



CODE TEXT AMENDMENT

Permit info: CPAFY2019-4

Application Date: 3/20/19 Rec'd by: MK

FOR OFFICE USE ONLY

6015 Glenwood Street ▪ Garden City, ID 83714 ▪ 208.472.2921
 ▪ www.gardencityidaho.org ▪ planning@gardencityidaho.org

APPLICANT

Full Name: MARK H. ESTESS

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Mailing Address: 800 W. Main Street, Suite 1460, Boise, ID 83702

Phone: (208) 343-1300

Title, Chapter and section to be amended? Article B, §C
BASE ZONING DISTRICT PROVISIONS AND LAND USE PROVISIONS

What is the purpose of the proposed text amendment?
Update the code to align with technological advances, and prevent burden on city resources.

How is proposed amendment consistent with the City's Comprehensive Plan?
PROVIDES CRITICAL FACILITIES AND SERVICES TO SUPPORT DIVERSE NEEDS OF BUSINESS AND RESIDENTS AND PUBLIC SAFETY.

State all Titles, Chapters and Sections of the Garden City Code affected?
TABLE B-2B-1, B-2C-46, B-2C-47, B-2C-48, B-3A-1,

Is the proposal consistent with State Code?
YES

What is the fiscal impact?
No fiscal impact

What is the public need and benefit from this amendment?
Enhanced wireless services, reliability, resiliency, economic development and capital investment.

I consent to this application and hereby certify that information contained on this application and in the accompanying materials is correct to the best of my knowledge. I agree to be responsible for all application materials, fees and application correspondence with the City. I will hold harmless and indemnify the City of Garden City from any and all claims and/or causes of action from or an outcome of the issuance of a permit from the City.

Mark H. Estess FEBRUARY 25, 2019
 Signature of the Applicant (date)

APPLICATION INFORMATION REQUIRED

NOTE:

AN ELECTRONIC COPY OF THE ENTIRE APPLICATION SUBMITTAL REQUIRED

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED UNDER ANY CIRCUMSTANCES

ONE (1) HARD COPY OF EACH CHECKLIST ITEM REQUIRED:

- Compliance Statement and Statement of Intent
- Exact Amendment in an Underline and Strike-Out Form (if text)
- Any Other Data to Support the Proposed Amendment



PLEASE CHECK THE FOLLOWING:

INFORMATION REQUIRED ON COMPLIANCE STATEMENT AND STATEMENT OF INTENT:

- Statement explaining how the proposed use(s) is compliant with the standards of review for the proposed application. Cite the ordinances the proposed use(s) is compliant with
- Should include purpose, scope, and intent of project
- Information concerning noxious uses, noise, vibration, and any other aspects of the use or structure that may impact adjacent properties or the surrounding community

N/A

INFORMATION REQUIRED FOR WAIVER REQUEST OF APPLICATION MATERIALS:

- Statement must include a list of the application materials to be waived and an explanation for the request

N/A



Via Email and Hand Delivery

February 25, 2019

Mayor John Evans
6015 Glenwood
Garden City, ID 83714

RE: Zoning Ordinance Text Amendment Application

Dear Mayor John Evans:

Please accept this proposed Zoning Ordinance Text Amendment Application and supporting documentation for your consideration. We are seeking the Text Amendment in order to update existing land use zoning regulations for the deployment of wireless infrastructure and to align the ordinance with the latest technological advances, and to prevent a burden on City resources. The Text Amendment will make it more cost-effective and simpler for Garden City as well as for wireless service providers to give Garden City residents and businesses reliable, affordable infrastructure that is so critical to everyday life.

The proposed Text Amendment:

- Provides necessary updates, clarifications and revisions to the Garden City Land Use Zoning Ordinance. It seeks to balance the public need for access to reliable telecommunications infrastructure against the potential adverse effects such infrastructure can have when deployed without oversight; and
- Provides a path through which wireless service providers such as Verizon can quickly improve service levels in high-density areas, while reducing the need for additional macrocell antennas, all while reducing cost and time to City employees.

Background

Garden City's current zoning regulations for communications towers, antennas, and base units were drafted at a time when antennas were bulky and bolted to the tops of guyed or lattice towers. While that kind of "macrocell" deployment will continue to exist, there are now complementary technologies that are much smaller. Distributed antenna system, or "DAS", networks and other "small cell" systems use components that are a fraction of the size of macrocell deployments, and can be installed on utility poles, buildings, and other smaller structures.

However, DAS and small cell networks require a large number of small antennas to achieve network benefits – they work in conjunction with existing macrocell antennas. But, according to

the current zoning code, these DAS or small cell systems require a conditional use permit (CUP), which results in the processing of a large number of CUPs under current zoning regulations.

The goal of this Text Amendment is to eliminate the CUP requirement for DAS and small cell networks installed on existing City-owned light poles and traffic signal davits in the public right-of-way and to provide a more efficient, cost-effective way to approve DAS and small cell networks that allows for needed infrastructure while still protecting the integrity of the communities you serve.

The Text Amendment is Designed to Provide Solutions

The Text Amendment defines and simplifies the process for reviewing small cell wireless facilities and DAS applications through the Garden City Code. This proposed amendment makes eligible deployments a permitted use, rather than a conditional use, thereby significantly reducing the costs, entitlement risks, and review period.

The proposed Text Amendment would revise the code to provide for general standards, outline the review process, height limitations, and equipment size for the Small Wireless Facilities and DAS systems. Definitions have also been added to the code to clarify the different components associated with Small Wireless Facilities and DAS.

There are Multiple Solutions this Amendment will Provide:

- It will update outdated rules to align with new technologies. The existing land use zoning regulations did not contemplate technological advancements that could be placed on existing smaller infrastructure.
- It will solve the issue of application volume. By design, DAS and small cell antenna systems employ smaller antennas spread out on many different structures; completing a CUP on each placement would require the use of limited city resources.
- It will provide for timely review. Federal law establishes two new shot clocks for small wireless facilities, 60 days for collocation on preexisting structures and 90 days for new builds. This amendment makes meeting federally imposed timeframes far less burdensome for the City and for wireless service providers.
- Finally, the amendment lets wireless service providers solve the challenges associated with areas of high wireless communications demand and usage. Garden City currently receives cellular coverage almost exclusively through macrocell antennas. Allowing telecommunications antennas on 30-foot light poles and traffic signal davits could substantially improve service levels in high demand and high-density areas, while reducing the need for additional macrocell antennas.

Partnerships with Local Jurisdictions

The amendment will not prevent the City from maintaining oversight over all commercial telecommunications development. All antennas used by the public must continue to comply with the development standards. Verizon has been actively working with other local jurisdictions such as Ada County on similar code amendments that streamline the review of small cell and DAS

Mayor John Evans
February 25, 2019

applications. Verizon has a Master License Agreement with the City of Boise and the Ada County Highway District for locating antennas and equipment on their utility structures in the right-of-way. The applications for Verizon's small cell sites in the ROW involves Verizon going through the local jurisdiction for the zoning review. Once the zoning review has been completed with the local jurisdiction, ACHD will complete the permitting review for the work in the ROW.

We sincerely appreciate the ongoing collaborative relationship we have with Garden City and look forward to working through the application process.

Sincerely,



Jennifer Sedillo

Sr. Manager Network Real Estate, Verizon Wireless

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Boise, Idaho 83713

(801) 260-8711

jennifer.sedillo@verizonwireless.com

cc:

City Council

Design Review Committee

Planning and Zoning Commission

Development Services

City Attorney

Attachments

Code Text Amendment Application

Proposed Text Amendment in an Underline and Strike-Out Form

Application Fee – Check made payable to Garden City

920ARTICLE B. BASE ZONING DISTRICT PROVISIONS

SECTION:

8-2B-1: Purpose

8-2B-2: Allowed Uses

8-2B-3: Form Standards

8-2B-2 ALLOWED USES:  SHARE

A. Table 8-2B-1 lists allowed uses as permitted (P), conditional (C), or prohibited () uses.

B. If a proposed use of property is not specifically listed in Table 8-2B-1, the use shall be prohibited, except if the planning official determines that the proposed use is equivalent to a permitted or conditional use. In making the determination, the planning official shall consider the following:

1. The impacts on public services and activities associated with the proposed use are substantially similar to those of one (1) or more of the uses listed in the applicable base districts as allowed;
2. The proposed use shall not involve a higher level of activity or density than one (1) or more of the uses listed in the applicable base districts as allowed;
3. The proposed use is within the same use category of an allowed use listed in the latest edition of the North American Industrial Classification System (NAICS), published by the United States Department of Commerce;
4. The proposed use is consistent with the purpose of the district in which the use is proposed to be located; and
5. The proposed use is in substantial conformance with goals and objectives of the comprehensive plan.

6. Should the use be determined equivalent to a use that requires a conditional use permit, the application shall be required to follow the procedures set forth for conditional use permits.

C. Uses that are listed followed by an asterisk (*) are subject to the specific provisions for the use as set forth in article C, "Land Use Provisions", of this chapter. Any use that cannot comply with the provision as set forth in article C, "Land Use Provisions", of this chapter shall be subject to a conditional use permit as set forth in chapter 6, "Administration", of this title.

D. For uses that may fall into more than one (1) category, the planning official shall determine the most appropriate category based on the more restrictive standards.

TABLE 8-2B-1

ALLOWED USES IN ALL BASE ZONING DISTRICTS

*Indicates uses that are subject to specific land use provisions as set forth in article C of this chapter.

	R-1	R-2	R-3	R-20	C-1	C-2	M	LI
Accessory use*	P	P	P	P	P	P	P	P
Agriculture*	P	P	P	P		P	P	P
Amusement center*					P	C	C	C
Animal care facility*	C				C	C	C	P

TABLE 8-2B-1

ALLOWED USES IN ALL BASE ZONING DISTRICTS

*Indicates uses that are subject to specific land use provisions as set forth in article C of this chapter.

P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district

	R-1	R-2	R-3	R-20	C-1	C-2	M	LI
Artist studio*	C	C	P	P	P	P	P	P
Bed and breakfast*	C	C	C	C	P	P	P	
Bicycle sales, service, storage, rental					P	P	P	P
Building material, garden and equipment*					C	C	C	C
Church or place of religious worship*	C	C	C	C	C	C	C	C
Club*					C	C	C	
Commercial entertainment facility*					C	C		
Daycare, center*					C	C	C	C
Daycare, neighborhood*	C	C	P	P			P	
Daycare, personal*	P	P	P	P			P	
Drinking establishment, full service*					C	C		C
Drinking establishment, limited service*					P	P	P	C
Drive-through establishment*					C	C		C
Dwelling unit, accessory*	P	P	P	P	P	P	P	P
Dwelling unit, group			C	P		P	C	
Dwelling unit, multiple-family*		C	P	P	C	P	P	
Dwelling unit, single-family attached		P	P	P	C	P	P	
Dwelling unit, single-family detached	P	P	P	P	C	P	P	
Dwelling unit, two-family		P	P	P	C	P	P	
Eating establishment, full service		C	C	C	P	P	P	C
Eating establishment, limited service		C	C	P	P	P	P	P
<u>Eligible Facilities Requests</u>	<u>P</u>							
Equipment rental, sale and service*					C	C		P
Financial institution*				C	P	P	P	P
Food products, processing*					C			P

TABLE 8-2B-1
 ALLOWED USES IN ALL BASE ZONING DISTRICTS

*Indicates uses that are subject to specific land use provisions as set forth in article C of this chapter.

P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district

	R-1	R-2	R-3	R-20	C-1	C-2	M	LI
Food products, small scale processing*	C	C	C	C	P	P	P	P
Food store*			C	C	P	P	P	P
Fuel sales*					C	C		C
Fuel yard					C			C
Health club*			C	C	P	P	P	
Healthcare and social service			C	C	P	P	P	C
Home occupation*	P	P	P	P	C	P	P	
Hospital*					C	C	C	
Industry, flex*					C	C		C
Industry, information*					P	P	P	P
Industry, light*					C			P
Kennel, hobby*	P	P	P	P		P	P	C
Laboratory - medical, dental, optical					P	P	P	P
Laundromat, self-service cleaner*				C	P	P	P	P
Laundry and dry cleaning, commercial plant					P	C		P
Laundry and dry cleaning establishment				C	P	C	C	P
Lending institution					C			
Lodging*				C	C	C	C	
Manufactured/mobile home park		C	C	C		C	C	
Mortuary*					C	C	C	
Nursery*	P				P	P	P	C
Nursing and residential care*		C	C	C	C	C		
Parking facility				C	C	C	C	C
Personal service*				C	P	P	P	P
Professional service*				C	P	P	P	P

TABLE 8-2B-1

ALLOWED USES IN ALL BASE ZONING DISTRICTS

*Indicates uses that are subject to specific land use provisions as set forth in article C of this chapter.

P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district

	R-1	R-2	R-3	R-20	C-1	C-2	M	LI
Public service facility	C	C	C	C	P	C	C	P
Public uses	C	C	C	C	P	P	C	C
Recreational vehicle park*					C	C		
Research and development				C	P	P	P	P
Retail production*	C	C	C	P	P	P	P	C
Retail store				C	P	P	P	C
School*		C	C	C	C	C	C	C
Service provider*					P	C		P
Sexually oriented businesses*					C			
<u>Small Wireless Facilities</u>	<u>P**</u>							
Storage facility or yard*					C			C
Storage facility, self-service					C			P
Storage yard, commercial recreational vehicle*					C			C
Temporary use*	P	P	P	P	P	P	P	
Tobacco entertainment facility*					C	C	C	C
Tobacco retail store				C	P	P	P	C
Vehicle rental*					C	C		C
Vehicle sales*					C	C		C
Vehicle service*					C	C	C	P
Vehicle washing facility*					P		C	C
Vehicle wrecking yard								C
Warehouse and storage, wholesale*					C	C		P
Wireless communication facility*					C			C

** Indicates uses that are permitted subject to an approved contract with the City, and, in the City's discretion, approval by City Council.

ARTICLE C. LAND USE PROVISIONS

SECTION:

8-2C-1: Purpose

8-2C-2: Accessory Use

8-2C-46: [Wireless Communication Facilities, Excluding Small Wireless Facilities and Eligible Facilities Requests](#)

8-2C-47: [Small Wireless Facilities](#)

8-2C-48: [Eligible Facilities Requests](#)

8-2C-1 PURPOSE: [SHARE](#)

This article provides specific standards for certain allowed uses, including permitted and conditional uses, as set forth within the applicable base zoning districts. (Ord. 898-08, 9-8-2008)

8-2C-2 ACCESSORY USE: [SHARE](#)

8-2C-46 WIRELESS COMMUNICATION FACILITIES, EXCLUDING SMALL WIRELESS FACILITIES AND ELIGIBLE FACILITIES REQUESTS: [SHARE](#)

A. Setback:

1. A wireless communication facility shall not be located closer than five thousand two hundred eighty feet (5,280') (1 mile) from an existing cellular tower.

2. In addition to the setbacks required for the base zoning district as set forth in section 8-2B-3, table 8-2B-2, "Form Standards In All Base Zoning Districts", of this chapter, a support tower for a wireless communication facility shall be set back one foot (1') for every ten feet (10') of the total tower height.

3. All equipment shelters, cabinets or other on ground ancillary structures shall meet the setback requirements of the zone.

B. Height: The maximum height, including all antenna attachments shall be one hundred feet (100') in the C-1 zone and one hundred twenty five feet (125') in the LI zone.

C. Collocation: No new towers shall be allowed unless there has been an analysis certified by a qualified engineer and specific to the site that collocation on an existing wireless communication facility is infeasible. Evidence to demonstrate that no existing facility can accommodate the proposed new facility may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet the proposed facility's requirements;

2. Existing structures are not of sufficient height to meet the engineering requirements of the proposed structure;

3. Existing structures do not have sufficient structural strength to support the proposed antenna and/or equipment; or

4. The proposed antenna would cause electromagnetic interference with the antenna on existing structures, or the antenna on the existing structure would cause similar interference with the proposed antenna.

D. Site Design:

1. Tower facilities shall be landscaped with a buffer outside the perimeter of the compound in accordance with the standards set forth in subsection 8-4I-5C of this title.

Field Code Changed

2. Materials, colors, textures and screening shall be used that blend the tower facility to the natural and built environment. Supporting electrical and mechanical equipment installed on the tower shall use colors that are similar to the tower.

3. Except as required by the federal aviation administration (FAA) or the federal communications commission (FCC), transmission structures shall not be artificially lighted.

Field Code Changed

Equipment shelters may use lighting consistent with the lighting standards set forth in section 8-4A-4, "Outdoor Lighting", of this title.

E. Site Maintenance: A wireless communication facility that is no longer in use shall be completely removed and the site restored to its preexisting condition within six (6) months of the cessation of operation.

F. Other Regulations Apply: The site and structure design shall be subject to review by the design committee and the process set forth in section 8-6B-3 of this title. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

Field Code Changed

* Code reviser's note: Ord. 991-17 creates a new section 8-2C-43. This section has been editorially renumbered to avoid duplication of numbering.

Field Code Changed

8-2C-47 SMALL WIRELESS FACILITIES

A. Small wireless facilities in all zoning districts and public rights-of-way shall be deemed a permitted use by right and shall require a building permit prior to installation.

B. Tower Construction, Setback, and Fall Zone Standards for Small Wireless Facilities

i. A new Monopole or Replacement Pole shall not exceed the height limitation of the zoning district, or more than ten (10) feet above the tallest existing poles, towers, buildings, and the like (except for utility towers and utility Support Structures), whichever is greater. If there is no height limitation, the height limit for a new Monopole or Replacement Pole shall be thirty (30) feet.

ii. No antenna, excluding the associated equipment, shall exceed six cubic feet in volume.

iii. The antenna may be mounted on a roof only if the height of the antenna at the highest point does not exceed the horizontal distance from the antenna to the edge of the roof.

iv. Monopole or Replacement Pole in Public Rights-of-Way. A Monopole or Replacement pole that will support a Small Wireless Facility shall be permitted within utility easements or Public Rights-of-Way, in accordance with requirements of this Section.

a) Before construction of a Monopole or Replacement Pole that will support a Small Wireless Facility commences in the public right-of-way, the Applicant shall provide written evidence of a license, or legal right or approval, to use such structure by the Ada County Highway Department, other governmental entity, or its owner.

b) Small Wireless Facilities located within utility easements or public rights-of-way are exempted from setback requirements.

c) Single carrier Monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by Subsection (B)(1) above.

- d) Small Wireless Facilities that use the structure of a utility tower or utility Support Structure for support are permitted under this Section. Such poles may extend up to twenty (20) feet above the height of the utility tower.
- e) Monopoles and Replacement Poles in the public rights-of-way over twenty feet (20') in height must be designed to allow for future arrangements of antennas upon the tower. Such Monopoles and Replacement Poles must also be designed to accept antennas mounted at varying heights.

C. Application for Small Wireless Facilities. The application for a permitted Small Wireless Facilities shall contain, at minimum, the following information:

- v. Applicant's name, address, and telephone number.
- vi. Name, address, and phone number of carrier.
- vii. Scaled site plan, construction plans and engineering calculations, elevations, and other data as required by the Planning Official.
- viii. Signed Lease Agreement, Master Lease Agreement or Letter of Authorization. The applicant shall provide one of the following:
 - a) The relevant portions of a signed lease agreement or master lease agreement that requires the applicant to remove the tower and/or associated facilities upon cessation of use.
 - b) A letter of authorization from the property owner or controlling entity that states it is the intent of the property owner or controlling entity to allow the applicant to locate the tower and/or associated facilities to be placed on the property and the applicant will be required to remove the facilities upon cessation of use.
- ix. Consolidated applications for up to 25 Small Wireless Facilities being installed, modified, replaced, or collocated in the same zone shall be permitted.

D. Decision. Within 60 days of the date upon which an Applicant submits an application deemed complete by the Planning Official, the City shall render a decision on the application for a Small Wireless Facility. The City shall provide a notice of incomplete application within 30 days of receipt of such application. Any decision to approve with conditions or deny an application for a Small Wireless Facility shall be in writing and supported by substantial evidence in a written record, and otherwise be rendered in compliance with federal and state laws and regulations. The Applicant shall receive a copy of the decision. The foregoing shall apply only to applications for Small Wireless Facility and shall not apply to any building, right-of-way, or any other permit issued by the City pursuant to the provisions of this Code. Unless agreed to by applicant and the City, if a decision on the application is not issued within 60 days, the application shall be deemed approved and the permit shall be issued.

8-2C-48 ELIGIBLE FACILITIES REQUESTS

A. This Section implements Section 6409(a) of the Spectrum Act (47 U.S.C. Section 1455(a)), as interpreted by the FCC in its Report and Order No. 14-153 and regulated by 47 C.F.R. § 1.40001, which requires a state or local government to approve any Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

B. Application review.

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- i. The city shall prepare and make publicly available an application form, the requirements for which shall be limited to the information necessary for the city to consider whether an application is an Eligible Facilities Request. The city may not require an applicant to submit any other documentation intended to illustrate the need for any such wireless facilities or to justify the business decision to modify such wireless facilities.
- ii. Upon receipt of an application for an Eligible Facilities Request pursuant to this Section, the city shall review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.
- iii. Within 60 days of the date on which an applicant submits an application seeking approval of an Eligible Facilities Request under this Section, the city shall review and act upon the application, subject to the tolling provisions below.
- iv. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement between the city and the applicant, or in cases where the city determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.
 - a) To toll the timeframe for incompleteness, the city must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.
 - b) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the city's notice of incompleteness.
 - c) Following a supplemental submission, the city will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this Section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness
- v. Failure to Act. In the event the city fails to approve or deny a complete application under this Section within the timeframe for review (accounting for any tolling), the request shall be deemed granted provided the applicant notifies the city in writing after the review period has expired.

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C. Any Section 6409(a) Collocation/Modification Permit approved or deemed-granted by the operation of federal law shall be automatically subject to the conditions of approval described in this Section. The city's grant or grant by operation of law of a Section 6409(a) Collocation/ Modification Permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. The city's grant or grant by operation of law of a Section 6409(a) Collocation/Modification Permit will not extend the permit term for any conditional use permit, land use permit or other underlying regulatory approval and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.

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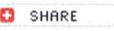
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CHAPTER 3
OVERLAY ZONING DISTRICT REGULATIONS

ARTICLE A. GENERAL PROVISIONS

SECTION:

- 8-3A-1: Zoning Districts Established**
- 8-3A-2: Applicability**
- 8-3A-3: Allowed Uses**

8-3A-1 ZONING DISTRICTS ESTABLISHED: 

The purpose of the overlay districts is to provide an incentive to implement the comprehensive plan and preserve the rights of property owners. The city hereby establishes the following overlay zoning districts:

- Flood hazard (FH)
- Surel Mitchell work-live-create (WLC)
- Neighborhood commercial node (NCN)
- Transit oriented development (TOD)
- Green Boulevard corridor (GBC)

(Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012; Ord. 967-14, 6-9-2014)

8-3A-2 APPLICABILITY: 

The overlay districts may be applied in the geographical or base zoning districts areas identified for each overlay district within the respective article of this chapter. The application of the standards for an overlay district when adopted for a property will be in lieu and/or in addition to the standards in the base zoning district. In the absence of a base zoning district designation an overlay shall become the base zoning designation of record. (Ord. 944-12, 5-14-2012)

8-3A-3 ALLOWED USES: 

A. Table 8-3A-1 of this section lists allowed uses in the overlay zones.

B. If a proposed use of property is not specifically listed in table 8-3A-1 of this section, the use shall be prohibited, except if the planning official determines that the proposed use is equivalent to a permitted or conditional use. The planning official's determination shall be based on the criteria set forth in section 8-2B-2 of this title.

C. For uses that may fall into more than one category, the planning official shall determine the most appropriate category based on the more restrictive standards.

D. In the flood hazard overlay district, all uses are allowed that are allowed in the base zoning district.

**TABLE 8-3A-1
ALLOWED USES IN THE OVERLAY ZONING DISTRICTS**

	WLC	NCN	TOD	GBC
Accessory use	P	P		
Agriculture	P	P		
Amusement center	C	P		
Animal care facility	C	C		
Artist studio	P	P		
Bed and breakfast	P	P		
Bicycle sales, service, storage, rental	P	P		
Building material, garden and equipment	C	C		
Church or place of religious worship	C	C		
Club	C	C		
Commercial entertainment facility	C	C		
Daycare, center	P	P		
Daycare, neighborhood	P	P		
Daycare, personal	P	P		
Drinking establishment, full service	C	C		
Drinking establishment, limited service	P	P		

**TABLE 8-3A-1
ALLOWED USES IN THE OVERLAY ZONING DISTRICTS**

	WLC	NCN	TOD	GBC
Drive-through establishment				
Dwelling unit, accessory	P	P		
Dwelling unit, group	P	C		
Dwelling unit, multiple-family	P	P		
Dwelling unit, single-family attached	P	P		
Dwelling unit, single-family detached	P	P		
Dwelling unit, two-family	P	P		
Eating establishment, full service	C	C		
Eating establishment, limited service	P	P		
<u>Eligible Facilities Requests</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Equipment rental, sale and service	C			
Financial institution	P	P		
Food products, small scale processing	P	P		
Food store	C	C		
Fuel sales	C			
Health club	P	C		
Healthcare and social service	P	P		
Home occupation	P	P		
Hospital	C			
Industry, information	P	C		
Industry, flex				
Industry, light				

**TABLE 8-3A-1
ALLOWED USES IN THE OVERLAY ZONING DISTRICTS**

	WLC	NCN	TOD	GBC
Kennel, hobby	P			
Laboratory - medical, dental, optical	P	P		
Laundromat, self-service cleaner	P	P		
Laundry and dry cleaning, commercial plant	C			
Laundry and dry cleaning establishment	C	C		
Lending institution				
Lodging	P	P		
Manufactured/mobile home park	C	C		
Mortuary	C	C	C	C
Motorcycle sale, service, storage, rental	C			
Nursery	P	P		
Nursing and residential care	C	C		
Parking facility	C	C		
Personal service	P	P		
Professional service	P	P		
Public service facility	C	C		
Public uses	C	C		
Recreational vehicle park	C			
Research and development	P	P	P	P
Retail production	P	C	C	P
Retail store	P	P		
School	C	C		

**TABLE 8-3A-1
ALLOWED USES IN THE OVERLAY ZONING DISTRICTS**

	WLC	NCN	TOD	GBC
Service provider				
<u>Small Wireless Facilities</u>	<u>P**</u>	<u>P**</u>	<u>P**</u>	<u>P**</u>
Storage facility, self-service				
Storage facility or yard	C			
Storage yard, commercial recreational vehicle				
Temporary use	P	P		
Tobacco entertainment facility	C	C		
Tobacco retail	P	P		
Vehicle sales and rental	C	C		
Vehicle service	C	C		
Vehicle washing facility				
Warehouse and storage, wholesale	C			
Wireless communication facility				

* Indicates uses that are subject to specific land use provisions as set forth in chapter 2, article C of this title.

** Indicates uses that are permitted subject to an approved contract with the City, and, in the City's discretion, approval by City Council.

CHAPTER 7
REFERENCES
ARTICLE A. DEFINITIONS
SECTION:

8-7A-1: Definitions Of Uses

8-7A-2: Definitions Of Terms

8-7A-1 DEFINITIONS OF USES: 

ACCESSORY USE:	A use that is incidental, auxiliary and subordinate to the principal use, and is conducted upon the same property. Examples include but are not limited to the parking and storage intended solely for the primary use.
AGRICULTURE:	The use of land for farming, dairying, pasturage, aquaculture, horticulture, floriculture, viticulture, and animal husbandry, including riding stables and schools and the necessary accessory structures for packing, treating and storing the produce to standard. The term "agriculture" does not include commercial stock or feed yards where a concentration of livestock is fed for the purpose of fattening for market.
AMUSEMENT CENTER:	The use of all or part of a building for indoor amusement including, but not limited to, video games, laser games, bingo, pool, billiards, card rooms, bowling alleys, child amusement rides, and indoor playground facilities.
ANIMAL CARE FACILITY:	The use of a site for the boarding, care, grooming, diagnosis or treatment of animals. The use may include overnight accommodations on the premises and boarding that is incidental to the primary activity. The term "animal care facility" shall include, but not be limited to, an animal clinic, animal hospital, commercial kennel or veterinary office.
ARTIST'S STUDIO:	The use of a site for the individual production, sale or instruction of a creative pursuit of original ideas or creations.
BED AND BREAKFAST:	The use of a dwelling where meals and lodging are provided for compensation for three (3) or more persons not related to the bed and breakfast business owner. The term "bed and breakfast" includes a boarding house or lodging house; and excludes a group dwelling unit.

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BICYCLE SALE, SERVICE, STORAGE, RENTAL: The use of a site for a business wherein bicycles are sold, serviced, repaired, stored and/or rented.

BUILDING MATERIAL, GARDEN AND EQUIPMENT: The use of a site for the retail sale and service of merchandise used in home and garden improvements. The term "building material, garden and equipment" includes home and garden centers; hardware stores; lawn and garden equipment supply stores; paint and wallpaper stores; lumberyards; nursery, garden and farm supply stores.

CHURCH OR PLACE OF RELIGIOUS WORSHIP: The use of a site that by design and construction is primarily intended for conducting organized religious services, meetings, and associated activities and that is recognized as a religious corporation or society of the state of Idaho with a state tax exempt status in accord with Idaho Code section 63-602B.

CLUB: The use of a site owned or operated by an organized association of persons for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests; and not primarily operated for profit or to render a service customarily carried on as a business.

COMMERCIAL ENTERTAINMENT FACILITY: The use of a site for any profit making activity which is generally related to the entertainment field. The term "commercial entertainment facility" includes motion picture theaters, carnivals, nightclubs, and dance halls.

DAYCARE FACILITY: The use of a site where nonmedical care, protection or supervision is regularly provided to children under twelve (12) years of age, or disabled persons of any age, for periods less than twenty-four (24) hours per day, while the parents or guardians are not on the premises. There are three (3) types of childcare facilities distinguished by the number of individuals served:

A. Daycare center: More than twelve (12).

B. Daycare, neighborhood: More than six (6) but no greater than twelve (12).

C. Daycare, personal: Four (4) or fewer.

DISTRIBUTED ANTENNA SYSTEM (DAS)

A distributed antenna system network consisting of one or more nodes connected by a fiber system to a carrier's base transceiver station or other location commonly referred to in

the communications industry as an "eNodeB", or "NodeB", or similar designation.

DRINKING
ESTABLISHMENT,
FULL SERVICE:

The use of a site primarily for the sale or dispensing of liquor by the drink or glass, but not including restaurants with a wine and beer license where the principal business is serving food. The use includes, but is not limited to, bar, lounge, saloon, and tavern.

DRINKING
ESTABLISHMENT,
LIMITED SERVICE:

The use of a site primarily for the service of only wine or beer by the glass, but not including restaurants with a wine and beer license where the principal business is serving food. The use includes wine bar, beer pub, and brewery.

DRIVE-THROUGH
ESTABLISHMENT:

Any use that permits service to take place directly with customers located in a motor vehicle. The term "drive-through establishment" shall include, but not be limited to, providing food or beverage service, bank service, prescription drugs, and/or film processing. The term "drive-up window service" shall not include fuel sales facility or vehicle washing facility as herein defined.

DWELLING OR
DWELLING UNIT:

Any structure, or portion thereof, providing independent living facilities for one (1) "family" as herein defined, including provisions for living, sleeping, eating, cooking, and sanitation.

DWELLING, SINGLE-
FAMILY ATTACHED:

A structure containing two (2) or more dwelling units attached by a common wall or walls, where each dwelling is located on a separate property.

DWELLING UNIT,
ACCESSORY:

A dwelling unit either within the principal structure or in a detached structure that is incidental and subordinate to the principal structure and is located upon the same property. Mobile homes and manufactured homes shall not be considered an accessory dwelling unit.

DWELLING UNIT,
GROUP:

A structure used for long term living, eating and sleeping accommodations, including students enrolled in an educational institution. The use includes dormitories, fraternities and sororities, and halfway houses.

DWELLING UNIT,
MULTI-FAMILY:

A structure or property containing three (3) or more principal dwelling units. The term "multi-family dwelling unit" includes apartments and condominiums with varying arrangements of entrances and party walls.

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DWELLING UNIT,
SINGLE-FAMILY OR
TWO-FAMILY
DETACHED:

A structure consisting of one (1) or two (2) dwelling units and separated from other dwelling units by open space.

EATING
ESTABLISHMENT,
FULL SERVICE:

The use of a site for an establishment where a full range of food items are prepared, served and consumed by patrons. The serving of alcoholic beverages may also be provided but are secondary to the service of food. The term includes cafe, caterer, diner, eatery, grill, restaurant, and steakhouse.

EATING
ESTABLISHMENT,
LIMITED SERVICE:

The use of a site for an establishment where a limited number of food items are prepared, served and consumed by patrons on or off the site. The serving of alcoholic beverages is not provided. The term includes coffee shop, delicatessen, pizza parlor, retail bakery, fast food, sushi bar, food stand and catering facility.

EQUIPMENT RENTAL,
SALE AND SERVICE:

The use of a site for the sale, rental or servicing of tools, trucks, tractors, construction equipment, agricultural implements, or similar industrial equipment.

FINANCIAL
INSTITUTION:

The use of a site for lending, exchanging and handling money or currency for customers. The use includes, but is not limited to, state or federally backed credit unions, savings and loan and commercial banks. This use does not include title loans, payday loans or pawnbrokers.

FOOD PRODUCTS,
PROCESSING:

The use of a site for producing, manufacturing, processing or storage of food products. The use includes, but is not limited to, beverages, coffee roasting, ice, fruits, vegetables, spices, confectionery, meat, seafood, and dairy products. The use does not include slaughterhouses.

FOOD PRODUCTS,
SMALL SCALE
PROCESSING:

The use of a site for producing, manufacturing, or processing of food products on a boutique or small scale and limited production. The use often contains a tasting or dining area. The use includes, but is not limited to, catering, smoking and curing, canning and preserving, confectioneries, brewing and winemaking.

FOOD STORE:

The use of a site for the sale of fresh, partially or fully prepared food for consumption at a different location in conjunction with a full line of

consumable goods, toiletries, cleaning supplies, and household supplies. The term "food store" includes grocery store, delicatessens, bakery and convenience stores.

FUEL SALES: The use of a site for the retail sales of motor fuel, lubricating oils, and/or grease to on-premises trade. The use may also include an accessory convenience store selling a limited line of groceries and self-service food items.

FUEL YARD: The use of a site where the primary business is that of storing fuel, including, but not limited to, propane, kerosene, diesel, home heating fuel, gasoline, and natural gas distribution centers in either approved aboveground or belowground tanks.

HEALTH CLUB: The use of a site for the conduct of sports, physical exercise, and related activities are performed.

HEALTHCARE AND SOCIAL SERVICE: The use of a site for ambulatory healthcare services. The term "healthcare and social services" includes offices of dentists; physicians; chiropractors; optometrists; mental health practitioners; physical, occupational and speech therapists; audiologists; outpatient care centers; family planning centers; medical and diagnostic laboratories; imaging centers; kidney dialysis centers; blood and organ banks.

HOME OCCUPATION: An occupation conducted entirely within a dwelling unit clearly incidental to a residential use.

HOSPITAL: The use of a site for an institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients twenty-four (24) hours a day. The term "hospital" does not include clinic, convalescent, or boarding homes, or any institution operating solely for the treatment of mentally ill persons, drug addicts, liquor addicts or other types of cases necessitating forcible confinement of patients.

INDUSTRY, FLEX: The use of a multi-tenant structure for the uses of: equipment rental and sales; light industry; motorcycle sale, service, storage rental; service provider; storage yard; vehicle service or other permitted uses within the zoning district which it is in.

INDUSTRY,
INFORMATION:

The use of a site for processing data. The use includes, but is not limited to, publishing industries such as newspapers, books, music, Internet and software; recording and broadcasting studios; data processing centers, Internet providers and other information systems.

INDUSTRY, LIGHT:

The use of a site where there may be the use of heavy equipment or machinery, and/or noise, smells, environmental pollutants, or fire concerns. Light industry typically is for the manufacture, processing, fabrication, analysis, assembly, treatment, and/or packaging of finished products or parts. The use of paint booths not related to vehicle service shall be included in this use category.

KENNEL, HOBBY:

The use of a site with more than three (3) dogs, or five (5) or more domesticated animals that are more than four (4) months of age in a residential zone for housing, raising, showing or training of animals for personal enjoyment of the occupants of the site, and for which commercial gain is not the primary objective.

LABORATORY;
MEDICAL, DENTAL,
OPTICAL:

The use of a site for medical, dental or optical lab work that can be performed outside of a hospital or medical office.

LAUNDROMAT, SELF-
SERVICE CLEANER:

The use of a site for patron use of coin operated washing machines and dryers.

LAUNDRY AND DRY
CLEANING,
COMMERCIAL PLANT:

The use of a site for cleaning fabrics, textiles, and apparel.

LAUNDRY AND DRY
CLEANING
ESTABLISHMENT:

The use of a site for the pick-up and delivery of dry cleaning and laundry without the operation of a laundry or dry cleaning on site.

LENDING
INSTITUTION:

The use of a site for bailment services or short term credit secured by title, check, personal property, or other collateral. This use includes, but is not limited to, those uses as defined by Idaho Code as "payday loan," "title loan" or "pawnbroker."

"Pawnbroker" means a person who is engaged in the business of loaning money on deposit or purchase of tangible personal property and who maintains such tangible personal property in his possession until such time as it is redeemed or resold or until such time as otherwise provided by applicable local law.

"Payday loan" means a transaction pursuant to a written agreement between a creditor and the maker of a check whereby the creditor:

- A. Accepts a check from the maker;
- B. Agrees to hold the check for a period of time prior to negotiation, deposit or presentment; and
- C. Pays to the maker of the check the amount of the check, less the fee permitted by this chapter.

"Title loan" means a loan for a consumer purpose that is secured by a nonpurchase money security interest in titled personal property and that is scheduled to be repaid in either a single installment or in multiple installments that are not fully amortized.

This definition does not include state or federally backed banks or credit unions.

LODGING:

The use of a site providing visitor or overnight accommodations, including sleeping rooms, sanitary facilities, guest registration and lobby areas. The term "lodging" shall include motels, hotels and inns.

MANUFACTURED HOME/MOBILE HOME PARK:

Any parcel of ground upon which three (3) or more manufactured homes, mobile homes or combination of one (1) or more manufactured home, mobile home and/or other dwelling units occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation; but shall not include a plot of ground used for mobile home dealers exclusively for the display, storage or sale of manufactured/mobile homes.

MORTUARY:

The use of a site in which deceased human bodies are kept temporarily and prepared for burial or cremation.

NURSERY:

The use of a site for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping.

NURSING AND RESIDENTIAL CARE FACILITY:

The use of a site for providing assistance to two (2) or more individuals needed to perform the routines of daily life. The use includes, but is not limited to, children's treatment facility, assisted care skilled

nursing facility, residential care facility, and drug and alcohol treatment facility.

PARKING FACILITY: The primary use of a site for parking vehicles. The term "parking facility" includes surface lots and garages.

PERSONAL SERVICE: The use of a site for the provision of individualized services generally related to personal needs. Personal service uses include, but are not limited to, beauty and healthcare services such as salons, hair, nail and skin care, spa, and barbers; locksmiths; and repairs such as footwear and leather goods, watches, and appliances.

PROFESSIONAL SERVICE: The use of a site primarily for business administration, reception, accessory storage of records and electronic processing of data. Professional service uses include, but are not limited to: business administration, architects, engineers, landscape architects and other design services; accountants; financial advisors; insurance agencies; software programming; consultants; lawyers; realtors; and title companies.

PUBLIC SERVICE FACILITY: The use of a site for a public utility or infrastructure. The term "public service facility" includes power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures.

PUBLIC USE: The use of a site for public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials, recycling and public service facilities.

RECREATIONAL VEHICLE PARK: The use of a site by two (2) or more recreational vehicles or travel trailers for temporary living quarters on a temporary basis.

RESEARCH AND DEVELOPMENT: The use of a site for developing new technology, products, processes and/or discovering solutions to problems for industries that include, but are not limited to, energy, medical, information technology and consumer goods.

RETAIL PRODUCTION: The use of a site for manufacture, processing, fabrication or assembly of finished products and on-site retail sale and/or showroom of finished products. The area utilized for production and/or

manufacturing of products shall not be any greater than two thousand (2,000) square feet on the street level and not constitute more than three to one (3:1) of the area utilized for the salesroom and/or showroom.

- RETAIL STORE:** The use of a site that offers merchandise or services to the public for monetary compensation. The term "retail store" includes, but is not limited to: hobby, office supplies, stationery and gift stores; specialty stores; apparel and accessories stores; pharmacy and drug; used merchandise stores; book, computer, and music stores; electronics and appliances; florists; furniture and home furnishings; general merchandise stores; health and personal care stores; and sporting goods stores.
- SCHOOL:** An institution of learning or academic instruction and/or instruction in a skill or business. The term "school" includes any public or private educational facility including, but not limited to, nursery schools, preschools, kindergartens, elementary and secondary schools.
- SELF-SERVICE USES:** Any commercial use where there is not an attendant on the site during all hours of operation. The term includes, but is not limited to, automated teller machines (ATMs), vehicle washing, fuel sales facilities, and storage facilities.
- SERVICE PROVIDER:** The use of a site for an employee or employees of a company or person that provides materials or labor to perform a service or job not located on site. This may include, but is not limited to, building or trades contractor, damage restoration services or cleaning services. This is not the same as a "storage yard" as herein defined nor does this definition include construction or manufacturing on site.
- SEXUALLY ORIENTED BUSINESS:** Adult Bookstore, Adult Novelty Store Or Adult Video Store: A commercial establishment which has a significant or substantial portion of its stock in trade or a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale, rental or viewing for any form of consideration, of any one (1) or more of the following:

A. Books, magazines, periodicals or other printed matter, or photographic films, motion pictures, videocassettes, slides, live human representations or other usual representations which are characterized by the depiction or description of specified sexual activities: (1) the fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; (4) human genitals in a state of sexual stimulation, arousal or tumescence; (5) excretory functions as a part of or in connection with and of the activities listed above; or specified anatomical areas:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola;

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered. This definition does not apply to the availability for sale of any material displayed in such a way that only the name of the material appears to the public and does not include specified sexual activities on either cover of the material which is open to public viewing.

B. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

An establishment may have other principal business purposes that do not involve its offering for sale, rental or viewing of materials or live human representations depicting or describing "specified sexual activities" or "specified anatomical areas," and still be categorized as adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one (1) of its principal business purposes is offering for sale or rental for some form of consideration, the specified materials which depict or describe "specified anatomical areas" or "specified sexual activities."

Adult Motel: A motel, hotel or similar commercial establishment which offers public accommodations for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" as defined above and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of off premises advertising including, but not limited to, newspapers, magazines, pamphlets, leaflets, radio or television.

Adult Motion Picture Theater: Any premises in which motion pictures, slides, videotapes or similar photographic reproductions showing "specified sexual activities," defined herein, are shown to an audience which pays a fee or other consideration for the viewing.

SMALL WIRELESS FACILITIES

- A. A WCF with antennas and associated equipment that do not exceed the volumes specified below:
 - i. Each *individual* antenna, excluding the associated equipment is individually no more than *three cubic feet* in volume, and *all antennas* on the structure total no more than *six cubic feet* in volume; and,
 - ii. All other wireless equipment associated with the structure, excluding cable runs for the connection of power and other services, do not cumulatively exceed:
 - a. *28 cubic feet* for collocations on all *non-pole structures* (including but not limited to buildings and water tanks) that can support fewer than 3 providers; or,
 - b. *21 cubic feet* for collocations on all *pole structures* (including but not limited to light poles, traffic signal poles, and utility poles) that can

- support fewer than 3 providers; or,
- c. 35 cubic feet for non-pole collocations that can support at least 3 providers; or,
- d. 28 cubic feet for pole collocations that can support at least 3 providers.

iii. The volume of any deployed equipment that is not visible from public spaces at the ground level from 250 feet or less may be omitted from the calculation of volumetric limits cited above.

The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, vertical cable runs for the connection of power and other services.

STORAGE FACILITY OR YARD:	The use of more than twenty percent (20%) of a site where equipment, inventory, supplies, vehicles or other similar items of a nonresidential nature are stored inside or outside.
STORAGE FACILITY, SELF-SERVICE:	A structure or group of structures with a controlled access and fenced compound that contains individual, compartmentalized, or controlled units that are leased or sold to store material (including, but not limited to, goods, wares, merchandise, or vehicles).
STORAGE YARD, COMMERCIAL RECREATIONAL VEHICLE:	The use of a site for the storage of two (2) or more recreational vehicles or trailers where individual, outside or inside storage spaces are utilized, rented, leased or sold to owners of recreational vehicles.
TEMPORARY USE:	The use of a site for less than nine (9) consecutive months. Produce stands and mobile, nonmotorized food carts are exempt from vendor licensing under section 3-4-4 of this code.
TOBACCO ENTERTAINMENT FACILITY:	The use of a site primarily for the distribution or sales of tobacco products or products used for the consumption of tobacco primarily on site.
TOBACCO RETAIL STORE:	The use of a site primarily for the distribution or sales of tobacco products or products used for the

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consumption of tobacco primarily off site. Seating is limited to no more than four (4) patrons.

VEHICLE RENTAL:

The use of a site for car share or rental of motor vehicles for short periods of time, generally ranging from a few hours to a few weeks.

VEHICLE SALES:

The use of a site for the sale or long-term lease (terms of lease for more than a month) of new and used motor vehicles, including consignment sales and lease, and incidental repairs in preparation for on-premises display and sale.

VEHICLE SERVICE:

The use of a site for the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service painting, repairing or straightening the body and/or chassis of vehicles or steam cleaning of vehicles.

VEHICLE WASHING FACILITY:

The use of a site where a vehicle may be washed, waxed, detailed, or vacuumed by the owner of the vehicle or employees on the site.

VEHICLE WRECKING YARD:

The use of a site for the dismantling or wrecking of two (2) or more used motor vehicles, mobile homes, trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

WAREHOUSE:

The use of a site as a major stopping or transferring point for freight, storage, wholesale and distribution of manufactured products, supplies and equipment, excluding retail sales.

WIRELESS COMMUNICATION FACILITY (OR "WCF"):

Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include the structure or improvements on, under, or within which the equipment is collocated. A steel monopole, guywire tower, lattice tower or other similar structure designed to support directional antennas, parabolic dishes or antennas, microwave dishes; in addition to associated ground equipment and other similar equipment used in the wireless communications industry. (Ord. 898-08, 9-8-2008; amd. Ord. 905-09, 3-23-2009; Ord. 931-11, 8-8-2011; Ord. 944-12, 5-

14-2012; Ord. 967-14, 6-9-2014; Ord. 972-14, 11-24-2014; Ord. 975-15, 4-27-2015; Ord. 991-17, 2-13-2017)

8-7A-2 DEFINITIONS OF TERMS: [SHARE](#)

ACCESS LANE:

A travel surface that provides internal circulation within a site and may have the potential to provide access to adjacent properties. The access lane may be private or a public right-of-way in which it would also be called an "alley" or "minor local street."

ACCESSORY STRUCTURE:

A detached structure that is incidental and subordinate to the principal structure and is located upon the same property. The term "accessory structure" shall include, but not be limited to, the following: private garage, storage structure, workshop, and/or greenhouse. The term shall not include additional structures for approved public, commercial, or industrial uses or insurable structures.

AFFORDABLE HOUSING:

Housing that is affordable to persons with incomes that are eighty percent (80%) or less than the median income for the Treasure Valley area and that the housing is administered by an agency who qualifies persons for such housing.

ALTERATIONS, STRUCTURAL:

Any change, other than incidental repairs, which would prolong the life of the supporting

	members of a building or structure, such as bearing walls, columns, beams and girders.
ANIMAL, FARM:	Animals other than household pets, including, but not limited to, cattle, horses, llamas, emus, ostriches, donkeys, mules, sheep, goats, chickens, pigs, and poultry.
ANNEXATION:	The process by which the city's corporate boundary is expanded to incorporate additional property pursuant to Idaho Code section 50-222.
<u>ANTENNA</u>	<u>Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.</u>
APIARY:	A place where bee colonies are kept.
APPEAL:	Request for review of an interpretation of provisions of this title.
APPLICANT:	An individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes an application. The applicant need not be the owner of the property; however, he shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.
<u>BASE STATION</u>	<u>A structure or equipment at a fixed location that enables city-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this Chapter or any equipment associated with a tower.</u>

BASE ZONING DISTRICT:	The underlying zoning district.
BASEMENT:	The story or level of a building which is partially or totally below ground level.
BEE:	Any stage of the life cycle of the common domestic honeybee.
BIKE ROUTE/BIKE LANE:	Any roadway specifically signed for bicycle use as a shared facility with motor vehicles.
BLOCK:	An area of land bounded by streets, right-of-way, waterway or other similar barrier.
BUILDING:	Any structure with walls on all sides designed or intended for the support, enclosure, shelter or protection of persons, animals, or property of any kind.
BUILDING HEIGHT:	The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point thereof for flat roofs, to the deck line of mansard roofs, and the top of building walls for gable, hip and gambrel roofs.
BUILDING, PRINCIPAL:	A building in which is conducted the main or principal use of the lot on which said building is situated.
BUILDING ZONE:	The area within the public right-of-way adjacent to the private property line.
CHANGE OF USE:	An enlargement of the use through the addition of more square footage devoted to the use; or if a use changes from one category to another as listed in Table 8-2B-1, Allowed Uses In All Base Zoning Districts.
CHANNEL:	A natural or artificial watercourse of perceptible

	extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
CHORD MEASUREMENT:	A straight line measurement from the beginning point of a curvature to the end point of a curvature.
CITY:	The city of Garden City.
CLEANING, LAUNDRY AGENCY:	An establishment that is primarily involved in the dry cleaning or standard cleaning of items for patrons.
CLEAR VISION TRIANGLE:	A triangular area on a corner lot within which there are certain height limitations in order to provide sight distance for vehicles.
CO-HOUSING:	Attached or detached housing units clustered on a site, leaving more shared open space. The dwellings typically face each other across a pedestrian street or courtyard, with cars parked on the periphery. Often, the front doorway of every home affords a view of the common house that serves the entire development. The common house may include a lounge, kitchen and dining room, recreational facilities, workshops or laundry room.
COLONY:	Bees in any hive including queens, workers and drones.
COMMISSION:	The planning and zoning commission of Garden City.
COMMON AREA:	Land, complementary structures and/or improvements designed and intended for the common use or enjoyment of the residents of the development. The area can include, but is not limited to: turf areas, playgrounds, patios.

	courtyards, barbecue and picnic areas, water areas, and community gardens.
COMPREHENSIVE PLAN:	The adopted plan for Garden City pursuant to the Local Land Use Planning Act, Idaho Code section 67-6501.
CONDITIONAL USE:	A use that because of peculiar characteristics, size, operations, location with reference to surroundings, streets and existing improvements, or demands upon public facilities is allowed in a district subject to approval by the planning and zoning commission and subject to special requirements in accordance with section 8-6B-2 of this title and as enabled by Idaho Code section 67-6512.
CONDOMINIUM:	An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof; together with a separate interest in real property, in an interest or interests in real property or in any combination thereof, as defined under Idaho Code sections 55-101B and 55-1503.
COTTAGE HOUSING:	Small size detached housing units between five hundred (500) square feet and one thousand five hundred (1,500) square feet.
COUNCIL:	The city council of Garden City, Idaho.
COVENANT:	A written promise or pledge.
CULVERT:	A pipe or conduit that conveys water underground under a bridge, street, road or driveway, or land surface.

DECISION MAKER:	The body or individual given authority by this code for decisions on planning applications and matters. The term "decision maker" may include, but is not limited to, the council, commission, design committee or planning official.
DEDICATION:	The setting apart of land or interests in land for use by the public or others, by ordinance, resolution or entry in the official minutes or as by the recording of a plat. Dedicated land becomes public land upon the acceptance by the city, Ada County highway district, county or state.
DENSITY:	A unit of measurement, the number of dwelling units per acre of land.
DEVELOPMENT, LARGE SCALE:	A subdivision or land development the size of which consists of two hundred (200) or more lots or dwelling units or more than forty (40) acres of land.
DEVELOPMENT SITE:	The area of development that may include one (1) or more or parts of a legal lot of record.
DRIVEWAY, COMMON:	A shared access that serves two (2) or more lots.
DUSTLESS MATERIALS:	Hard surfaces used for driveways, loading and parking including, but not limited to, concrete, asphalt, grasscrete, pavers, bricks, and macadam.
EASEMENT:	A grant by a property owner to specific persons, or to the public, to use land for specific purposes, and also may be a right acquired by prescription.
ELEVATED BUILDING:	For insurance purposes, a nonbasement building which has

its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ENGINEER:

Any person who is licensed in the state to practice professional engineering.

ELIGIBLE FACILITIES REQUEST

Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- 1. Collocation of new transmission equipment;
- 2. Removal of transmission equipment; or
- 3. Replacement of transmission equipment.

ELIGIBLE SUPPORT STRUCTURE

Any tower or base station as defined in this Section, provided that it is existing at the time the relevant application is filed with the city under this Section.

EXISTING STRUCTURE

Previously erected Support Structure or any other structure, including but not limited to, base stations, buildings, water tanks, transmission towers, poles, light poles, traffic signals, signs, or similar structures to which Facilities can be attached.

FAMILY:

A. A person living alone or two (2) or more persons related by blood or marriage.

B. A group of not more than ten (10) persons who need not be related by blood or marriage living together in a dwelling unit.

C. Eight (8) or fewer unrelated mentally and/or physically handicapped or elderly persons

	residing in a dwelling under staff supervision; provided, that no more than two (2) staff members reside in the dwelling at any one (1) time.
FENCE, PRIVACY:	A fence that is constructed of solid or opaque materials through which no views can be seen.
FERTILIZER:	Any substance containing one (1) or more recognized plant nutrient which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, and includes lime and gypsum. It does not include unmanipulated animal manure and vegetable organic waste derived material, or biosolids under 40 CFR 503.
FIRE AUTHORITY:	The city department or special district contracted to provide fire safety services to the city.
FLOOD:	The temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake or other body of water.
FLOOD OF ONE HUNDRED (100) YEAR FREQUENCY:	Flood magnitude which has a one percent (1%) chance of being equaled or exceeded in any given year.
FLOODLIGHT:	A light fixture that produces up to one thousand eight hundred (1,800) lumens and is designed to flood a well defined area with light.
FLOODPLAIN:	The relatively flat area or lowland adjoining the channel of a river, stream, lake or other body of water which has been or may be covered by water of a

	<p>flood of one hundred (100) year frequency. The floodplain includes the channel, floodway and floodway fringe, as established per the engineering practices as specified by the Army Corps of Engineers.</p>
FLOODWAY:	<p>The channel of a watercourse and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwater of any watercourse.</p>
FLOODWAY FRINGE:	<p>That part of the floodplain which is beyond the floodway. Such areas will include those portions of the floodplain which will be inundated by a flood of one hundred (100) year frequency.</p>
FLOOR AREA, INTERIOR:	<p>The sum of the horizontal areas of several floors of a building measured from the interior walls.</p>
FLOOR AREA RATIO:	<p>The sum of the horizontal areas of the several floors inside the exterior walls of a building or portion thereof divided by the lot area.</p>
GARAGE, PRIVATE:	<p>An enclosed accessory building or an accessory portion of a principal building designed for shelter or storage of vehicles, owned or operated by the occupants of the principal building.</p>
GRADE:	<p>The elevation of the finished surface of the ground adjacent to the exterior wall of a building or structure. If a berm has been created adjacent to the structure, or if the structure is built on top of a berm, grade will be</p>

GREENBELT, BOISE RIVER:	considered the lowest point of the berm.
	Land within seventy feet (70') of the six thousand five hundred (6,500) cfs flow line of the Boise River which may be owned by the city or over which the city may have a right of possession or use and: (A) which is designated by the city council to be retained in perpetuity for public use for purposes compatible with aesthetic, wildlife, education and recreational values of the Boise River; (B) which will provide for unrestricted, noncommercial access to the river; and (C) which will be developed and used to minimize water pollution, provide continuity of the public parks system, and create a buffer where necessary between conflicting land uses.
GROSS FLOOR AREA (Applying To Floor Area Ratio):	The sum of the gross horizontal area of the several floors inside the exterior walls of a building or portion thereof.
HEALTH AUTHORITY:	The Central District health department, the Idaho Department of Health and Welfare, the United States Environmental Protection Agency, and any agency as may succeed to any of their powers. The term "health authority" shall be liberally construed to include all of the adopted, approved or certified plans, rules, regulations, statutes or laws of the health authority.
HIGHWAY:	A street designated as a highway by the Idaho State Department of Transportation.

HIVE:	A structure intended for the housing of a bee colony.
IMPROVEMENT:	Any alteration to the land or other physical constructions associated with subdivision and building site developments.
INTERESTED PARTY:	A person or entity who has specifically requested that the city inform them of a specific application, appeal or city project, or any person who provides written or oral testimony for a public hearing related to a specific application, appeal or city project not otherwise notified as provided by code.
LIVESTOCK:	Any horse, llama, bovine animal, sheep, goat, hog or domestic fowl.
LIVING SPACE:	A single dwelling unit on one (1) or more floors, which contains an adequate sleeping area and access to cooking and sanitary facilities, in combination with, or on the same property with, a working space.
LOADING SPACE, OFF STREET:	An open off street hard surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors, trailers and miscellaneous freight, to avoid undue interference with public streets and alleys.
LOT:	A part of a recorded subdivision intended as a unit for transfer of ownership.
LOT AREA:	The square footage enclosed within the boundary of a lot. Lot area is computed exclusively of

	any portion of the right-of-way of any public or private street.
LOT COVERAGE:	The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
LOT OF RECORD:	A lot which is part of a subdivision recorded in the office of the Ada County recorder.
LOT TYPES:	<p>Corner Lot: A lot located at the intersection of two (2) or more streets.</p> <p>Flag Lot: A lot which includes a narrow projection or "flagpole" to the dedicated public right-of-way.</p> <p>Interior Lot: A lot with only one (1) frontage on a street.</p> <p>Through Lot: A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.</p>
MANUFACTURED HOME:	A structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required

utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 USC section 5401 et seq. (Idaho Code section 39-4105.)

MANUFACTURED HOME/MOBILE HOME PAD:

An improved area of ground equal to the perimeter and/or square footage of the manufactured/mobile home and on which the manufactured/mobile home shall be located.

MANUFACTURED HOME/MOBILE HOME PARK:

Any parcel of ground upon which three (3) or more manufactured homes or mobile homes or other dwelling units occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation; but shall not include a plot of ground used for mobile home dealers exclusively for the display, storage or sale of manufactured/mobile homes.

MANUFACTURED HOME/MOBILE HOME SPACE:

A parcel of ground within a mobile home park designated and intended for the accommodation of one (1) manufactured/mobile home including setbacks.

MANUFACTURED/MODULAR BUILDINGS:

A prefabricated structure constructed according to HUD/FHA mobile construction and safety standards transportable in one (1) or more sections that is assembled in modular sections.

MINOR LAND DIVISION:

A record of survey for the division of a lot, tract or parcel of land into up to four (4) parcels for the purpose of sale, or building development, containing the elements and requirements set forth in section 8-5C-6 of this title.

MOBILE HOME:

A factory assembled structure or structures generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. (Idaho Code section 39-4105.)

MONOPOLE

A single, freestanding pole-type structure supporting one or more Antennas and includes a pole, light pole, traffic light, and any pole used for adornments.

MONUMENT:

Any permanent marker either of concrete, galvanized iron pipe, or iron or steel rods, used to identify any tract, parcel, lot or street lines, as specified in Idaho Code section 50-1303.

MOTOR VEHICLE, JUNKED/ABANDONED:

Any automobile, truck or other motor vehicle which is inoperable and to which no significant repair or maintenance is attempted for any period exceeding thirty (30) days.

NATIVE PLANT:	A plant that occurs naturally in the ecosystem in which it is being planted. Native plants identified by the "Idaho Native Plant Society Boise Area Species And Community List" or by a certified landscape architect as being appropriate to the ecology of the subject property.
NEW CONSTRUCTION:	Structures for which the "start of construction" commenced on or after the effective date hereof.
NONCONFORMING PROPERTY:	Any property that does not meet the minimum lot size requirements for the district in which the property is located or has never been subdivided.
NONCONFORMING STRUCTURE:	Any structure that legally existed prior to the adoption date of this code, or at the time of annexation or rezone, which does not conform to the site area, coverage, setback, open space, height, or other regulations prescribing physical development standards for the district in which it is located.
NONCONFORMING USE:	Any use that legally existed prior to the adoption date of this code, or at the time of annexation or rezone, which does not conform to the regulations of the district in which it is situated.
NUCLEUS COLONY:	A smaller colony used for educational purposes, queen maintenance and rearing, or for use in the capture and future integration of a swarm into a viable colony. A nucleus colony is comprised of significantly fewer bees than a conventional colony and is contained in a

	structure that is approximately one-half (1/2) the size of a normal hive.
OCCUPANCY PERMIT:	The approval to occupy a site which is granted after zoning and building requirements and conditions of approval, if any, have been met or bonded for.
OPEN GRID PAVEMENT SYSTEM:	A permeable pavement surface that has strength for driving or parking vehicles.
OPEN SPACE:	An area substantially open to the sky and suitable for outdoor recreation or enjoyment. The term "open space" may include, but is not limited to, parks, playgrounds, water areas, landscaping, patios, enclosed yards, sports courts, swimming pools, and picnic areas. The term shall not include impervious surface area such as parking and driveways.
OPEN SPACE, COMMON:	Land within a development which is designed and intended for the use and enjoyment of the residents or the public.
ORGANIC FERTILIZER:	A nonsynthetic fertilizer.
ORIGINAL PARCEL OF LAND:	Any unplatted contiguous parcel of land held in one (1) ownership, or a lot or tract of land as recorded on any plat of record created prior to (1988), and on file in the office of the Ada County recorder.
OUTDOOR ACTIVITY AREA:	An area not fully enclosed that is associated with the use, including storage, equipment, loading and docking, but excluding vehicle parking.
OUTDOOR MECHANICAL EQUIPMENT:	Heaters, pumps, HVAC, fan and similar noise emitting equipment.

OVERHEAD ELECTRICAL CONDUCTOR:	An electrical conductor that is either bare or insulated installed above the ground, excepting such conductors which are enclosed in rigid conduit or other material covering of equal strength.
OWNERSHIP:	The individual, firm, association, syndicate, partnership, or corporation having any interest in the land to be subdivided. This may include deed owners of record, optionees, contract purchases and trustees.
PATH:	A completely separated right-of-way designated primarily for use by nonmotorized transport.
PERFORMANCE BOND OR SURETY BOND:	A financial guarantee by an owner or developer to the city in the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.
PERMANENT USE:	A use that is in operation more than nine (9) months of the year.
PESTICIDE:	A. Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest, plant, fungus or virus; or B. Any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and C. Any nitrogen stabilizer.
PLANNED UNIT DEVELOPMENT:	Property planned as a whole that demonstrates innovation in design to protect natural features or create public amenities through more flexible standards,

PLANNING OFFICIAL:	<p>such as lot sizes, densities and setbacks, than those restrictions that would normally apply under these regulations.</p> <p>An individual or designee having knowledge in the principles and practices of planning who is appointed by the mayor and confirmed by the city council to administer this title. Also known as the zoning administrator, city planner or planning director.</p>
PLAT:	<p>The drawing, mapping or planning of a subdivision, cemetery, town site or other tract of land or a replatting of such, including certifications, descriptions and approvals.</p> <p>Combined Preliminary And Final Plat: A process that involves concurrent review and decision on a preliminary and final plat.</p> <p>Final Plat: The final and formal presentation by drawings of an approved subdivision development, the original and one (1) copy of which are filed with the county clerk and recorder.</p> <p>Preliminary Plat: The first formal presentation by drawings of a proposed subdivision.</p> <p>Sketch Plat: A sketch preparatory to a preliminary plat that indicates all roads, parks, rights-of-way and public sites.</p>
PLAZA:	<p>An open area adjacent to buildings and the street, or between buildings, that provides visual and pedestrian access onto the site. Plazas provide space for</p>

	passive activities, such as resting, reading, picnicking, function as gathering places, and may contain a variety of intermittent activities, such as vendors and display stands.
PRINCIPAL USE:	The main use of land or buildings as distinguished from a subordinate or accessory use.
PRIVACY FENCE:	A fence that is constructed of solid or opaque materials through which no views through the fence can be seen.
PRIVATE OPEN SPACE:	Porches, patios, decks, and enclosed yards. Landscaping, entryways, and other accessways are not private open space.
PRUNE:	To cut or lop off superfluous, dead, diseased or damaged twigs, branches or roots to improve health, shape or growth.
REAL PROPERTY:	The land and that which is permanently affixed to the land.
RECREATIONAL VEHICLE:	A portable vehicle primarily designed as temporary living accommodations for recreational camping and travel use and as defined in Idaho Code section 49-119(R).
<u>REPLACEMENT POLE</u>	<u>Constructing a new Support Structure of proportions and of equal height or such other height that would not constitute a Substantial Change to a pre-existing Support Structure in order to support a Facility or to accommodate Collocation and removing the pre-existing Support Structure.</u>
RESERVE STRIP:	A strip of land between a partial street and adjacent property, which is reserved or held in

RESTRICTED USE CHEMICAL:	<p>public ownership for future street extension or widening.</p> <p>Any pesticide, pesticide use, soil sterilant or fertilizer classified for restricted use by the United States Environmental Protection Agency. Restricted use pesticides typically may not be applied by anyone not licensed to apply restricted use pesticides.</p>
RIGHT-OF-WAY:	<p>A strip of land reserved or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and landscaped areas.</p>
<u>RIGHTS-OF-WAY (OR "ROW")</u>	<p><u>The area in the City on, below, or above a roadway, highway, street, sidewalk, curb, lawn strip, alley, utility easement, lighting or drainage facility, or similar property, but not including a federal interstate highway, that is reserved or dedicated for use as a public way or by or for the public.</u></p>
RIPARIAN ZONE:	<p>The area between the ordinary high water mark of the Boise River including tributaries where water comes from and flows back into the Boise River and the greenbelt and/or nature path; or where there is no greenbelt and/or nature path adjacent to the river or tributary, the area measured twenty-five feet (25') in width from the riverbank.</p>
SERVICE AREAS:	<p>Trash and waste storage, trash enclosures, outdoor storage, utility vaults and boxes, and transformers.</p>

SETBACK LINE:	A line established by this title, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located aboveground except as may be provided herein or in any code (fire, building, life safety, etc.) adopted by the city.
SIDEWALK:	That portion of the road outside the vehicle travel way which is improved for the use of pedestrian traffic.
SIGNIFICANT IMPROVEMENT:	Any repair, reconstruction or improvement to property the cost of which equals or exceeds twenty five percent (25%) of the tax assessed value either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, significant improvement is the value of all combined improvements within a five (5) year time frame.
SITE IDENTITY MARKER:	A sign, address, water feature, artwork, trellis, or entry feature that provides unique identification of the development.
SITE LAYOUT TEMPLATE:	A site design that shows a layout of building footprints, common areas, access lanes, and parking that is adopted by the city and that can be generally applied on a number of similarly situated sites.
SMALL SCALE COMMERCIAL USES:	Commercial uses one thousand (1,000) square feet or less and that are oriented toward a neighborhood market including

	the following: artist studio; bakery; childcare center; food store; healthcare and social services; laundromat, self-service; personal and professional services; restaurant-bar; and retail.
SOIL STERILANT:	A chemical that temporarily or permanently prevents the growth of all plants and animals.
SOLAR REFLECTANCE INDEX (SRI):	A measurement of the constructed surface's ability to reflect solar heat, as shown by a small temperature rise. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is zero and a standard white (reflectance 0.80, emittance 0.90) is one hundred (100).
START OF CONSTRUCTION:	Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a

basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE:

The state of Idaho.

STORY:

The space between two (2) adjacent floor levels, or between the floor and the roof level.

STREET:

A public or private right-of-way which provides vehicle and pedestrian access to adjacent properties. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, or place.

Street, Alley: A minor street providing secondary access at the back or side of a property otherwise abutting a street.

Street, Arterial: A street designated on the comprehensive plan for the purpose of carrying fast and/or high volume traffic.

Street, Collector: A street designated on the comprehensive plan for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.

Street, Cul-De-Sac: A street connected to another street at one (1) end only and provided with a turnaround space at its terminus.

Street, Frontage: A minor street, parallel to and adjacent to an arterial street to provide access to abutting properties.

Street, Minor: A street which has the primary purpose of providing access to abutting properties.

Street, Partial Or Half: A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

Street, Private: A street that is not accepted for public use which provides vehicle and pedestrian access.

STRUCTURE:

Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. The term "structure" includes buildings, storage tanks, manufactured and mobile homes, walls and fences.

SUBDIVISION:

The result of an act of dividing an original lot, tract or parcel of land into two (2) or more parts for the purpose of transfer of ownership or development; which may also include easements and the dedication of a public street or designation of private lanes or rights-of-way, and the addition to, or creation of, a cemetery. However, this

definition shall not apply to any of the following:

A. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not increase the original number of building sites in any block of the recorded plat;

B. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property;

C. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code;

D. Widening of existing streets to conform to the comprehensive plan, or as required by ACHD;

E. The acquisition of street rights-of-way by a public agency; and

F. The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land usage.

SUBSTANTIAL ALTERATION:

An adjustment to an approved application that impacts the use of the property, adjacent properties or a reduction of improvements.

SUBSTANTIAL CHANGE (AS IT RELATES TO WIRELESS COMMUNICATIONS FACILITIES AND SMALL WIRELESS FACILITIES)

A modification that substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the

height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act (47 U.S.C. Section 1455 (a));

ii. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other

ground cabinets associated with the structure;

- iv. It entails any excavation or deployment outside the current site;
- v. It would defeat the concealment elements of the eligible support structure; or
- vi. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in (1) through (4).

SUBSTANTIAL DAMAGE:

Damage of any origin whereby the cost of restoration to the improvement's condition before damage would equal or exceed fifty percent (50%) of the tax assessed value before the damage occurred.

SUBSTANTIAL IMPROVEMENT:

Any repair, reconstruction or improvement to property the cost of which equals or exceeds fifty percent (50%) of the tax assessed value either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition substantial improvement is the value of all combined improvements within a five (5) year time frame.

SUPPORT STRUCTURE

A structure designed to support Small Wireless Facilities including, but not limited to, Monopoles, Vertical Facilities, utility poles, light poles, traffic signals, billboards, and other

SURVEYOR:	<u>freestanding self-supporting structures.</u> Any person who is licensed in the state as a public land surveyor to do professional surveying.
TRANSPORTATION AUTHORITY:	The jurisdiction having jurisdiction over the transportation facility. The transportation authorities in Garden City include Ada County Highway District, Idaho Transportation Department, Valley Regional Transit and Garden City.
USE:	The specific purposes for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.
USE, INTENSIFICATION:	Any addition or change that adds more capacity, expands the operation or increases the physical size of an existing use.
UTILITIES:	Installations for conducting water, sewage, gas, electricity, telephone, television, storm, irrigation, and drainage water, and similar facilities providing service to and used by the public.
VARIANCE:	A modification of the requirements of this title as allowed by section 8-6B-9 of this title and enabled by Idaho Code section 67-6516.
VEGETATIVE COVER:	Turf, grass blocks or other low level ground cover which can be maintained with vehicles frequently driving or parking on the surface.
VEHICLE:	Every device in, upon or by which any person or property is

	or may be transported or drawn upon a public street or waterway. This includes boats, mobile homes, motor homes, trailers, motorcycles and bicycles unless otherwise stated.
VEHICLE, COMMERCIAL:	A vehicle, as defined by Idaho Code section 49-123, used for the transportation of persons or property by the owner of the vehicle for hire, compensation, or profit. A vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "commercial vehicle."
WALKWAY:	A public way, for pedestrian use only, whether or not along the side of a road.
WATER DEPENDENT:	A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.
WORK-LIVE-CREATE PROPERTY:	The use of a structure and/or site that combines a commercial or manufacturing activity allowed in the overlay district with a residential living space. The spaces may be combined within one (1) space, attached to one another, or separated but located on the same property.
WORK SPACE:	An area for the production or sales of goods and services.
YARD:	A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three feet (3') above the general ground level of the graded lot

upward; provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

Yard, Interior: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

Yard, Street Side: A yard extending from the principal building to the secondary street that adjoins the lot between the lines establishing the front and rear yards.

ZONE OF TRANSPARENCY:

The area on the ground floor of a building that is constructed of materials capable of emitting light so that images on the other side can be seen.

ZONING DISTRICT, BASE:

General district in which all properties are divided into residential, commercial or industrial uses and reflected on the zoning map.

ZONING DISTRICT, OVERLAY:

A special district which supplements or substitutes the requirements of the base zoning district in order to address

ZONING PERMIT:

particular circumstances on the site.

A document issued by the administrator in accordance with and adherence to city ordinance, authorizing the uses of land and structures and the characteristics of the uses. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012; Ord. 967-14, 6-9-2014; Ord. 975-15, 4-27-2015)



Attention Neighbors:

Zoning Ordinance Text Amendment Application

Verizon Wireless will hold a neighborhood meeting at 6:00 PM the night of March 19th, 2019 at the Garden City Public Library located at 6015 N Glenwood Street, Garden City, Idaho.

The purpose of this meeting is an informational session and neighborhood meeting regarding a proposed Zoning Ordinance Text Amendment Application.

Purpose: Neighborhood meeting

When: Tuesday, March 19th 2019 at 6:00 PM.

Where: Garden City Public Library 6015 N Glenwood Street, Garden City, ID 83714

Thank you,

Verizon Wireless
(303) 827-6279

3/19
K

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*** MEMO INVOICE ***

Fed ID# 59-0184700

23	TOTAL AMOUNT DUE
	\$58.48

SALES REP		24	ADVERTISER INFORMATION					
Cecily Bringman	1	BILLING PERIOD	6	BILLED ACCOUNT NUMBER	7	ADVERTISER/CLIENT NUMBER	2	ADVERTISER/CLIENT NAME
		03/19/2019		266407		262165		VERIZON / ZENITH MEDIA

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10	11	NEWSPAPER	12	14	11	15	16	BILLED	17	TIMES	18	19
START	STOP	REFERENCE	DESCRIPTION	PRODUCT	SAU SIZE	UNITS	RUN	RATE	AMOUNT			
03/09	03/19	0004122608	Neighborhood Meeting Notice, Neighborhoc	Idaho Statesman	1 x 27 L	27	2	\$0.71	\$38.48			
03/09	03/19	0004122608	Neighborhood Meeting Notice, Neighborhoc	IS.com	1 x 27 L	27	2	\$0.00	\$0.00			
			Affidavit						\$20.00			
									Invoice Total	\$58.48		

THIS IS A MEMO INVOICE AND MAY OR MAY NOT REFLECT ALL CHARGES OR CHANGES THAT OCCUR ON THE FINAL INVOICE.

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PLEASE DETACH AND RETURN LOWER PORTION WITH YOUR REMITTANCE

1	BILLING PERIOD	2	ADVERTISER/CLIENT NAME
	03/19/2019		VERIZON / ZENITH MEDIA
23	TOTAL AMOUNT DUE	3	TERMS OF PAYMENT
	\$58.48		Upon Receipt

*** MEMO INVOICE ***

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4	PAGE #	5	BILLING DATE
	1		03/19/2019
11	NEWSPAPER REFERENCE		
	0004122608		
6	BILLED ACCOUNT NUMBER		
	266407		
7	ADVERTISER/CLIENT NUMBER		
	262165		

According to the applicant, no one was present for the neighborhood meeting. This form from the meeting room serves as the sign in sheet showing that only 1 person occupied the meeting room (the applicant). MK

Library Meeting Room Statistical Form
Date MARCH 19th, 2019

How many people in your party 1

This form **MUST** be returned to the Help Desk when your meeting is over.

Thank you,
Garden City Public Library



GARDEN CITY
PUBLIC LIBRARY