten (10) days following the action of the Commission, the Administrator shall provide written notice of the Commission's decision to approve, conditionally approve or deny the conditional use permit application to the applicant. A decision of the Commission may be appealed to the Board providing an appeal is filed within twenty-one (21) days of notice of the Commission's decision. The applicant may begin use of the Conditional Use Permit upon passage by the Commission. However, if an appeal is filed, work must cease until such time as the appeal is decided upon, at which time it will be determined whether work may continue or not.
- b. When the Commission's decision has been appealed to the Board, a conditional use permit will not be issued until after the Board's decision on the appeal.

SECTION 3-7 TIME LIMITATION FOR CONSTRUCTION

Unless a longer time is specifically established as a condition of approval, a conditional use permit shall be considered void twelve (12) months following the effective date of the permit approval if construction is not underway and being diligently pursued toward completion.

SECTION 3-8 VIOLATIONS

A conditional use permit may be suspended upon determination by the Commission during its regularly scheduled meeting that a violation of the conditions of approval has occurred. The Commission shall hold a public hearing to review all violations and

determine corrective actions.

SECTION 3-9 CONDITIONAL USE APPROVAL

A conditional use permit is granted to the subject property and shall remain valid upon a change in ownership with all attached conditions. Conditional use permits are not transferable from one parcel to another. If an allowed conditional use is abandoned for more than twelve (12) months it shall expire. Any attempts to resume operation without a current conditional use permit is a violation of this Ordinance.

SECTION 3-10 MULTIPLE USE ON ONE PARCEL

The Commission may grant more than one conditional use permit to a single parcel of property or may grant conditional use permits to a single parcel of property that currently contains an allowed use.

SECTION 3-11 DETERMINATION OF USE

It is recognized that new types of land uses will develop and land uses not anticipated may seek to locate in Boise County. In order to provide for such contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be according to procedures outlined in Chapter 12.

Chapter 4

VARIANCES

- < Section 4-1 Purpose
- < Section 4-2 Application Procedure
- < Section 4-3 Hearing Procedure
- < Section 4-4 Expiration of a Variance

SECTION 4-1 PURPOSE

The Commission may authorize in specific cases such variances from the bulk and placement requirements of this Ordinance as will not be contrary to the public interest and when due to natural site characteristics compliance with the bulk and placement requirements of this Ordinance would result in undue hardship. No non-conforming use of neighboring lands, structures or buildings and not-allowed or non-conforming use of lands, structures or buildings shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the bulk provisions of this Ordinance would result in unnecessary hardship or inequity. Variance shall not be granted to allow a use where such use is prohibited by this Ordinance.

SECTION 4-2 APPLICATION PROCEDURE

An application for a variance shall be filed with the Administrator by at least one owner or lessor of the property for which such variance is proposed. At a minimum, the application shall contain the following information:

- a. Name, address and phone number of the applicant.
- b. Legal description of the property.

- c. Proof of ownership.
- d. Description of existing use.
- e. Description of proposed variance.
- f. A site plan.
- g. An objective narrative stating the reasoning for a variance and justification of the variance.
- h. Application fees.

SECTION 4-3 HEARING PROCEDURES

Following the acceptance of the complete variance application by the Administrator and prior to granting a variance, a public hearing shall be held to review the variance request.

- a. Notification of Variance: Notice by First Class US Mail shall be sent to all owners of property which adjoin or are located across a right-of-way from the subject property at least seven (7) days prior to the public hearing date. The Administrator shall cause notice to be posted upon one (1) distinctly visible area of the subject site not less than seven (7) days prior to the public hearing.
- b. Action by the Hearing Body: Variance requests shall be heard by the Planning and Zoning Commission. The Planning and Zoning Commission shall consider the facts and circumstances of each variance application and shall make findings of fact based upon the following:
 - 1. That special conditions and circumstances exist that are peculiar to the land, structure or building involved and that are not applicable to other lands, structures or buildings.
 - 2. That a literal application of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by like properties under the terms of this Ordinance.
 - 3. That the hardship and/or unique circumstances do not result from actions or desires of the applicant.
 - 4. That granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings.
 - 5. The relief granted by the variance will not be detrimental to the public health,

safety or welfare, or injurious to the property or improvements of other property owners, or the quiet enjoyment of such property or improvement.

- c. Conditions of Approval: In approving any variance request, the Commission may prescribe appropriate conditions in conformity with this Ordinance.
- d. Commission's Actions: following the public hearing the Commission shall approve, conditionally approve, or deny the application. The Commission may table the item for further review or delay a decision for up to one-hundred twenty (120) days for further study or hearing. The action must state in writing:
 - 1. The standards used in evaluating the application.
 - 2. The reason(s) for the decision.

SECTION 4-4 EXPIRATION OF VARIANCE APPROVAL

Unless a longer time is specifically established as a condition of approval, a variance approval shall be considered void twelve (12) months following the effective date of the approval if construction is not being diligently pursued toward completion.

Chapter 5

DESIGNATION OF HAZARDOUS DEVELOPMENT SITES

- < Section 5-1 Purpose
- < Section 5-2 Designation of Hazardous Development Sites
- < Section 5-3 Appeal of Hazardous Development Site Designation
- < Section 5-4 Penalty for Violation

SECTION 5-1 PURPOSE

In order to prevent harm which cannot be subsequently remedied, it has been determined that it is both important and necessary that appropriate building and use restrictions for designated unstable sites found to exist in the county be established.

Nothing in this Ordinance shall be construed to imbue the County, its officers, or its agents with responsibility for identifying hazardous development sites of any kind whatsoever.

SECTION 5-2 DESIGNATION OF HAZARDOUS DEVELOPMENT SITES (HDS)

- a. From the effective date of this ordinance, no person shall engage in or undertake land use development activities, nor shall designated hazard-prone structures or improvements be used or occupied, within lands designated by the Boise County Board of Commissioners by resolution as Hazardous Development Sites (HDS) pursuant to this ordinance. For purposes of this section of this ordinance land use activities shall mean any modification of the landscape by grading, excavating, constructing, or otherwise developing or occupying a site or a structure on a site.

Establishing any land use shall mean undertaking earth movement, construction, installation of utilities of any type, or making any material preparation to construct or establish a developed land use on lands hereby affected. The provisions of this section of this ordinance shall apply only to lands designated HDS by resolution of the Boise County Board of Commissioners subject to a public hearing.

- b. The Board may designate lands within the County as HDS upon such information as the Board may become aware in the course of governance of the County. The Board may rely upon information supplied by professionals with experience and expertise in evaluating the hazards associated with geological processes, climatic conditions, and information developed by related natural science disciplines. When the Board determines that the developed use of certain lands poses, or could pose, an imminent threat to the health, safety, or general welfare of occupants, users, or owners of certain lands, the Board may declare such identified lands an HDS by approving an emergency resolution to that effect. Any such resolution declaring an HDS shall state the reasons therefore within the text of said resolution.

- c. In designating any lands as an HDS, the Board shall carry out a takings analysis as required by Idaho Code Title 67, Chapter 80, or its successor. In analyzing the factors to be considered therein, the Board shall balance the threat to interests of adjoining property owners and users, the risk of harm to potential users of the subject lands, and the threat to public safety and rescue personnel against the interests of the owner(s) of the designated site. Such analysis shall err initially upon the side of protecting the public safety. Procedures in this ordinance are designated to protect the property rights of the owner by providing hearings and rights of appeal.

- d. Upon enactment of such a resolution the Board shall cause a copy of such resolution to be mailed to the owner(s) of record informing them of the designation which has been applied and the reasons therefor as stated in the resolution. Upon the date of any such resolution, and for as long thereafter as this ordinance, or a successor ordinance, shall remain in force and effect, no land use or development activity may take place upon a designated HDS without express prior approval by the Board of Commissioners. In addition to mailing a copy of the said resolution to the owner(s) of record, the Board shall cause a notice to title to be recorded in the real property records of the county to provide notice to purchasers of the condition of the designated site(s). If the Board shall allow this ordinance, or any similar successor, to become ineffective, it shall notify all record owners affected by an HDS designation by mail that the designation has been eliminated and shall, upon their request of a property owner, record a notice of rescission of the HDS designation in the real property records of the county.

SECTION 5-3 APPEAL OF HAZARDOUS DEVELOPMENT SITES DESIGNATION

- a. Any land owner who owns land within a designated HDS may appeal its designation

as an HDS at any time after such designation has been made by Board resolution. Such appeal may be heard on the basis of information submitted by the owner(s) which contradicts or amplifies the information upon which the Board has relied. Any such appeal may also propose conditions by which the hazard may be mitigated. Said appeal may be for a complete and total release of the HDS designation or for a partial release for certain identified uses or purposes or subject to such conditions of mitigation as the Board might approve. The request for release, conditional, partial or total, shall be in writing, shall include the information upon which the appeal is based, and shall state the relief sought. In considering any such appeal the Board may consider the matter on the record or may schedule a public hearing, in either event providing written notification to adjoining landowners of the appeal and allowing written or oral comment, or may follow such procedural steps as may be appropriate to the circumstances of the appeal which has been filed if the Board determines that other landowners would not be affected thereby.

- b. After considering the information submitted for and against the HDS designation, the Board shall decide the appeal in writing, setting forth the basis for its determination. Such written decision shall be deemed final action by the Board. If an owner or other affected person believes that the decision on appeal is premised upon an error of fact or law, that person may request reconsideration by the Board. Such request for reconsideration shall be received in writing no more than twenty-eight (28) days after the date of the decision on appeal rendered by the Board. The Board shall follow such procedures as it deems appropriate in considering a request for reconsideration. Filing a timely request for reconsideration shall stay the date upon which a decision of the Board is deemed final. When a request for reconsideration is received, the decision of the Board shall not be deemed final until the reconsideration request has been conclusively acted upon.

SECTION 5-4 PENALTY FOR VIOLATION

- a. Violation of any provision of this section of this ordinance shall be deemed a misdemeanor. A single violation of this ordinance shall be punishable by a fine not to exceed \$300 and/or imprisonment for a period not to exceed 180 days. Each separate instance or day of violation shall constitute a separate offense. Enforcement of the provisions of this section of the ordinance may also be accomplished by undertaking civil action in a court of competent jurisdiction.

Chapter 6

SUPPLEMENTARY REGULATIONS

- < Section 6-1 Purpose
- < Section 6-2 Lot Requirements
- < Section 6-3 Yard Requirements
- < Section 6-4 Height Requirements
- < Section 6-5 General Provisions
- < Section 6-6 Commercial and Industrial Provisions
- < Section 6-7 Temporary Hardship Provisions

SECTION 6-1 PURPOSE

This chapter sets forth general requirements that apply to the Multiple use District that has been established by this Ordinance. The intent of this chapter is to eliminate redundancy by incorporating general regulations under one chapter. Refer to **Tables 2-A and 3-A** for general bulk requirements.

SECTION 6-2 LOT REQUIREMENTS

- a. The minimum lot size and configuration for all allowed uses shall be at least sufficient to accommodate water supply facilities, sewer disposal facilities, replacement sewage disposal facilities, buildings, parking areas, streets or

driveways, open areas, accessory structures, and setbacks as required by this Ordinance. A lot of one (1) acre or less may be considered where central sewer and water are available.

- b. For commercial, industrial, and civic uses, the minimum lot area shall be adequate to accommodate the use, and to adequately contain adverse impacts.

SECTION 6-3 YARD REQUIREMENTS

In addition to all yard regulations specified on *Tables 2-A and 3-A* the following provisions shall be adhered to:

- a. Visibility at Intersections - On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision necessary for safe operations of motor vehicles or bicycles along or entering public roadways.
- b. Yard Requirements for Multi-Family Dwellings - Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear and two (2) side yards.
- c. Yard Adjustment - The minimum front or rear yard setbacks may be adjusted to allow a proposed principle use building to conform with the average setbacks of four (4) existing similar buildings on adjoining properties, however lot front, rear and side setbacks may be no less than five (5) feet.
- d. All structures shall be set back fifty (50) feet from the right-of-way line or seventy five (75) feet from the center line (whichever is greater) of Highway 55, Highway 21, and the Banks-Lowman Highway unless a more restrictive setback is required within other sections of this Ordinance.

SECTION 6-4 HEIGHT REQUIREMENTS

The height limitations contained in each district section do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other equipment usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

SECTION 6-5 GENERAL PROVISIONS - UTILITIES

In addition to all other regulations as specified in this Ordinance all lots or parcels shall be provided or shall have direct access to utility services including water supply and sewage disposal as approved by the Health Authority.

SECTION 6-6 COMMERCIAL AND INDUSTRIAL PROVISIONS

No land or building shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions that could adversely affect the surrounding areas of adjoining premises, except that any use allowed by this Ordinance may be undertaken or maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements:

- a. Fire Hazard - Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be mitigated as required by the State Fire Marshall.
- b. Radioactivity or Electrical Disturbance - No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.
- c. Noise - Objectionable noise that is due to volume, frequency or beat shall be muffled or otherwise controlled.
- d. Vibration - No vibration shall be allowed that is discernible without instruments on any adjoining lot or property.
- e. Air Pollution - The emission of any toxic or corrosive fumes, gasses or odors in excess of local, state or federal emissions standards shall not be allowed. State air quality permits, when required, may be condition of approval.
- f. Glare & Lighting - All lighting or illumination units or sources shall be hooded or shielded to prevent glare on adjacent properties. Flashing or intermittent lights, lights of changing degree of intensity, or moving lights shall not be allowed. This shall not be construed so as to prohibit holiday lights.
- g. Water Pollution - All discharges of hazardous or deleterious materials to surface water or groundwater shall be in compliance with local, state, and federal laws and regulations.

SECTION 6-7 TEMPORARY HARDSHIP RESIDENCE PROVISIONS

Provides a convenient, temporary, separate dwelling unit for family in case of medical hardship.

- a. The Temporary Hardship Use shall be placed on a lot, inclusive of the primary dwelling site, having a minimum size of one (1) acre.

- b. Only one (1) Temporary Hardship Use shall be allowed on a lot having a minimum size of one (1) acre.
- c. Dependency, for the purpose of the Temporary Hardship Use, shall mean medical dependency or physical or mental handicap. Dependency shall be determined by the Board of County Commissioners prior to issuance of a building permit.
- d. The owner of the real property on which the Temporary Hardship Use is located shall be the sponsor when making a request for a Temporary Hardship Permit.
- e. A written statement shall be provided by the sponsor from a licensed physician stating the nature of the medical dependency or physical or mental handicap when making a request for a permit.
- f. It shall be the responsibility of the sponsor to submit an application with the Administrator stating that the Temporary Hardship Use, which is located on the property of the sponsor:
 - 1. Is temporary, and is to be removed upon termination of occupancy of either dependent person or family providing care;
 - 2. Is temporary, and is to be removed upon sale or lease of property of the sponsor;
 - 3. Provides living quarters for the dependent person who is named in the permit; and
 - 4. Is not considered a use which is to be transferred with the property of the sponsor when said property is sold or leased.
- g. Before issuance of the permit, it shall be the responsibility of the sponsor to show proof of approval by the Health Authority of a wastewater disposal system for the Temporary Hardship Use.
- h. The permit for a Temporary Hardship Use shall be renewed every two (2) years by the sponsor. Failure to renew the permit or permits within the stated time period shall constitute a violation of Boise County Zoning Ordinance. The sponsor shall pay all required fees.

Chapter 7

OFF-STREET PARKING REQUIREMENTS

- < Section 7-1 Purpose
- < Section 7-2 General Parking Requirements
- < Section 7-3 Location of Parking Facilities
- < Section 7-4 Parking Area Improvements
- < Section 7-5 Parking Lot Design Standards
- < Section 7-6 Parking Spaces Required
- < Section 7-7 Parking Requirements for Uses Not Specified
- < Section 7-8 Common Facilities for Mixed Uses
- < Section 7-9 Joint Use of Parking Facilities
- < Section 7-10 General Provisions; Off-Street Loading

SECTION 7-1 PURPOSE

The purpose of this section is to set forth the minimum requirements for off-street vehicular parking and loading for various buildings and land uses in the Multiple Use Zone District.

SECTION 7-2 GENERAL PARKING REQUIREMENTS

- a. Off-street parking and loading facilities drawn to scale shall be shown on a site plan for building permit or Administrator review. This is not required for single-family or two-family dwelling.
- b. Whenever a land use is changed or altered (enlarged, increase in number of employees, seating capacity, etc.) in such a manner that will increase the parking space requirement specified by this Ordinance, a site plan showing the design for the additional parking spaces shall be submitted to the Administrator for approval.
- c. No inoperable or unlicensed vehicles shall be parked within public or private off-street parking areas. Inoperable or unlicensed vehicles may be located in an enclosed building or enclosed back yard.

SECTION 7-3 LOCATION OF PARKING SPACES

An off-street parking lot for uses other than residential uses shall be located on the same lot as the principal use the parking lot serves or within five hundred (500) feet of the principal building it serves. This five hundred (500) foot measurement shall be measured from the nearest point of the principal building to the nearest point of the parking lot.

SECTION 7-4 PARKING AREA IMPROVEMENTS

All public or private parking areas which contain five (5) or more parking spaces shall be improved according to the following:

- a. All parking areas except those in conjunction with single-family or two-family dwellings shall have surfacing of all weather or durable and dust-free surfacing materials as approved by the Commission.
- b. All parking areas, except those required in conjunction with a single-family or two-family dwelling, shall provide a bumper which will prevent cars from encroachment on abutting private or public property.
- c. All parking areas, including service drives, which abut a residential area, shall provide a sight-obscuring fence, wall or hedge not less than three (3) feet nor more than six (6) feet in height.

- d. Any lights provided to illuminate any public or private parking area shall be so arranged or hooded as to reflect the light away from any abutting or adjacent use.
- e. Parking areas for residential uses, except those required in conjunction with a single-family or two-family dwelling, shall not be located in a required front yard.
- f. On-site retention of surface water runoff shall be provided that will be adequate to drain the surface of the parking area so as to prevent the flow of water to adjacent properties.

SECTION 7-5 PARKING LOT DESIGN

All parking spaces and parking lots shall be designed and constructed to the following minimum standards:

Parking Space Dimensions - Eight (8) feet in width by twenty (20) feet in length.
 Parking area aisle widths shall be as follows:

PARKING AISLE WIDTHS				
	PARKING ANGLE IN DEGREES			
	30	45	60	90
One Way Traffic	12 feet	12 feet	24 feet	24 feet
Two Way Traffic	24 feet	24 feet	24 feet	24 feet

SECTION 7-6 PARKING SPACES REQUIRED

The minimum number of off-street parking spaces required shall be no less than as set forth in **Table 2-A and Table 3-A**.

SECTION 7-7 PARKING REQUIREMENTS FOR USES NOT SPECIFIED

The parking space requirements for buildings and uses not set forth herein shall be determined by the Commission and such determination shall be based upon the requirements for the most comparable building or use specified herein.

SECTION 7-8 COMMON FACILITIES FOR MIXED USES

In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one

use shall not be considered to provide parking facilities for any other use except as provided below.

SECTION 7-9 JOINT USE OF PARKING FACILITIES

Joint Uses Of Parking Facilities: The Administrator may, upon application, authorize the joint use of parking facilities required by said uses and any other parking facility, provided that:

- a. The applicant shows that there is no substantial conflict in the principal operating use of the building or use for which the joint use of parking facilities is proposed.
- b. The parking facility for which joint use is proposed is not further than five hundred (500) feet from the building or use require to have provided parking.

SECTION 7-10 GENERAL PROVISIONS; OFF-STREET LOADING

The provision and maintenance of off-street loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use of property for which the building permit is issued.

- a. Owners of two or more buildings may agree to utilize jointly the same loading spaces, if approved by the Administrator.
- b. Areas used for standing and maneuvering of vehicles shall have durable surfaces of asphaltic concrete or dust-free surfacing, maintained adequately for all weather use.
- c. Loading areas adjacent to residential uses shall be designed to minimize disturbance of residents. Artificial lighting which may be provided shall be so deflected as not to shine or create glare in or on any adjacent dwelling.
- d. On-site retention of surface water shall be provided that will be adequate to drain the surface of the loading area so as to prevent flows of water onto adjacent properties.

Chapter 8

NON-CONFORMING USES, BUILDINGS, AND LOTS

- < Section 8-1 Purpose
- < Section 8-2 General Provisions
- < Section 8-3 Non-conforming under Permit Authority

SECTION 8-1 PURPOSE

It is the intent of this Ordinance to permit non-conforming uses, structures, and lots to continue until they are removed or altered in such a manner to bring them into

conformance. It is further the intent of this Ordinance that non-conforming uses, buildings, and lots shall not be enlarged upon, expended or extended in such a manner as to increase their non-conformity, without approval of the Commission.

SECTION 8-2 GENERAL PROVISIONS

- a. The lawful use of land or structures existing on the effective date of this Ordinance may be continued.
- b. A non-conforming structure which conforms with respect to use may be altered or expanded if the alteration, expansion or addition is in conformance with the standards of this Ordinance.
- c. If a non-conforming use is discontinued for a period of twelve (12) consecutive months further use of the property shall conform to this Ordinance, However, any single family or duplex use lawfully existing on the effective day of this Ordinance shall be hereafter deemed a lawful use.
- d. A non-conforming use, if changed to a conforming use, may not thereafter be changed back to a non-conforming use.
- e. Normal repairs and alterations may be made to a non-conforming structure. No existing non-conforming structure designed, arranged, intended for or devoted to, a use not allowed under this Ordinance shall be enlarged, extended, reconstructed, structurally altered or moved unless such use is changed to a use allowed under the regulations specified by this Ordinance; and provided, further, that nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof.

SECTION 8-3 NON-CONFORMING UNDER PERMIT AUTHORITY

Nothing contained in this regulation shall require any change in the plans, construction, alteration or designated use of a structure upon which construction has commenced or a permit has been obtained prior to the effective date of this Ordinance. If the designated use will be non-conforming, the construction for such use shall be commenced within six (6) months of permit issuance and it shall be in operation within two (2) years from the effective date of this Ordinance, otherwise, future use of the property shall be in conformance with the Multiple Use District.

SECTION 8-4 CONTINUANCE OF NON-USE

If the non-use continues for a period of one (1) year or longer, the county shall, by written request, require that the owner declare his intention with respect to the continued non-use of the improvements in writing within twenty-eight (28) days of receipt of the request. If the owner elects to continue the non-use, he shall notify the county in writing of his intention and shall post the property with notice of his intent to

continue the non-use of the improvements. He shall also publish notice of his intent to continue the non-use in a newspaper of general circulation in the county where the property is located. If the property owner complies with the requirements of this subsection, his right to use such improvements in the future for their designed purpose shall continue, notwithstanding any change in the zoning of the property.

The property owner may voluntarily elect to withdraw the use by filing with the clerk of the county an affidavit of withdrawn use. If the property is redesigned for a different use, the property owner shall be deemed to have abandoned any grandfather right to the prior use of the property.

For purposes of this section “designed purpose” means the use for which the improvements were originally intended, designed and approved pursuant to any applicable planning and zoning ordinances.

The provisions of this section shall not be construed to prohibit a county from passing or enforcing any other law or ordinance for the protection of the public health, safety and welfare.

Chapter 9

SIGNAGE

- < Section 9-1 Purpose
- < Section 9-2 Exemptions
- < Section 9-3 Procedures
- < Section 9-4 Standards
- < Section 9-5 Land Use Standard for Signage
- < Section 9-6 Existing Non-conforming Signs
- < Section 9-7 Enforcement

SECTION 9-1 PURPOSE

The purpose of this chapter is to provide maximum visibility for safety purposes along roadways, maintain unobstructed views at intersections and prevent undue distractions to vehicle operators by preventing confusion at or near traffic signs and signals and along corridors.

It is also the intent of this chapter to preserve the rural character by not allowing flashing, reader boards or outsized billboards but to encourage artistic design and creativity through simple effective signage. Therefore, the intent is to promote rural character and not a city center appearance in the county. Furthermore, the intent is to require preplanning of select signage and promote artistic license within the same size limit and similar location for less confusion and clutter. Signs meeting this intent will act as a signature block for creative expression but not an advertising billboard. This chapter contains ASign Standards≅ for uniform but creative signage. The pride of ownership and entrepreneurship is encouraged by artistic signage in the community. Residents and tourists will notice the improvements this makes to the general appearance of Boise County.

SECTION 9-2 EXEMPTIONS

Signs exempted from county permit requirements are as follows:

- a. Directional or information signs that are no larger than three (3) square feet per face, which help direct on premises land uses or activities, and do not display an advertising message (for example: Public convenience signs identifying restrooms, public telephones, walkways and similar features or facilities, parking directions, etc.)
- b. Memorial signs or tablets displaying names of buildings and dates of erection when cut into the surface or facade of the building.
- c. Signs required by law or that serve the public interest such as traffic signs, railroad crossing signs, legal notices, warning of temporary emergencies, construction zones, presence of underground cable, utility signs, and similar signs installed on public property and are owned and maintained by County, State, or Federal agencies or a public utility company.
- d. Temporary signs or banners that bear no product advertising and announce nonprofit community or civic events. Such signs or banners shall be removed within seven (7) days following the event.
- e. A sign that is visible only from within the parcel on which it is found.
- f. Signs to be built within the limits of a municipality.

- g. Signs that identify the architects, engineers, contractors, lenders, government agencies or programs (i.e. FHA, HUD, FMHA, Low Cost Housing, Senior Citizen Center, etc.) and other individuals or firms involved with the construction. This shall not include any advertisement of any product, or signs announcing the character of the building enterprise or the purpose for which the building is intended, or use of the project. The signs shall be confined to the site of the construction and shall be removed within fourteen (14) after the beginning of the intended use of the project.
- h. Homeowner locator signs placed at intersections are allowed if each sign is not more than one (1) square foot per face and the mounting device is located off public road right-of-way. Such signs shall be kept in good repair.
- i. Signs advertising the sale, rental, or lease of real property shall be confined to the property to which they apply. Such signs may be up to a total area of (32) thirty-two square feet per face in size. The number of signs shall be limited to one sign per parcel up to and including 40 acres, or not more than one sign per frontage. Directional signs may be placed at intersections to direct interested parties to Real Estate that is for sale, for rent or lease. Only one (1) directional sign per agency will be allowed. The directional sign shall not be more than 192 square inches, or a maximum of 8 inches by 24 inches. Such sign may indicate the name of the Real Estate Agency or their logo.. Signs must be kept in good repair. All such signs shall be removed within fourteen (14) days after the sale, rental or lease.
- j. Signs announcing candidates seeking public political office and other data pertinent thereto, up to an area of thirty-two (32) square feet for each premise. Such signs shall be confined to private property and removed within fourteen (14) days after the election for which they were intended.
- k. Show window signs in a window display of merchandise when incorporated with such a display.

SECTION 9-3 PROCEDURE

- a. A permit is required before any sign regulated by these provisions is displayed or built on any premises in this jurisdiction.
- b. Applications shall be made on forms provided by the Boise County Planning and Zoning Department. The content of the application shall be as required herein and shall include all of the information needed to complete the application form, supplementary drawings of the sign plan, and any other information needed to complete the application review. The application shall be accompanied by the fee set forth by resolution by the Boise County Board of Commissioners.
- c. A sign plan shall be included with the application and shall contain at least the following information:
 - < Materials to be used in manufacturing and constructing the sign.
 - < Sign size, message size or field of lettering, and proportions.

- < Lettering size or graphic style.
- < Design features other than lettering such as symbols, logos, etc.
- < Color scheme.
- < Lighting, if proposed.
- < Location of each sign on the building(s) and/or property.

Sign plans shall be drawn neatly to scale to present a clear and accurate picture of the proposal. More than one drawing and drawings at various scale may be used.

The sign plan shall be a simple layout reviewed for compliance with standards and artistic merit. Artistic merit shall be seen in three categories:

- 1- Display skill of handiwork, line work and mechanics.
- 2- Exhibit quality and design in signage layout and lettering.
- 3- Display technique compatible to other rural signage in color and material.

- d. The sign permit application will be accepted when the completed forms, including a sign plan and fee are submitted to the Planning and Zoning Department. The application will be reviewed by staff within seven (7) working days for acceptance. The permit will be either approved or denied based upon compliance with provisions herein.

If the application is denied, staff will include a written statement of the specific reasons for denial. The applicant may correct the application and request another staff review. The applicant may appeal any action of staff regarding the review of an application to the Planning and Zoning Commission according to Chapter 10 herein.

If the application is found to comply with the provisions herein, the permit will be approved. The applicant may then construct, build and display the sign and shall notify staff when the work approved by the permit has been completed.

- e. The Commission has the authority to waive the standards set forth herein under unusual circumstances where a sign not meeting said standards fulfills the intent of the Ordinance better than one that meets the standards, upon a clear showing by the applicant that the proposed sign meets the intent of the Ordinance.

SECTION 9-4 STANDARDS

Boise County will regulate the size, amount and location of signage as provided by this Ordinance.

All signs within the unincorporated areas of Boise County shall conform to the following requirements.

- a. No rotating beam, beacon or flashing illumination that may resemble an emergency

light shall be used with any sign display. No blinking, rotating or moving parts or components on temporary or permanent signs. Signs shall not have pennants, balloons or portable signs or wheeled trailers.

- b. It shall be the responsibility of the owner of the property and/or improvements to remove any sign or signs where the associated land use has been discontinued for more than ninety days. If a one time event, the removal of signs shall take place within seven (7) days after the event closure.
- c. If a preview sign has been erected for a future use, it shall be for a business that has received an allowed or conditional use permit to operate and meets the provisions of the sign portion of this Ordinance.
- d. The size shall be not greater than thirty-two (32) square feet per face, for example that of 4'X8'. Cut-out or molded letters, or advertising when applied to buildings, shall not be greater than thirty-two (32) square foot field on the building.
- e. Permanent signs shall be rural in character and appearance and the materials shall be of wood or stone character or accent. Signs may be painted, sandblasted, carved or constructed by other technically feasible methods. Unnatural colors such as neon, fluorescent, etc. shall not be allowed.
- f. The design shall incorporate a well-thought out, layout design with clean lines and an uncluttered appearance.
- g. The sign construction shall be completed in a well built manner.
- h. The message may include service, business, owner name, address, telephone number, a logo, or graphic illustration of the product(s) or service(s) offered.
- i. On ground mounted signs, the top of the signs shall be mounted not more than ten (10) feet off the ground. If the street/road elevation is greater than the elevation of the mounting site, street/road elevation may be used to determine the height. The total height of the mounting structure shall be no greater than twelve (12) feet. The intent is to keep the sign within the vision triangle of the motor vehicles. Special attention must be given to the placement of signs near intersecting roads to assure there is not obstruction of vision from any vehicle.
- j. No more than three (3) permanent signs may be placed at a given land use. One sign is allowed on the building. On two-way signs or two one-way signs facing each direction is allowed in the land use area.
- k. For Commercial Malls or Planned Unit Developments (industrial or commercial or a combination of land use) not more than one ground mounted sign structure shall be allowed on each road or street frontage. The sign may be used as land use and

occupant identification sign. Projecting or a swinging sign is not allowed. One sign shall be allowed to be mounted flat to the building front of each shop, store or land use.

- l. No sign or sign structure, for any purpose other than approved County, State and Federal signs shall be placed upon any County street or highway right-of-way. At no time shall any sign be mounted or affixed to any utility pole or structure other than as may be required by the utility owner or law.
- m. In Boise County, a multiple use district, buffering impacts of signage will still be a Conditional Use Permit process.
- n. If placed inside a window, flashing signs must be not less than three hundred (300) feet from any residential area. Distance shall refer to the lineal measurement in any direction with relation to the street that the sign faces.
- o. At no time shall a sign or portions of it be allowed to project above the roof line of the building on which the sign is mounted.
- p. Off-premise or Outdoor Advertising signs are prohibited in the unincorporated areas of Boise County.
- q. An application for any sign or advertising display or structure for which no specific regulation appears in this Ordinance shall receive appropriate Planning and Zoning Department staff review as outlined in this chapter.
- r. Signs may be illuminated by shielded or directed light sources.
- s. Any signs placed along State Highway 55, 52, or 21 must meet the standards of the Department of Transportation and Boise County.

SECTION 9-5 LAND USE STANDARD FOR SIGNAGE

AGRICULTURAL USE: One two-way or two one-way identification signs each not to exceed thirty-two square feet per face.

RESIDENTIAL SUBDIVISION ENTRY(S): One (1) identification sign at two entries not to exceed thirty-two (32) square feet per face.

COMMERCIAL BUSINESSES: One two-way or two one-way identification signs each not to exceed thirty-two (32) square feet per face.

RECREATION OR FORESTRY USE: One (1) identification sign, not to exceed thirty-two (32) square feet per face.

RESIDENTIAL USE: One (1) identification sign, not to exceed six (6) square feet per face, and shall be exempt from permit requirements.

SECTION 9-6 EXISTING NONCONFORMING SIGNS

For any sign existing in the county on the effective date of this Ordinance, an application and a fee for a sign permit must be submitted to the Planning and Zoning Administrator.

If the sign is conforming or standards waived, a permit shall be issued.

If the sign is nonconforming, a nonconforming sign permit shall be issued. This permit shall allow the sign, which was made nonconforming by the adoption of this Ordinance, to remain in place and be maintained for a period ending October 1, 2002. Maintenance shall not include a change in the information on the face of an existing nonconforming sign or a repair that is an expense of more than 25 percent of the original value of the sign. This allows an amortization period for existing signs.

SECTION 9-7 ENFORCEMENT

The Planning and Zoning Administrator hereby is authorized and furthermore directed to enforce the provisions of this Ordinance. The procedure for handling a violation of this Ordinance will be the same as any Planning and Zoning violation.

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business it identifies is no longer conducted on the premise. The owner shall be notified by mail to remove the sign within thirty (30) days.

SECTION 9-8 FEES

Fees are to be set by resolution by the Boise County Board of Commissioners.

Chapter 10

APPEALS

- < Section 10-1 General Provisions
- < Section 10-2 Administrative Appeals
- < Section 10-3 Commission Appeals
- < Section 10-4 Board Appeals
- < Section 10-5 Request For Hearing By Affected Persons

SECTION 10-1 GENERAL PROVISIONS

- a. Any decision may be appealed in accordance with Idaho Code and procedures established herein.
- b. All appeals must be written, accompanied by a fee as set forth by resolution of the Board of County Commissioners in the County Clerk's Office, and submitted to the Administrator prior to the deadlines set forth herein. If the deadline falls on a weekend or holiday the appeal period is automatically extended to the next workday. Each appeal must clearly state the name, address and phone number of the person or organization appealing and the specific issues, items or conditions that are being appealed and state the error of procedure or law which forms the basis of the appeal.
- c. After review following a public hearing or not, in the Board's discretion, the Commission or Board may: grant, amend, sustain or deny a permit; or delay such a decision for up to one hundred and twenty (120) days, or upon finding that special conditions warrant for up to two hundred and seventy (270) days, for further study or hearing.

SECTION 10-2 ADMINISTRATIVE APPEALS

- a. Decisions of the Administrator regarding interpretation of the Zoning Ordinance may be appealed to the Planning and Zoning Commission by any affected person aggrieved by such decision, specifying the grounds upon which the appeal is being taken.
- b. The Commission shall hold a public hearing on appeals from decisions of the Administrator following the date the notice of appeal was filed.
- c. The Commission shall publish a notice of the appeal with the time, date of the hearing in a newspaper of general circulation in the county once, at least fifteen (15) days before the date of the public hearing.
- d. The Commission shall, within thirty (30) days following the hearing, issue a written decision affirming, reversing or modifying the Administrator's decision. The written decision shall contain the reasons for such a decision.
- e. The Commission's decision is final unless appealed to the Board.

SECTION 10-3 COMMISSION APPEALS

- a. Any decision of the Commission may be appealed to the Board by the applicant, any affected person or the Administrator. The appeal shall be filed with the Administrator before 5:00 p.m. of the twenty-first (21st) calendar day after the written decision or determination of the Commission has been made.
- b. The Administrator shall ascertain that the procedural requirements have been met and notify the Board of the appeal.
- c. The clerk, upon notice of an appeal of a decision by the Commission, shall set the item on the agenda of the Board at the earliest possible regular meeting of the Board. The Board shall publish a notice of appeal in the same manner as outlined in 3-5 (a).
- d. If the Board requests a public hearing, the Administrator shall notify the appealing party, the applicant, all property owners within six hundred (600) feet of the external boundaries of the property and the general public through the official newspaper of the county.
- e. All pertinent information in the planning and zoning file shall be forwarded to the Board for review.
- f. The Board may hold a public hearing to review the Commission's proceedings and decisions and may obtain additional information from the Administrator, the applicant, the appellant, or the public.
- g. If the Board requests a public hearing, the same noticing requirements as the original public hearing before the Commission shall be followed. The Board may sustain, amend, modify or delay the decision of the Commission for up to one hundred and twenty (120) or upon finding that special conditions warrant for up to two hundred and seventy (270) days for further study or hearing. The decision of the Board is final and need not be referred back to the Commission except the Board may elect to refer the matter to the Commission with specific instructions.

SECTION 10-4 BOARD APPEALS

An affected person aggrieved by a decision of the Board may within twenty-eight (28) days after all remedies have been exhausted under local ordinances seek judicial review as provided in Idaho Code.

SECTION 10-5 REQUEST FOR HEARING BY AFFECTED PERSONS

Any affected person may at any time prior to final action on rezone, conditional use or variance, if no hearing has been held on the application, petition the Commission or Board in writing to hold a public hearing as outlined by Section 67-6512, Idaho Code provided, however, that if twenty (20) affected persons petition for a hearing, the hearing shall be held.

Chapter 11

ADMINISTRATION

- < Section 11-1 Administrator
- < Section 11-2 Duties of the Commission
- < Section 11-3 Conflict of Interest
- < Section 11-4 Compliance by Issuers of Permits
- < Section 11-5 Penalties
- < Section 11-6 Enforcement Procedures
- < Section 11-7 Schedule of Fees

SECTION 11-1 ADMINISTRATOR

- a. The Board shall appoint an Administrator to administer this Ordinance. The Administrator may be provided with the assistance of such other persons as the Board may direct.
- b. For the purpose of this Ordinance, the Administrator may have the following duties:
 1. Assist applicants in the preparation of required forms and permit procedures; review pre-application materials; and explain proper procedures.
 2. Inform the news media regarding land use and development matters of public interest, particularly the time and place of public hearings.
 3. Prepare the agenda for the meetings of the Commission, in cooperation with Commission members.
 4. Analyze permit requests and prepare reports and summaries of said analysis.
 5. Mail necessary submission to referral agencies and analyze the comments and recommendations.
 6. Receive, file, and transmit to the Commission and/or Board all application, petitions, transcripts, and other communications on which they must act.
 7. Maintain permanent and current records of applications, reclassifications, variances, and conditional use permits and of the hearing and actions thereon.
 8. Advise interested citizens of Ordinance provisions.
 9. Perform such other duties as may be assigned by the Board of County Commissioners and the Planning and Zoning Commission.

SECTION 11-2 DUTIES OF THE COMMISSION

For the purpose of this Ordinance the Commission shall have the following duties:

- a. The Planning and Zoning Commission shall conduct all public hearings required by this Ordinance and the laws of the state relating to the responsibilities of the Planning and Zoning Commission. It shall be the duty of the Commission to recommend or make suggestions to the County Board of Commissioners for the adoption of coordinated plans for the physical development of the county; to make recommendations regarding the layout, width, and location of streets, roads, highways, etc. for the proper management of vehicular and pedestrian traffic; to make recommendations concerning the future growth, development, and beautification of the county; to advise individuals concerning locations of buildings, structures to be constructed or altered by the individuals; to cooperate with other appointed boards to further the general welfare of the county; to review and make recommendations concerning subdivision activity and planned unit developments within the jurisdiction of the county; to review and provide recommendations to the Board concerning amendments to the zoning ordinance, subdivision ordinance, comprehensive plan and other land use Ordinances of the county.
- b. Upon adoption of a zoning ordinance, the Commission shall be empowered to issue conditional use permits and variances, subject to appeal by affected persons, to the Board.
- c. The Commission shall advise the Board in matters relating to areas of impact and annexation of lands by municipalities and other intergovernmental matters within the county.
- d. The Commission shall meet annually with the Board to discuss matters relating to county planning and development.
- e. All activities undertaken by the Commission shall be consistent with budgetary appropriations established by the Board for Commission activities.
- f. The Commission shall assume those additional powers and duties not listed and as may be assigned them by the Board or state statute.

SECTION 11-3 CONFLICT OF INTEREST

The Board creating a Commission shall provide that the area and interests within its jurisdiction are broadly represented on the Commission. A member or employee of the Board or Commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate or any person related to him by affinity or consanguinity within the second degree has

economic interest in the procedure or action. Such member shall not be prohibited from testifying at or presenting evidence at a public hearing or similar public process after acknowledging non-participation in the matter due to conflict of interest. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. A knowing violation of the section shall be a misdemeanor. Non participation in the discussion due to a conflict of interest does not affect the quorum.

SECTION 11-4 COMPLIANCE BY ISSUERS OF PERMITS

All departments, officials, and public employees of the county vested with the duty or authority to issue permits, shall conform to the conditions of this Ordinance, and shall issue no permit, certificate, or license for the use of land, buildings, or purposes, in conflict with the provisions of this Ordinance and such permit, certificate, or license issued in conflict with the provisions of the Ordinance shall be null and void.

SECTION 11-5 PENALTIES

Violations of any provision of this ordinance shall be deemed a misdemeanor as defined by Idaho Code 18-111. A single violation of this ordinance shall be punishable by a fine not to exceed \$300 and/or imprisonment for a period not to exceed (180) one hundred eighty days. Each separate instance or day of violation shall constitute a separate offense. Enforcement of the provisions of this ordinance may also be accomplished by undertaking civil action.

SECTION 11-6 ENFORCEMENT PROCEDURES

In the event any use of land or any construction commences in violation of the provisions of this Ordinance, the proper authorities of the county, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful use of land or construction to restrain, correct or abate such violation or to prevent any illegal act, conduct, construction, business or use of land in or about such premises.

SECTION 11-7 SCHEDULE OF FEES

The Board shall establish by resolution a schedule of fees for amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Ordinance. The schedule of fees shall be on file in the office of the county clerk and may be altered or amended only by the Board. Until all applicable fees have been paid in full, no action shall be taken on the application or appeal. The Board shall have the authority to waive in whole or part any fee when such a fee would present an unnecessary hardship.

Chapter 12

AMENDMENTS

- < Section 12-1 Purpose
- < Section 12-2 Initiation of Zoning Amendments
- < Section 12-3 Contents of Application
- < Section 12-4 Determination of Appropriate Classification
- < Section 12-5 Zoning Amendment Procedures
- < Section 12-6 Action by Commission
- < Section 12-7 Action by Board

SECTION 12-1 PURPOSE

Whenever the public necessity, convenience, general welfare or good zoning practices require the Board may, by Ordinance, after receipt of recommendation thereon from the Commission and subject to procedures provided by Idaho Code, Section 67-6511, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.

SECTION 12-2 INITIATION OF ZONING AMENDMENTS

Proposed amendments to this Ordinance may be initiated in one of the following ways:

- a. By adoption of a motion by the Commission;
- b. By adoption of a motion by the Board; and
- c. By the filing of an application by a property owner or a person who has an existing interest in property within the area proposed to be affected by said amendment.

SECTION 12-3 CONTENTS OF APPLICATION

Applications for amendments to this Ordinance shall be filed with the Administrator and contain at least the following information:

- a. Name, address, and phone number of the applicant and/or representative;
- b. Proposed amending Ordinance, approved as to form by the Board;

- c. Proposed land use;
- d. A statement of how the amendment relates to the Comprehensive Plan, availability of public facilities, and compatibility with the surrounding area; and
- e. A fee as established by the Board in accordance with this Ordinance.

SECTION 12-4 DETERMINATION OF APPROPRIATE CLASSIFICATION

Requests for a determination as to the appropriate classification of any new or unlisted form of land use shall be made particularly with respect to its visual attributes and its impacts upon adjacent properties (the latter determined with regard to the allowed uses on adjacent properties as follows):

- a. The Administrator shall make a determination whether the requested use is similar to or a lesser form of an allowed or conditional use.
- b. If an affirmative determination is made, all standards, hearing requirements and other provisions of this Ordinance or any other applicable ordinances shall be met.
- c. If it is determined that the request is a dissimilar use, the Administrator shall refer the question to the Planning and Zoning Commission requesting an interpretation of the use. The referral of the use interpretation question shall be accompanied by a statement of facts provided by the Applicant, listing the nature of the use.
- d. The Commission shall consider the nature and described performance of the proposed use and its compatibility with allowed and conditional uses.
- e. The Planning and Zoning Commission shall transmit its findings and recommendations to the Board as to the appropriate classification of the proposed use.
- f. The Board shall consider the recommendations of the Commission and amend the Ordinance as described below.

SECTION 12-5 ZONING AMENDMENT PROCEDURE

- a. Requests for an amendment to the Zoning Ordinance shall be submitted to the Commission, which shall evaluate the request at a public hearing to determine the extent and nature of the amendment requested.
- b. If the request is in accordance with the adopted Comprehensive Plan, the Commission may recommend that the Board adopt or reject the requested amendment under the notice and hearing procedures as herein provided.
- c. If the request is found to not be in accordance with the Comprehensive Plan, the Commission shall recommend that the Board reject the requested amendment.

- d. Requests for an amendment to the Zoning Ordinance shall then be submitted to the Board, which shall evaluate the request at a public hearing to determine the extent and nature of the amendment requested.
- e. If the request is in accordance with the adopted Comprehensive Plan, the Board may adopt or reject the requested amendment under the notice and hearing procedures as provided by state statute.
- f. If the request is found to not be in accordance with the Comprehensive Plan, the Board shall reject the requested amendment.

SECTION 12-6 ACTION BY COMMISSION

The Commission shall hold a public hearing and make recommendations to the Board on proposed zoning amendments. Zoning amendments may consist of text or map revisions.

- a. Zoning Ordinance Amendment: Not more than sixty (60) days following the filing of the application, the Commission, prior to recommending a Zoning Ordinance Amendment that is in accordance with the Comprehensive Plan to the Board shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of time and place and the amendment shall be published in the newspaper designated as the official newspaper of Boise County. Additional notice by First Class US Mail to the attention of the Administrator shall be provided by the applicant to property owners and residents within the land being considered; six hundred (600) feet of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the Commission. When notice is required to two hundred (200) or more property owners or residents, in lieu of the mail notification, two (2) notices in the newspaper designated as the official newspaper of Boise County is sufficient, provided that, the second notice appears ten (10) days prior to the public hearing.
- b. Following the Commission's hearing, if the Commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Commission forwards its recommendation to the Board.

SECTION 12-7 ACTION BY BOARD

The Board, prior to adopting, revising or rejecting the amendments to the Zoning Ordinance as recommended by the Commission may conduct at least one public hearing using the same notice and hearing procedures as the Commission. Following the hearing, if the Board makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Board adopts the amendment.

The Board shall accept the recommendation of the Commission unless rejected by a majority vote of the members.

Upon granting or denying an application to amend the Zoning Ordinance, the Board shall specify:

- a. The Ordinance and standards used in evaluating the application.
- b. The reasons for approval or denial.

CHAPTER 13

PLANNED UNIT DEVELOPMENT

- <Section 13-1 Purpose
- < Section 13-2 Provisions Governing Planned Unit Development
- < Section 13-3 Minimum Area
- < Section 13-4 Uses Permitted
- < Section 13-5 Ownership Requirements
- < Section 13-6 Common Open Area
- < Section 13-7 Utility Requirements
- < Section 13-8 Increased Residential Density
- < Section 13-9 Arrangement of Commercial Uses
- < Section 13-10 Arrangement of Industrial Uses
- < Section 13-11 Procedure for Approval of a Planned Unit Development
- < Section 13-12 Pre-Application Meeting
- < Section 13-13 Contents of Application for Approval of Preliminary Development Plan
- < Section 13-14 Procedure for Public Notice
- < Section 13-15 Approval of Preliminary Plan by the Commission
- < Section 13-16 Contents of Application for Approval of Final Development Plan
- < Section 13-17 Recommendation by the Commission
- < Section 13-18 Action by the Board
- < Section 13-19 Expiration and extension of Approval Period

SECTION 13-1 PURPOSE

It shall be the policy to guide a major development of land and construction by encouraging planned unit developments (PUD) to achieve the following:

- A. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements;

- B. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses, industrial uses and services;
- C. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;
- D. A more effective use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets;
- E. A development pattern in harmony with land use density, transportation and community facilities objectives of the Comprehensive Plan;

SECTION 13-2 PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT

Whenever there is a conflict or difference between the provisions of this Article and those of the other articles of this Ordinance, the provisions of this Article shall prevail. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this Ordinance.

SECTION 13-3 MINIMUM AREA

A PUD for the following principal uses shall contain an area of not less than:

- A. Two (2) acres for residential development;
- B. Three (3) acres for residential use with subordinate commercial or industrial uses;
- C. Seven (7) acres for commercial use; and
- D. Seven (7) acres for industrial use.

SECTION 13-4 USES PERMITTED

All PUD's shall require a Conditional Use Permit. The mixed use may be allowed provided there is a favorable finding by the Commission of the following:

- A. That the uses are appropriate with the residential uses;
- B. That the uses are intended to serve principally the residents of the PUD;
- C. That the uses are planned as an integral part of the PUD;
- D. That the uses be located and so designed as to provide direct access to a collector or

an arterial street without creating congestion or traffic hazards; and

- E. That a minimum of fifty percent (50%) of the residential development occur prior to the development of the related commercial or industrial land uses.

SECTION 13-5 OWNERSHIP REQUIREMENTS

- A. An application for approval of a PUD may be filed by a property owner or a person having an existing interest in the property to be included in the PUD. The PUD application shall be filed in the name of the recorded owner or owners of property included in the development. However, the application may be filed by the holder (s) of an equitable interest in such property.
- B. Before approval is granted to the final development plan, the entire project shall be under single ownership or control and legal title must be presented with the final development plan.

SECTION 13-6 COMMON OPEN SPACE

- A. A minimum of ten percent (10%) of the gross land area development in any residential PUD project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.
- B. The required amount of common open space land reserved under a PUD shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the public and retained as common open space for parks, recreation and related uses. Public watercourses and other similar channels are not acceptable for common open space dedication unless such land or right of way is usable as a trail or other similar purpose and approved by the Commission.
- C. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final plat development plan.

SECTION 13-7 UTILITY REQUIREMENTS

Underground utilities, including telephone and electrical systems, are required within the limits of all PUD's. Appurtenances to these systems which can be effectively screened may be exempt from this requirement if the Commission finds that such exemption will not violate the intent or character of the proposed PUD.

SECTION 13-8 INCREASED RESIDENTIAL DENSITY

To provide for an incentive for quality PUD's the Commission may authorize an increased residential density of up to fifteen (15%) of the allowable number of dwelling units. Character, identity and architectural and siting variation incorporated in a

development shall be considered cause for density increases, provided these factors make a substantial contribution to the objectives of the PUD, which are as follows:

- A. Landscaping (a maximum increase of 5 percent), streetscape, open spaces and plazas, use of existing landscaping, pedestrianway treatment and recreational areas;
- B. Siting (a maximum increase of 5 percent), visual focal points, use of existing physical features such as topography, view, sun and wind orientation, circulation pattern, physical environment, variation in building setbacks and building grouping (such as clustering); and
- C. Design features (a maximum increase of 5 percent), street sections, architectural styles, harmonious use of materials, parking areas broken by landscaping features and varied use of housing types.

SECTION 13-9 ARRANGEMENT OF COMMERCIAL USES

- A. When PUD's include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections. Planning screens of fences shall be provided on the perimeter of the commercial areas abutting residential areas.
- B. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the stand-point of the adjoining and surrounding noncommercial areas.
- C. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

SECTION 13-10 ARRANGEMENT OF INDUSTRIAL USES

- A. PUD's may include industrial uses if it can be shown that the development is compatible with surrounding uses.
- B. Industrial uses and parcels shall be developed in park like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping in order to economize in the provisions of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through traffic.
- C. Project side setback of three hundred feet (300') and a rear setback of fifty feet (50')

shall be required if the project is located adjacent to any residential uses. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

SECTION 13-11 PROCEDURE FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT

When the PUD also qualifies as a subdivision, the processing of the conditional use permit and subdivision application shall occur at the same time. The granting of a conditional use permit for a PUD shall require a pre-application conference, the submission of a preliminary development plan and approval by the Commission of a final development plan as specified within this Ordinance.

- A. A pre-application conference with the Planning and Zoning Administrator.
- B. The submission of a preliminary development plan with required number of copies and appropriate fee. These requirements will be calculated the same as Full Subdivisions.
- C. Public Hearing before the Commission with preliminary recommendations being sent to the Board of Commissioners for their approval.
- D. The submission of a final development plan as specified within this Ordinance with appropriate fee and required number of copies of application.
- E. Review of final plan by the Commission, with recommendation being sent to the Board.
- F. Final application reviewed by the Board of Commissioners, resulting in a decision.

SECTION 13-12 PRE-APPLICATION MEETING

The developer shall meet with the Planning and Zoning Administrator prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the Comprehensive Plan, Subdivision Ordinance and such other plans and ordinances as deemed appropriate.

SECTION 13-13 CONTENTS OF APPLICATION FOR APPROVAL OF PRELIMINARY DEVELOPMENT PLAN

An application for preliminary PUD shall be filed with the Planning and Zoning

Department by a property owner or person having existing interest in the property for which the PUD is proposed. At a minimum, the application shall contain the following information filed with eight (8) complete copies:

- A. Name, address and phone number of applicant;
- B. Name, address and phone number of registered surveyor, engineer or planner assisting in the preparation of the development plans;
- C. Legal description of the property;
- D. Description of existing use;
- E. Description of existing use on surrounding properties;
- F. A vicinity map at a scale easily readable, showing property lines, streets and such other items as the Commission may require to show the relationship of the PUD to the Comprehensive Plan and to existing community facilities and services;
- G. A preliminary development plan showing topography, location and type of residential, commercial and industrial land uses; layout, dimensions and names of existing and proposed streets; right-of-ways; utility easements; parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and such other characteristics as the Commission deems necessary;
- H. Proposed schedule for the development of the site; and
- I. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two (2) years.

The application for preliminary PUD shall be accompanied by a written statement by the developer setting forth the reasons why the PUD would be in the public interest.

SECTION 13-14 PROCEDURE FOR PUBLIC NOTICE

The same provision for public hearing and legal notification as required for conditional use permits shall be followed.

SECTION 13-15 APPROVAL OF PRELIMINARY PLAN BY THE COMMISSION

- A. Within thirty (30) days after the public hearing the Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this Ordinance, whether the proposed development advances the general welfare of the community and neighborhood and whether the benefits,

combination of various land uses and the interrelationship with the land uses in the surrounding area justify the approval of this development. The Commission's preliminary approval of the development plan shall be necessary before an applicant may submit a final development plan. Approval shall not be construed to endorse a precise location of uses, configuration of parcels or engineering feasibility.

- B. The Commission shall consider the general standards applicable to conditional use permits and criteria for special uses before approving a preliminary development plan.

SECTION 13-16 CONTENTS OF APPLICATION FOR APPROVAL OF FINAL DEVELOPMENT PLAN

Upon approval of the preliminary development plan, an application for approval of the final development plan may be filed with the Planning and Zoning Administrator by at least on property owner or person having a presently existing interest in the property for which the PUD is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

- A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site including major wooden areas, structures, streets, easements, utility lines and land uses;
- B. All the information required on the preliminary development plan, the location and sizes of lots, location and proposed density of dwelling units, nonresidential building intensity and land use considered suitable for adjacent properties;
- C. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses; the number of housing units proposed by type; estimated residential population; anticipated timing for each unit and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development.
- D. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity and telephone installations; waste disposal facilities; street improvements and nature and extent of earth work required for site preparation and development;
- E. Site plan, showing buildings, various functional use areas, circulation and their

relationship;

F. Preliminary building plans, including floor plans and exterior elevations;

G. Landscaping plans; and

H. Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.

SECTION 13-17 RECOMMENDATION BY THE COMMISSION

A. Within thirty (30) days after receipt of the final development plan, the Commission shall recommend to the Board that the final development plan be approved as presented, approved with supplementary conditions, or disapprove.

B. The commission shall find that the facts submitted with the application and presented to them establish that:

1. The proposed development can be initiated within two (2) years of the date of approval;
2. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present or potential surrounding uses.
3. The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;
4. Any proposed commercial development can be justified at the locations proposed and is warranted by the design and other amenities incorporated in the final development plan in accordance with the PUD and the adopted policy of the Board;
5. The PUD is in general conformance with the Comprehensive Plan; and
6. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

SECTION 13-18 ACTION BY THE BOARD

A. Within forty-five (45) days after receipt of the final recommendation of the

Commission, the Board shall either approve, approve with supplementary conditions or disapprove the application. The Board shall specify:

1. The Ordinance and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain a permit.

B. If the application is either approved or approved with conditions, the Board shall direct the Planning and Zoning Department to issue building permits in accordance with the approved final development plan and the supplementary conditions attached thereto.

SECTION 13-19 EXPIRATION AND EXTENSION OF APPROVAL PERIOD

The approval of a final development plan for a PUD shall be for a period not to exceed two (2) years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within two (2) years after approval is granted, the approval of the final development plan shall be void. An extension of the time limit or modification of the approved final development plan may be approved if the Board finds that such extension or modification is not in conflict with the public interest.

CHAPTER 14

PLANNED COMMUNITY BASE DISTRICT

- <Section 14-1 Purpose
- <Section 14-2 Applicability
- <Section 14-3 Pre-Application Requirements

- <Section 14-4 Application Requirements
- <Section 14-5 Process
- <Section 14-6 Process for Subsequent Development
- <Section 14-7 Required Findings

SECTION 14-1 PURPOSE:

The purpose of this Article is to provide standards for the review of Planned Communities and to implement the Planned Community goal and policies of the Boise County Comprehensive Plan. Specific Planned Community regulations shall be adopted by the Board of Commissioners.

SECTION 14-2 APPLICABILITY:

These regulations shall apply to applications for Planned Communities that meet the following minimum size and location standards:

- A. The Planned Community is a minimum of 640 acres.
- B. The Planned Community site is located outside existing areas of City Impact.
- C. The Planned Community has a boundary that enhances the area's ability to incorporate or be annexed.

SECTION 14-3 PRE-APPLICATION REQUIREMENTS:

The applicant shall complete a series of pre-application conferences prior to submittal of an application for a Planned Community. The purpose of these conferences is to develop a common understanding between staff and the applicant regarding existing site conditions, project design, proposed zoning regulations, potential environmental impacts and mitigation measures, general consistency with local, State, and Federal regulations and the Boise County Comprehensive Plan, and any other relevant issues of the proposed project.

SECTION 14-4 APPLICATION REQUIREMENTS:

An application for a Planned Community shall be submitted to the Administrator as specified in Chapter 13, Section 13 of this Ordinance, and shall contain the elements required by this Section. The Administrator shall determine the number of copies of the application required for submittal.

- A. The applicant or owner shall submit the fee for the Planned Community application subsequent to a recommendation of the Administrator and adoption by the Board. The negotiated fee for a Planned Community application shall recognize the amount of Boise County administrative time required to process the application.

- B. The applicant shall submit a detailed plan that includes the elements required by this Subsection, hereafter referred to as the *Specific Plan*. These documents and drawings shall provide sufficient information to evaluate future development applications to ensure that the planned services and amenities shall be provided for the anticipated population.
1. A vision statement for the use and design of the subject site.
 2. A list of coordinated goals, objectives, and policies implementing the vision statement and addressing applicable residential, commercial, and industrial development, schools, air and water quality, recreation facilities, special or sensitive areas, the provision of essential public services and utilities, and irrigation delivery systems.
 3. General land use patterns on-site and within a minimum of one mile of the Planned Community perimeter.
 4. A natural features analysis including a description of the impact of the project on area groundwater quality.
 5. A description of the density and/or intensity of land uses proposed within the Planned Community.
 6. A general land use map designating land use categories for the entire Planned Community area.
 7. Anticipated population of the Planned Community at completion.
 8. An assessment of development and population trends documenting the justification for development of a Planned Community outside of existing areas of city impact.
 9. Public services and utilities plan describing and depicting the location and type of electric service, natural gas service, storm drainage and flood control systems, wastewater treatment and collection, water service, irrigation, telephone and television cable service, public safety services, and schools.
 10. Circulation plan depicting location, design, and dimensions for the various types of streets, trails, and paths.
 11. Dedicated open space plan depicting both active and passive recreation areas and pedestrian, equestrian, and bicycle trails.

12. Essential public services and anticipated financing plan describing: a phased implementation program; the steps necessary to initiate and maintain each phase of development; the financial assurances provided, including costs of providing utilities, circulation, open space, landscaping, and any other public improvements; and mitigation of negative economic impacts beyond the normally expected incremental impacts of development on affected municipalities and other agencies and/or districts. Each phase shall include sufficient essential public services to serve the anticipated population of that phase, as well as provide for integration into the Planned Community.
 13. Description of central design concepts that create themes to guide land use development and to integrate a mixture of land uses. These concepts shall consider predevelopment site conditions, careful placement of public and quasi-public land uses, ample open space areas interconnecting all phases of development with appropriate landscaping, and provision of specific guidelines for construction and placement of improvements.
 14. A phasing plan indicating the sequence of development, general land uses, and anticipated commencement and completion times of each phase shall be provided, indicating land use types, total area contained, anticipated population levels, and essential public services. Essential public services adequate for the anticipated level of use of that phase shall be provided. The applicant shall also provide a written explanation of why phases should be developed in the proposed sequence and how the progress of each phase shall be measured and monitored by the Administrator and the applicant and/or owner. Phasing shall be accomplished so that the integrity of the Planned Community is maintained at the end of any single phase.
- C. The applicant shall submit a zoning ordinance amendment, as specified in Chapter 12 of this ordinance, to amend the Official Zoning Map to identify the Planned Community boundaries and designation of the area as a Planned Community.
- D. The applicant shall submit a zoning ordinance amendment, as specified in Chapter 12 of this ordinance, to add a new article to this Chapter containing the following regulations for the development and administration of the Planned Community:
1. Purpose statement.
 2. Applicability (regulations apply in areas identified on Official Zoning Map and Specific Plan land use map).
 3. Principal permitted, accessory, conditional, and prohibited uses.

4. Setback areas.
 5. Structure height and bulk.
 6. Structure and impervious coverage.
 7. Property size.
 8. Landscaping requirements.
 9. Open space requirements.
 10. Street frontage and access requirements.
 11. Sign requirements.
 12. On and off-street parking requirements.
 13. Standards for energy and water conservation.
 14. Grading requirements
 15. Design standards for structures and site improvements.
 16. Administrative regulations for the implementation and/or revision of the Specific Plan, as well as subsequent development approvals required prior to construction.
 17. Any other regulations necessary to implement the Specific Plan, including applicable fee schedules and amendments.
- E. The applicant shall submit a detailed economic impact analysis evaluating the impacts of the Planned Community upon existing infrastructure and any cost of new infrastructure that may be required to serve the Planned Community including, but not limited to, streets, schools, fire protection, water systems, wastewater collection and treatment systems, air quality programs, water quality programs, solid waste disposal, law enforcement, parks and open space, irrigation delivery systems, libraries and emergency medical services. Written statements shall be solicited by the applicant from affected municipalities, agencies and/or districts, and other service providers commenting on the impact of the Planned Community upon existing infrastructure and the costs of providing new infrastructure needed to serve the project. All responses received by the applicant shall be submitted to the Administrator along with the required economic impact analysis.

- F. The applicant shall submit a determination by the Community Planning Association of Southwest Idaho on whether the proposed planned community, or annexation to an existing planned community, shall necessitate an update to the adopted regional transportation plan. The Board may require the applicant to fund the cost of any necessary update to the regional transportation plan as a regulation of a development agreement.
- G. The applicant shall submit any other information necessary to support the purposes of this Chapter, as determined by the Administrator, Commission, or Board, as applicable.
- H. The Administrator, Commission, or Board may make a determination that material changes in conditions have occurred that may require updating, new analysis, or studies of specific issues.

SECTION 14-5 PROCESS:

- A. The Specific Plan for a Planned Community shall be adopted by resolution of the Board subsequent to a recommendation from the Commission. The Administrator shall maintain 2 complete copies of the adopted Specific Plan in the files of the Boise County Planning and Zoning Department.
- B. The zoning ordinance text and map amendments shall be adopted by ordinance and shall be consistent with the regulations of this Ordinance.
- C. Street names and addresses shall be obtained for the Planned Community in compliance with Boise County Addressing Ordinance.
- D. Amendments:
 - 1. Applications for amendments to the Specific Plan, or to add additional property into the boundaries of a Planned Community, shall be processed substantially in the same manner as an original application and as provided in the original zoning ordinance amendment.
 - 2. An amendment to the Specific Plan of a Planned Community may be initiated by one of the following:
 - a. The original applicant, owner, or the owner's successors and assigns.
 - b. Property owners owning 80 percent or more of the land area within the Planned Community.
 - c. The Board.
 - 3. In addition to the requirements of Subsection A above, owner(s) of property who want to include their lands in an existing Planned Community shall

submit written approval of one of the following:

- a. The original applicant, owner, or the owner's successors and assigns.
- b. Property owners owning 80 percent or more of the land area within the Planned Community.

E. Periodic evaluation.

1. The Administrator shall monitor the development of Planned Communities and report to the Commission and the Board every 2 years after the recordation of the first final plat in the Planned Community as to the progress and anticipated long-term viability of the Planned Community. The review shall continue until recordation of the final phase. The Administrator shall consult with the applicant and property owners within the Planned Community prior to preparing the report.
2. In the event that the Board determines, based on reliable information and evidence contained in the Administrator's report and the recommendation of the Commission, that the Planned Community has not developed in substantial accord with the Specific Plan or has caused undue adverse economic impacts on affected municipalities or other agencies and/or districts, the Board may initiate hearings to investigate such matters and may, at the conclusion of such hearings, adopt changes to the Specific Plan to mitigate such undue adverse economic impacts. All such public hearings shall be scheduled and conducted in conformance with the Idaho Code and the Boise County Code.

F. Any incorporation, annexation, or inclusion of a Planned Community within an area of city impact shall be processed in accord with applicable State law, the Boise County Comprehensive Plan, and Boise County Code. It is the intent of the Chapter to continue the implementation of the approved Specific Plan as a part of any inclusion of a Planned Community within an area of city impact.

SECTION 14-6 PROCESS FOR SUBSEQUENT DEVELOPMENT:

- A. Development within an approved Planned Community shall be governed by the regulations and requirements of the approved Specific Plan and zoning ordinance amendment. Where zoning issues arise that are not addressed in the zoning ordinance amendment, this Chapter shall apply and govern.
- B. Despite any other regulations to the contrary, each phase of the Planned Community shall comply with the general requirements of the approved Specific Plan and the specific regulations for that phase.

- C. Each phase shall not be approved unless the necessary essential public services for said phase, as specified in the approved Specific Plan and related documents, are provided to support the development as it proceeds.
- D. No development shall be allowed prior to application, review, and approval of the phase in which the development is located.

SECTION 14-7 REQUIRED FINDINGS:

In order to approve a Planned Community application, the Board shall make the findings for a zoning ordinance amendment specified in this ordinance and shall make the following additional findings:

- A. The proposal complies with all applicable local, State, and Federal plans and regulations;
- B. The proposed Planned Community provides a land development tool to accommodate population growth outside of existing areas of city impact; and
- C. The proposal sets forth sufficient and adequate mitigation for the identified economic impacts beyond the normally expected incremental impacts on municipalities and other agencies and/or districts.

REGULARLY PASSED AND ADOPTED By the Board of County Commissioners of the County of Boise, State of Idaho, on this _____ day of _____, 2001.

John S. Foard, Chairman

ATTEST: _____
Roger B. Jackson, Commissioner

Rora A. Canody
Clerk of the Commissioners

Dale Hanson, Commissioner