

**8-3A-1 ZONING DISTRICTS:**

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 Destination Center (NDC)

Transit Oriented Development (TOD)

Green Boulevard Corridor (GBC)

Boise River Corridor (BRC)

**ARTICLE E. BOISE RIVER CORRIDOR**

**SECTIONS:**

- 8-3E-1 Purpose and Objectives
- 8-3E-2 Definitions
- 8-3E-3 Applicability
- 8-3E-4 River Zone Standards
- 8-3E-5 Transition Zone Standards
- 8-3E-6 Natural Resource Protection Standards
- 8-3E-7 Greenbelt Improvements
- 8-3E-8 Access Standards

**8-3E-1 Purpose and Objectives:**

A. Purpose: The Boise River imparts the unique identity of the City with a river running through it. It is the City's most significant natural resource that is the source of many opportunities as well as threats for the City. The Boise River, with its adjacent pathways, green spaces, and habitats is also significant to the recreational enjoyment, economic wellbeing, and health of city residents. This Article is intended to provide provisions to preserve, protect and enhance the river and associated resources as well as safeguard the public's enjoyment and access to them.

B. Objectives: Each Section of this Article will include objectives specific to the regulations in the Section. General objectives of this Article include:

1. Protect public assets.
2. Protect public access and enjoyment of the Boise River, Greenbelt, and Nature Path.
3. Preserve, protect, and enhance critical wildlife and fisheries habitat and wetlands, and riparian areas along the river.
4. Increase public safety and welfare.
5. Prevent disruption and alteration of existing waterways.
6. Enhance the natural environment.

- 7. Protect and enhance connectivity along the greenbelt and linkages with other parks, paths and green spaces through incentives that encourages dedication or easements for public use.
- 8. Protect water quality of the river and its tributaries.

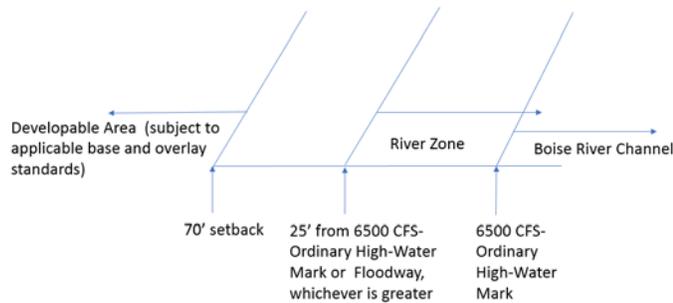
**8-3E-2 Definitions:**

Definitions are located in **8-7A-2, DEFINITIONS OF TERMS**. For items not defined, please refer to **8-1A-5: INTERPRETATION**.

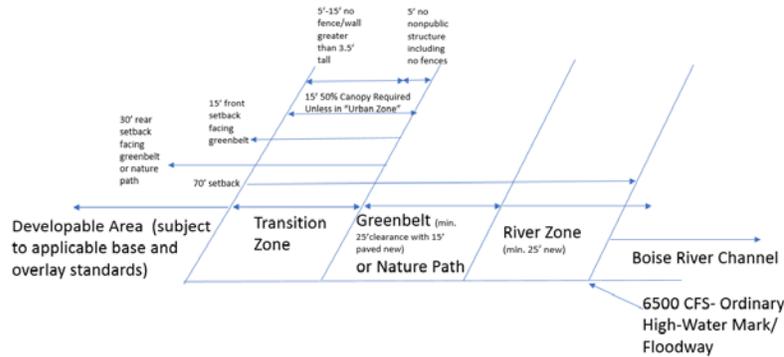
**8-3E-3 Applicability:**

- A. The provisions of this Article are intended to be in addition to other regulations, they are not intended to exclude other sections of Garden City Code or regulations. Where there are conflicts, the standards identified in this Overlay shall be applied.
- B. Provisions of this Article apply to all property in Garden City:
  - a. Within seventy feet 70' of the Boise River; or
  - b. Containing a wetland, tributary of the Boise River, or critical habitat.
  - c. Existing legal structures may remain as regulated by Garden City Code 8-1B unless they are deemed to be unsafe or the property is substantially improving.
- C. The below diagrams are intended to give a general summary of how the Sections of this Article interact:

**AREAS ADJACENT TO THE BOISE RIVER WITHOUT GREENBELT OR NATURE PATH**



**AREAS ADJACENT TO GREENBELT OR NATURE PATH**



### 8-3E-4 River Zone Standards

- A. Applicability
  - a. This Section applies to all properties within the River Zone at all times.
  
- B. Objectives
  - a. Provide riverbank stabilization that includes a strong plant root structure so that scouring will be reduced during times of inundation.
  - b. Encourage plant species capable living through times of inundation.
  - c. Reduce water runoff and pollution
  - d. Reduce velocities during times of inundation.
  - e. Reduce damages during times of flood inundation.
  - f. Provide ample shade to cool the river to protect against algae blooms, sewer treatment costs, and enhance fisheries habitat.
  - g. Provide both aquatic and terrestrial habitat and food sources.
  - h. Provide ample shade trees and vegetation to provide a cooling effect for Greenbelt and Nature Path users.
  - i. Enhance the natural environment with requirements for appropriate native landscaping, planting and landscape maintenance techniques.
  
- C. Standards
  - a. Structures within the river zone shall be restricted to those which are required by public necessity (for example, bridges or water pumps), for public recreation (for example, the greenbelt), and wildlife habitat improvements (for example, vegetation, nesting structures); provided that the use/encroachment meets the approval of the federal emergency management agency and national flood insurance program and does not jeopardize the city's participation in the national flood insurance program.

Nonpublic structures, including fencing, signage, benches, bike racks, etc. are not allowed.

- i. No structure shall be allowed without approval granted through the conditional use permit process or as otherwise designated by the Garden City Council.

b. **Noise Shed**

Commented [JT1]: Should this be left to disturbing the peace?

c. **Streambank Stabilization.** Where streambank stabilization is required, fifteen feet (15') wide strip of vegetation to cover a minimum of 70% of the river frontage shall be required. In situations where structural stabilization measures (such as riprap, gabbing) are deemed necessary, the design of the structure shall include overplanting with vegetation and the deliberate enhancement of fish habitat.

d. **Application of chemicals**

- i. No use of restricted use chemicals or soil sterilants regulated by Idaho Department of Agriculture will be allowed within the River Zone.
- ii. No use of pesticides, herbicides, fertilizers will be allowed unless approved by regulatory agencies that have jurisdiction over the Boise River.
- iii. All applications of pesticides, herbicides and fertilizers shall be done by a licensed applicator and applied at minimum application rates and shall be limited to two (2) times a calendar year unless otherwise approved by the Garden City Public Works Department.
- iv. The application of dormant oil sprays and insecticidal soap within the river zone may be used throughout the growing season as needed.

e. No person shall damage, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant, nor shall any person attach any rope, wire or other contrivance to any tree or plant, nor shall any person dig in or otherwise disturb grass areas, or in any other way injure or impair the river zone without an approved permit.

- i. No work shall be done without property owner consent unless no ownership can be determined.
- ii. Native trees, shrubs, or other plants adapted for survival and growth in the river environment shall be the predominant landscaping material. The City will maintain a reference document identifying appropriate landscape materials.
- iii. The work to be done has been by an expert or group of experts, approved by the City as qualified, that each objective of this section is being met.
- iv. Minor pruning above the ordinary high-water mark, including trimming to maintain views, that does not remove, damage or otherwise harm any plant, habitat or cause bank destabilization is allowed without a permit.

**8-3E-5 Transition Zone Standards**

- A. **Applicability**
  - a. The Transition Zone does not apply to areas where there is no Greenbelt or Nature Path.
  - b. New and substantial improvement shall provide access in accordance with this Section.

Commented [JT2]: These standards can be relocated to GCC 8-2B-3 Form standards and 8-4 A, B, C, D, E, I, and L as additional standards for the different Articles related to Design Standards

- B. Objectives
- a. Provide comfortable, enjoyable, and safe public use of all the Greenbelt and Nature Path.
  - b. To preserve space for flood protection systems, secondary fire access, and future pathways.
  - c. Reduce disturbances to habitat areas.
  - d. Provide privacy protection.
  - e. Provide development standards specific to properties adjacent to the Greenbelt or Nature Path that will protect the river corridor while allowing for unique neighborhoods to emerge as allowed by the base zoning or other overlay provisions.
- C. Development Standards
- a. Setbacks:
    - i. Minimum setback from the Ordinary High-Water Mark 6,500 cfs and designated wetlands/critical habitat areas shall take priority over any other setback provisions.
    - ii. Minimum setback from the Ordinary High-Water Mark (see 8-5C-4B-5): 70'
    - iii. Minimum front setback greenbelt\*: 15' measured from the land side of the greenbelt or nature path right of way.
    - iv. Minimum rear setback greenbelt/ nature path\*: 30' measured from the land side of the greenbelt or nature path right of way.
  - b. No structures, including fences and walls, shall be allowed within 5' of the Greenbelt or Nature Path travel way unless it is a structure, such as a bench, bike rack, water station, bike fix-it station, art, etc. intended to be used by the public from the greenbelt. These structures shall be placed in a way that users are completely clear of the travel way and can be utilized safely.
  - c. Fences and Walls: Fences and walls within 5' to 15' of the greenbelt travel way shall have the following characteristics:
    - i. Be a maximum height of 3.5' from grade.
    - ii. Visually separate but not hide semi-private spaces.
    - iii. Provide separation while encouraging interaction between private property and greenbelt users.
    - iv. Be designed, fabricated with materials or setback so as not be a safety hazard to greenbelt users.
  - d. Parking Areas: No parking areas shall be allowed within the Transition Zone except at the termination of public streets
  - e. Screening: the following must be screened from view by the use of a building or landscaping
    - i. Utility equipment;
    - ii. Parking areas;
    - iii. Opaque fences and walls taller than 3.5' that run parallel with the Greenbelt or Nature Path; and
    - iv. Trash enclosures.
  - f. Exterior Lighting: All nonessential exterior commercial, recreational, and residential lighting shall be turned off after business hours and/or when not in use.
    - i. Lights on a timer and sensor activated lights are encouraged. Lighting shall activate only when motion on the property is detected.

- ii. Lighting shall be located to prevent lighting into adjacent properties or onto the greenbelt.
  - iii. All building lighting fixtures shall be full cutoff fixtures with the light source fully shielded.
  - iv. All area lights shall be a minimum eighty-five degree (85°) full cutoff type luminaries.
  - v. The maximum lumen output shall be 260 lumens.
- g. Landscaping
- i. Landscaping should be used to provide transitions between uses, soften and buffer utility and loading areas, and provide pleasing textures and variety particularly next to buildings, along walkways, and within pedestrian plazas.
  - ii. Landscaping must be trimmed so as to not interfere with the travel way of the Greenbelt or nature Path.
  - iii. The area measured fifteen feet (15') from the greenbelt landward, unless in an identified urban zone, shall include a minimum of 50% tree canopy coverage achieved measured by the anticipated diameter of the tree at maturity. Should any tree utilized to achieve this standard be removed it shall be replaced by a tree that is equal or greater in size.
  - iv. Landscaping materials requiring a substantial application of chemicals and fertilizer for survival is discouraged.
- h. Buildings fronting the Greenbelt
- i. Structures shall not front onto the Nature Path.
  - ii. Buildings fronting the Greenbelt may have double frontage onto a public street.
  - iii. Buildings fronting the Greenbelt must have at least 50% of the first-floor façade dedicated to surfaces such as windows, showcases, displays, or pedestrian access elements.
  - iv. The configuration and scale of buildings fronting on the Greenbelt shall be designed to interact with the greenbelt, open spaces and gathering places to create a dynamic and interesting environment.
  - v. The scale, arrangement and texture of buildings, and open space shall vary throughout the development to reflect function, interest and significance.
  - vi. Buildings should present an undulating front to the greenbelt so that a large expanse of a building does not dominate the greenbelt and river. This should be accomplished through the use of form changes with setbacks/stepbacks. Additional building design components can contribute to the undulation such as balconies, canopies, awnings, change of materials or colors, porches and outdoor spaces.
  - vii. All residential uses shall provide space in addition to enclosed garages (may be achieved as additional space within the garage) for the storage of recreational and other equipment.
  - viii. Building design for all uses are encouraged to include spaces that support bicycle use including: enclosed bicycle storage with easy connection to the greenbelt and other bicycle trails; cleaning and maintenance facilities; and showers and changing area for uses with employees. Parking requirements may be reduced accordingly.

### 8-3E-6 Natural Resource Protection Standards

#### A. Applicability

1. New and substantial improvement shall be required to adhere to the standards identified in this Section.

B. Objectives

- a. Prevent pollution of the Boise River.
- b. To maintain and enhance waterways.
- c. To maintain, and enhance wetlands and critical habitat.

C. Standards

a. Drainage. All drainage from buildings, parking/loading areas, and other impervious surfaces shall be retained on the development site or directed to a drainage facility as part of an overall drainage master plan using dry wells or other City-approved methods such as landscaping, retention basin, swale, or similar bio-filtration systems that are not directly connected to the Boise River.

b. Waterways:

- i. Any waterway that is tiled must be mitigated by opening or enhancing another waterway in Garden City equal in size to that which is tiled.
- ii. A side channel with a width of less than 15' in width or flow of less than 5 c.s.f. shall require a minimum setback of 20' from the channel.
- iii. A side channel at least 15' in width with a flow of 5-150 c.f.s. shall require a minimum setback of 25' from the channel.

c. Wetlands and critical habitat.

- 1. No wetlands, Black cottonwood riparian plant community, riparian forests, scrub-shrub wetlands, emergent wetlands within the floodplain, trout spawning waters, or other critical wildlife habitat areas shall be reduced in size.
- 2. Setbacks to wetland areas shall be at least 50'.
- 3. Setbacks from Great Blue Herron rookeries shall be a minimum of 300' or as otherwise recommended by Idaho Department of Fish and Game.
- 4. Setbacks from eagle nesting, feeding, and loafing areas shall be a minimum of 200' or as otherwise recommended by Idaho Department of Fish and Game.
- 5. Exterior lighting shall not trespass on critical habitat that may be sensitive to light.
- 6. Relocation of wetlands and, or critical habitat may occur on site if the relocation enhances the wetlands and, or critical habitat.

Commented [JT3]: This could mean connection to a drain system that is connected to the river

Commented [JT4]: Setbacks left in until communication is received from IDFG  
Should this include flatwork?

### 8-3E-7 Greenbelt Standards

A. Applicability

a. This section applies to all new subdivisions including minor land divisions and all new or substantial improvement of more than two residential units and all nonresidential uses adjacent to the Greenbelt or identified future greenbelt location.

B. Objectives

- a. Protect user safety.
- b. Provide consistent development of the Greenbelt.
- c. Provide for emergency vehicle use, flood control maintenance, and Greenbelt and River Zone maintenance.
- d. Reduce public expenditure.

- C. Standards
  - a. No public access to the Greenbelt or Nature Path shall be gated from public streets.
  - b. The path should be a minimum of 25' from the Ordinary High-Water Mark (6,500 cfs).
  - c. The path shall provide a 25-foot minimum horizontal clearance for emergency and maintenance vehicle access.
  - d. The paved section of the path shall be a minimum of 15' in width. The paved section of the intersection of the greenbelt with a street end shall provide adequate access for emergency and maintenance vehicles.
  - e. The underlying base should be 4 inches of compacted crushed gravel (not required on Nature Path).
  - f. Pavement thickness should be 2 inches of asphaltic concrete or an equivalent as determined by the Public Works Director (not required on Nature Path).
  - g. Appropriate treatments should be undertaken to inhibit root growth from coming up through the pavement, including a minimum depth of 24" and a 36" perimeter of a root barrier.
  - h. The path should be sloped to provide proper drainage. Low spots should be avoided where water may accumulate.
  - i. Conduit a minimum of 2" wide and buried 36" deep and with pull boxes every 500' located on the landward side of the Greenbelt and Nature Path shall be provided.
  - j. The greenbelt may be improved with a minimum pavement width of 22' to meet the requirements for a secondary access for emergency vehicles.
  - k. In areas of high activity, such as Urban Zones, a secondary separated parallel pathway of 5' in width or increased pathway width of 20' may be required to reduce bicycle and pedestrian conflicts.

**8-3E-8 Access Standards**

- A. Applicability
  - 2. New and substantial improvement shall provide access in accordance with this Section.
- B. Objectives
  - a. Direct access to the Boise River so as to protect the banks of the river.
  - b. Maximize public access to the Greenbelt and Nature Path.
  - c. Reduce the need for large parking lots servicing the Greenbelt and Nature Path by providing accesses that are dispersed along the Greenbelt and Nature Path.
  - d. Provide adequate emergency, space for flood protection efforts, and maintenance access to Greenbelt, Nature Path, and Boise River.
- C. Standards
  - 1. Improved access to the Boise River shall be prohibited in all areas that are not approved through a conditional use permit with approval of city council or otherwise designated by the city council. Access shall not be permitted for private use of individuals or subdivisions. No improved access shall be gated from the public unless the access is for emergency services,

maintenance of public facilities or natural resources, or flood control or irrigation maintenance only.

2. The existing street grid pattern east of Glenwood shall be extended to the Greenbelt to provide public, emergency, and maintenance access that is minimum of thirty feet (33') in width. On-street parking shall be provided on both sides of the street.
3. Public corridors to the greenbelt that are at least fifteen feet (15') in width shall be provided approximately and at least every 300' feet (measured parallel to the greenbelt). Extension of the existing street grid can satisfy this requirement, or the space can also serve as landscaping, emergency equipment access, water retention zones, or utility easements.
4. Where the public right-of-way is not extended to the Greenbelt and Nature Path, pathway and river users' parking shall be provided approximately and at least every 600' feet (measured parallel to the greenbelt).

#### **GARDEN CITY CODE 8-7A-2 DEFINITIONS OF TERMS**

Critical Habitat: Those areas categorized by the US Fish and Wildlife Service or United States Army Corps of Engineers as: fresh water emergent wetlands, freshwater forest/shrub wetlands, freshwater pond, lake or riverine.

Greenbelt- Asphalt or concrete pathway identified in the adopted Garden City Master Parks Plan for non motorized use running generally adjacent to the Boise River Garden City the entire length south of the Boise River and in sections north of the Boise River.

**Commented [JT5]:** Garden City has not officially adopted the ability for e bikes and scooters to use the Greenbelt

Nature Path- Pedestrian pathway identified in the adopted Garden City Master Parks Plan generally located north of the Boise River West of Glenwood along the Boise River from the Garden City West Bridge to Strawberry Glenn Road.

Ordinary High Water Mark- 6500 c.f.s. line, as determined by the Public Works Department based on their monitoring of annual flows

River Zone- All land between the Greenbelt or Nature Path and the Boise River or 25' from the ordinary high-water mark whichever is greater; or where there is no Greenbelt or Nature Path the River Zone shall be considered the floodway as designated by the affective Flood Insurance Rate Map (FIRM) and 25' from the ordinary high-water mark (6500 cfs).

Transition Zone- The transition zone applies to all property directly adjacent to the Greenbelt and Nature Path 15' landward.

Urban Zone: Areas in the Transit Oriented Development Nodes, Neighborhood Destination Centers, Sarel Mitchell Live-Work-Create, R-20, Mixed Use zoning and overly districts or otherwise adopted by Garden City.

**Commented [O6]:** Not adopted

~~GREENBELT, Land within seventy feet (70') of the six thousand five hundred  
BOISE RIVER: (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.~~

### **8-3B-5-7: RIPARIAN ZONE:**

~~The riparian zone is to be left natural. Uses within the riparian zone shall be restricted to those which are required by public necessity (for example, bridges or water pumps), for public recreation (for example, the greenbelt), and wildlife habitat improvements (for example, vegetation, nesting structures); provided that the use/encroachment meets the approval of the federal emergency management agency and national flood insurance program and does not jeopardize the city's participation in the national flood insurance program.~~

~~A. Improved access to the Boise River shall be prohibited in all areas that are not approved through a conditional use permit with approval of city council or otherwise designated by the city council; and~~

~~B. Approved accesses to the Boise River must be designed in such a way so as to not destabilize the banks of the river.~~

~~1. No use of restricted use chemicals or soil sterilants will be allowed within the riparian area.~~

~~2. No use of pesticides, herbicides, fertilizers will be allowed unless approved by regulatory agencies that have jurisdiction over the Boise River.~~

~~3. All applications of pesticides, herbicides and fertilizers shall be done by a licensed applicator and applied at minimum application rates and shall be limited to two (2) times a calendar year unless otherwise approved.~~

~~4. The application of dormant oil sprays and insecticidal soap within the riparian zone may be used throughout the growing season as needed.~~

~~C. No person shall damage, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any~~

~~other way injure or impair the riparian zone without an approved permit. Minor pruning above the ordinary high water mark that does not remove, damage or otherwise harm any plant, habitat or cause bank destabilization is allowed without a permit.~~

~~D. A permit may be granted for:~~

~~1. Removal of downed trees or trees identified by the city arborist to pose a danger to life, limb or property may be removed.~~

~~2. Replacement of nonnative plants with native plants to provide habitat or bank stabilization.  
(Ord. 944-12, 5-14-2012)~~

WORKING DRAFT

**ARTICLE D. NEIGHBORHOOD ~~COMMERCIAL-DESTINATION CENTER NODE~~**

SECTION:

8-3D-1: Purpose

8-3D-2: Applicability

8-3D-3: General Provisions

**8-3D-1 PURPOSE:**

The purpose of the neighborhood ~~commercial node (NCN)~~ and ~~destination center (NDC)~~ overlay district is to create a neighborhood center that allows small scale commercial activity and mixed use within walking distance to residential neighborhoods. Specifically, these provisions are intended to:

A. Provide for small scale and pedestrian oriented retail, office, commercial and residential centers integrated into the existing community;

B. Create a focal point of vibrancy and community activity conveniently located to residential neighborhoods;

~~C. Promote efficient and maximum utilization of land for development around major intersections of Adams Street and Alworth Street;~~

D. Take advantage of the locational attributes adjacent to and near the Boise River and greenbelt;

E. Provide a catalyst for redevelopment of adjacent residential and commercial neighborhoods;

F. Clearly define and activate the public realm and pedestrian activity by locating buildings to form street edges and corners, and locating entrances and windows to activate the street and pedestrian levels;

G. Protect the health, safety and welfare of existing development;

H. Ensure that the design of structures and site development is compatible with the intended character of the neighborhood commercial node overlay district; and

I. Encourage other forms of mobility other than the automobile through a combination of development patterns, uses and flexible parking standards. (~~Ord. 898-08, 9-8-2008~~)

J. Facilitate existing or future transit stops through density and amenities;

K. Implement the Garden City Comprehensive Plan;

L. Encourage distinctive neighborhoods;

M. Address pedestrian and bicycle needs and;

N. Beautify public realm with landscaping, trees, and public art.

**8-3D-2 APPLICABILITY:**

~~A. A.—The NCN~~This overlay district shall be applied to all properties within ¼ mile of the below, measured as traveled, along Adams Street and Alworth Street from 36th Street to 51st Street; or any future expansion of Alworth west to Glenwood.

B. Adams and 50<sup>th</sup> Street intersection

C. Adams and 42<sup>nd</sup> Street intersection

D. 36<sup>th</sup> Street

E. Glenwood Street and Marigold Street intersection

F. Chinden Boulevard and 50<sup>th</sup> Street intersection

~~A.G.~~ State Street and Pierce Park Lane intersection

B. The overlay district shall apply only to areas with the following conditions:

~~1. The area is a minimum size of two (2) blocks long and approximately three hundred feet (300') deep on both sides of Adams Street or Alworth Street.~~

~~2. The area includes a through intersecting street with Adams Street or Alworth Street.~~

~~3. The initial property establishing the NCN overlay district is on the corner of Adams Street or Alworth Street and an intersecting street, and is a minimum size of one hundred feet by three hundred feet (100' x 300').~~

~~4. No more than two (2) other NCN overlay districts have previously been established within the area as set forth in subsection A of this section.~~

~~C.—The provisions of the district shall apply only when requested by an applicant with ownership interest to all properties within the overlay district area. No property owner within the overlay district will be compelled to adhere to the district provisions. At the choice of the property owner, property may develop subject to the requirements of the base zoning district or the NCN overlay district.~~

D. Uses and structures existing prior to the adoption of ~~an NCN~~this overlay district ~~or developed in adherence to the base zoning provisions~~ shall be considered conforming uses and structures. Such uses and structures may be expanded or enlarged in conformance with the base zoning regulations and without regard to the provisions of the ~~NCN~~this overlay. (Ord. 898-08, 9-8-2008)

**8-3D-3 GENERAL PROVISIONS:**

~~A.—Master Site Plan: All neighborhood commercial node (NCN) overlay districts shall be adopted with an approved master site plan as set forth in chapter 7, article B, "Description Of Application Requirements", of this title, which shall establish the framework for the design and development of all future improvements within the overlay district.~~

A. Exceptions: Exceptions to the standards identified in this Article may be allowed by the Design Review Committee when the building and/or site design meets or exceeds the stated purpose for the standards as set forth above.

B. Dimensional Requirements: ~~After adoption of NCN overlay district and at the request of the property owner,~~ development within the overlay district shall adhere to the dimensional requirements as set forth in this subsection:

1. Purpose: The purposes of the following dimensional requirements are to create:

- a. Buildings that are of a pedestrian scale;
- ~~b. with massing~~ Massing at the street and intersections;
- b. Site designs that create a sense of place and setting for pedestrian activity and mobility;
- c. Developments with a seamless interface with the street, sidewalk and public spaces; ~~and~~
- ~~d. A public realm that is a vibrant destination location;~~
- ~~e.~~ Site designs that minimize the negative effects of motorized vehicle movements and speed; ~~and~~
- f. Maximize pedestrian connectivity through the destination center.
- g. Identify a principle spine for activity and density along a roadway corridor and also providing for standards that promote a harmonious transition to the surrounding neighborhoods and Boise River and Greenbelt.

~~2. Exceptions: Exceptions to the dimensional standards are allowed when the building and/or site design meets or exceeds the stated purpose for the standards as set forth above.~~

3. Building Footprint: The maximum building footprint should be four thousand (4,000) square feet.

4. Building Height: The base zone and Boise River Corridor height requirements are superseded by this overlay height requirements:

- a. Buildings should be generally at least two (2) stories (24') in height with at least three (3) stories (36') encouraged at the corners of street intersections.
- b. Buildings should provide a transition in height to adjacent development outside the overlay district.
- c. Facing Alworth Street and Adams Street, the minimum height should be twenty four feet (24').
- ~~d. Tall buildings should be stepped back from properties outside of the overlay so as to not dominate adjacent properties. The maximum height should be thirty eight feet (38') in the NCN overlay district.~~

5. Setbacks:

Commented [JT1]: Better to have a FAR?

a. Structures facing Adams Street and Alworth Street, 34<sup>th</sup> Street, 36<sup>th</sup> Street, 42<sup>nd</sup> Street, and 50<sup>th</sup> Street should be set back a maximum of eighteen inches (18") from the front property line.

**Commented [JT2]:** This should allow for a furniture/ art area as well as landscaping

b. There is no minimum setback requirement for side yards, perpendicular streets, and rear yards, except a minimum setback to ~~residential~~ properties outside the district should be five feet (5').

**Commented [JT3]:** 3' should meet fire code

c. The ~~maximum~~ setback for side yards, perpendicular streets, and rear yards ~~should be~~ is five feet (5').

#### 6. Frontage Requirements:

a. ~~Along Adams Street and Alworth Street, s~~At least seventy five percent (75%) of frontage shall be occupied by a building, opaque patio, or space open to the public such as a plaza or park along the principle intersection streets.

b. ~~Buildings adjacent to the Boise river shall front on the greenbelt. The buildings may have double frontages so that they also front . Along streets perpendicular to Adams Street and Alworth Street, twenty five percent (25%) of the side street frontage should be occupied by a building.~~

7. Zone Of Transparency: Sixty percent (60%) of the area on the ground floor area of a building facing ~~Adams Street and Alworth Street~~ the public right-of-way, including the ~~Greenbelt,~~ should shall contain windows.

8. Building Entrances: Primary entrances should face ~~Adams Street and Alworth Street~~ the public right-of-way or a pedestrian walkway identified on the circulation plan submitted as part of the master plan.

9. Street design: Standards for the street design are found below, unless otherwise adopted by Garden City.

#### a. Drive Aisles:

i. The drive aisles may be increased to 13' to allow for 26' feet required for fire ladder service

ii. On street parking may be provided

iii. A bike path or alternate bike path shall be provided

#### b. Utilities: Utilities shall be underground.

c. Planter and drainage zone: A Planting and drainage zone shall be provided between the drive aisle and the sidewalk. This area can be utilized for landscaping, drainage streetlights, art, mailboxes, seating, etc.

i. Class II or III tree shall be provided an average of every 30'.

ii. The planter area can either be vegetated or impervious with tree grates.

iii. The planter areas can be intermittent with on street parking, such as on East 36<sup>th</sup> street, provided that they are at least 8' in width.

d. Sidewalk: The sidewalk shall be a minimum of 7'. If the sidewalk is a multi-use path allowing for bicycles, it must be a minimum of 15' in width.

E. Minimum 2' back of sidewalk setback: a setback shall be provided. This space can be used for seating, patio, art, landscaping, etc.

10. Art: All developments shall provide artwork visible or able to be interacted with from the public realm.

11. Outdoor space: usable outdoor space shall be provided. This can be in the form of a merchandise area, outdoor patio, public seating, plaza, park, or other as approved by the Garden City Design Review Committee.

12. Neighborhood compatibility: Each neighborhood destination center will be surrounded by a unique neighborhood. The design of the fringe of the neighborhood destination center shall be designed to maximize compatibility with the adjacent neighborhood.

C. Parking:

1. Location And Screening Of Parking And Drive Aisles:

- a. Parking should be behind the buildings or screened from view from all streets.
- b. A five foot (5') wide landscape buffer area with a six foot (6') tall solid screening wall or privacy fence should be located between a lot on Adams Street or Alworth Street and a residential lot outside the overlay district. This buffer area may double as the required setback.

2. Parking Requirements:

- a. One parking space shall be required per five hundred (500) square feet of nonresidential uses.
- b. One parking space shall be required for each residential dwelling unit, except as allowed in subsection C2c of this section.
- c. One-half (0.5) of a parking space may be allowed per unit of senior housing; or affordable housing or units under five hundred fifty (550) square feet. The reduction is allowed upon review and approval by the planning and zoning commission, and based on the current market conditions, location of the dwelling unit and access to nonautomobile forms of transportation.

3. Fulfillment Of Parking Requirements: Parking requirements may be fulfilled through any combination of the following:

- a. Parking spaces on the development site;
- b. One on street parallel parking space in front of the development site;
- c. All diagonal or right angle parking ~~in front directly adjacent to -of~~ the development site ~~consistent with the master plan~~;

d. Parking in a shared parking lot within seven hundred fifty feet (750') of the development site; and/or

~~e. Payment to the city of the cost for construction of a space in a public parking facility. One-half (0.5) of a parking space may be allowed per contingent upon an agreement with Valley Regional Transit that they will provide service for at least a five year time-frame.~~

D. Outdoor Speakers: The use or hours of operation of outdoor speakers for amplified sound may be limited by the planning and zoning commission. In setting limits, the commission will be guided by the use of the speakers, the location, and nature of adjoining uses that may be affected by the speaker operations.

**Commented [JT4]:** What if permitted use?

## 8-6B-2 CONDITIONAL USE

D. Required Findings: In order to grant a conditional use permit, the commission shall make the following findings:

1. The use is appropriate to the location, the lot, ~~and the~~ neighborhood, ~~and overlay districts~~, and is compatible with the uses permitted in the applicable zoning district;
2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts;
3. The use will not unreasonably diminish either the health, safety or welfare of the community; and
4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city. (Ord. 898-08, 9-8-2008)

### ~~GARDEN CITY CODE 8-3A-3 ALLOWED SUGGESTED USES:~~

~~A. Table 8-3A-1 of this section lists allowed suggested uses in the overlay zones. The purpose of this section is intended to guide whether uses are compatible with the overlay when making decisions on conditional use permits, planned unit development uses, or other such applications. Uses that are permitted in the base zoning are permitted in the overlay zone.~~

~~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.~~

### ~~GARDEN CITY CODE TABLE 8-3A-1 ALLOWED USES IN THE OVERLAY ZONING DISTRICTS~~

Commented [O1]: Recommend deleting in its entirety or altering to become a suggested use table see A.

	WLG	NCN	TOD	GBC	BRC
-					
Accessory use <sup>2</sup>	P	P	-	-	G
Agriculture <sup>2</sup>	P	P	-	-	G <sup>2</sup>
Amusement center <sup>2</sup>	G	P <sup>+</sup>	-	-	
Animal care facility <sup>2</sup>	G	G	-	-	
Artist studio	P	P	-	-	P
Bed and breakfast <sup>2</sup>	P	P	-	-	P
Bicycle sales, service, storage, rental	P	P	-	-	P
Building material, garden and equipment <sup>2</sup>	G	G	-	-	
Church or place of religious worship <sup>2</sup>	G	G	-	-	G
Club <sup>2</sup>	G	G	-	-	G
Commercial entertainment facility <sup>2</sup>	G	G	-	-	
Daycare, center <sup>2</sup>	P	P	-	-	P
Daycare, neighborhood <sup>2</sup>	P	P	-	-	P
Daycare, personal <sup>2</sup>	P	P	-	-	P
Drinking establishment, full service <sup>2</sup>	G	G	-	-	G
Drinking establishment, limited service <sup>2</sup>	P	P	-	-	P
Drive-through establishment <sup>2</sup>	-	-	-	-	
Dwelling unit, accessory <sup>2</sup>	P	P	-	-	P

Commented [O2]: The uses identified utilized the repealed Boise River and Greenbelt Overlay ordinance

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

	WLC	NCN	TOD	GBC	<u>BRC</u>
-					
Dwelling unit, group	P	<u>G</u>	-	-	<u>G</u>
Dwelling unit, multiple-family <sup>2</sup>	P	<u>P</u>	-	-	<u>P</u>
Dwelling unit, single-family attached	P	<u>P</u>	-	-	<u>P</u>
Dwelling unit, single-family detached	P	<u>P</u>	-	-	<u>P</u>
Dwelling unit, two-family	P	<u>P</u>	-	-	<u>P</u>
Eating establishment, full service	<u>G</u>	<u>G</u>	-	-	<u>G</u>
Eating establishment, limited service	P	<u>P</u>	-	-	<u>P</u>
Equipment rental, sale and service <sup>2</sup>	<u>G</u>	-	-	-	
Financial institution <sup>2</sup>	P	<u>P</u>	-	-	
Food products, small-scale processing <sup>2</sup>	P	<u>P</u>	-	-	<u>G</u>
Food store <sup>2</sup>	<u>G</u>	<u>G</u>	-	-	<u>G</u>
Fuel sales <sup>2</sup>	<u>G</u>	-	-	-	
Health club <sup>2</sup>	P	<u>G</u>	-	-	<u>G</u>
Healthcare and social service	P	<u>P</u>	-	-	
Home occupation <sup>2</sup>	P	<u>P</u>	-	-	<u>P</u>
Hospital <sup>2</sup>	<u>G</u>	<u>P</u>	-	-	

Commented [O2]: The uses identified utilized the repealed Boise River and Greenbelt Overlay ordinance

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

	WLC	NCN	TOD	GBC	<u>BRC</u>
-					
Industry, information <sup>2</sup>	P	G	-	-	
Industry, flex <sup>2</sup>	-	-	-	-	
Industry, light <sup>2</sup>	-	-	-	-	
Kennel, hobby <sup>2</sup>	P	-	-	-	
Laboratory -- medical, dental, optical	P	P	-	-	
Laundromat, self-service cleaner <sup>2</sup>	P	P	-	-	
Laundry and dry cleaning, commercial plant	G	-	-	-	
Laundry and dry cleaning establishment	G	G	-	-	
Lending institution	-	-	-	-	
Lodging <sup>2</sup>	P	P	-	-	<u>G</u>
Manufactured/mobile home park	G	G	-	-	
Mortuary <sup>2</sup>	G	G	G	G	
Motorecycle sale, service, storage, rental	G	-	-	-	
Nursery <sup>2</sup>	P	P	-	-	
Nursing and residential care <sup>2</sup>	G	G	-	-	<u>G</u>
Parking facility	G	G	-	-	<u>G<sup>2</sup></u>

**Commented [O2]:** The uses identified utilized the repealed Boise River and Greenbelt Overlay ordinance

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

	WLC	NCN	TOD	GBC	<u>BRC</u>
-					
Personal service <sup>2</sup>	P	P	-	-	<u>P</u>
Professional service <sup>2</sup>	P	P	-	-	<u>P</u>
Public service facility	G	G	-	-	<u>G</u>
Public uses	G	G	-	-	<u>G</u>
Recreational vehicle park <sup>2</sup>	G	-	-	-	
Research and development	P	P	P	P	<u>G</u>
Retail production	P	G	G	P	<u>G</u>
Retail store	P	P	-	-	<u>P</u>
School <sup>2</sup>	G	G	-	-	
Service provider <sup>2</sup>	-	-	-	-	
Storage facility, self-service	-	-	-	-	
Storage facility or yard <sup>2</sup>	G	-	-	-	
Storage yard, commercial recreational vehicle	-	-	-	-	
Temporary use <sup>2</sup>	P	P	-	-	<u>P</u>
Tobacco entertainment facility <sup>2</sup>	G	G	-	-	
Tobacco retail	P	P	-	-	

**Commented [O2]:** The uses identified utilized the repealed Boise River and Greenbelt Overlay ordinance

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

	WLC	NCN	TOD	GBC	BRC
-					
Vehicle rental*	☒	☒			
Vehicle sales*	☒	☒	-	-	
Vehicle service <sup>2</sup>	☒	☒	-	-	
Vehicle washing facility <sup>2</sup>	-	-	-	-	
Warehouse and storage, wholesale <sup>2</sup>	☒	-	-	-	
Wireless communication facility <sup>2</sup>	-	-	-		

**Commented [O2]:** The uses identified utilized the repealed Boise River and Greenbelt Overlay ordinance

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

1. Indoor only.

2. Horticultural uses only

3. Only when in combination with a public shared facility that supports river or greenbelt based uses.

**ARTICLE C. LAND USE PROVISIONS**

**SECTION:**

- 8-2C-1: Purpose
- 8-2C-2: Accessory Use
- 8-2C-3: Agriculture
- 8-2C-4: Amusement Center
- 8-2C-5: Animal Care Facility
- 8-2C-5-1 Artist Studio
- 8-2C-6: Bed And Breakfast

- 8-2C-7: Building Material, Garden Equipment And Supplies
- 8-2C-8: Church Or Place Of Religious Worship
- 8-2C-9: Club
- 8-2C-10: Commercial Entertainment Facilities
- 8-2C-11: Daycare Facility
- 8-2C-12: Drinking Establishment
- 8-2C-13: Drive-through Establishment
- 8-2C-14: Dwelling Unit, Accessory
- 8-2C-15: Dwelling Unit, Multi-family
- 8-2C-16: Equipment Rental, Sales And Service
- 8-2C-17: Financial Institutions
- 8-2C-18: Food Products Processing
- 8-2C-19: Food Stores
- 8-2C-20: Fuel Sales
- 8-2C-21: Health Club
- 8-2C-22: Home Occupations
- 8-2C-23: Hospital
- 8-2C-24: Industry, Flex Or Light
- 8-2C-25: Reserved
- 8-2C-26: Kennel, Hobby
- 8-2C-27: Laundromat, Self-service Cleaning
- 8-2C-28: Lodging
- 8-2C-29: Mortuary
- 8-2C-30: Nursery
- 8-2C-31: Nursing And Residential Care Facilities
- 8-2C-32: Personal And Professional Services
- 8-2C-33: Recreational Vehicle Park
- 8-2C-34: School
- 8-2C-35: Sexually Oriented Businesses
- 8-2C-36: Service Provider
- 8-2C-37: Storage Facility Or Yard
- 8-2C-38: Temporary Uses
- 8-2C-39: Terminal Yard, Trucking
- 8-2C-40: Tobacco Entertainment Establishment
- 8-2C-41: Vehicle Service
- 8-2C-42: Vehicle Rental
- 8-2C-43: Vehicle Sales
- 8-2C-44: Vehicle Washing Facility
- 8-2C-45: Warehouse, Storage And Wholesale
- 8-2C-46: Wireless Communication Facility

**8-2C-1 PURPOSE:**

This article provides specific standards for certain allowed uses, including permitted and conditional uses, as set forth within the applicable base zoning districts. [The standards shall be the minimum standards applied. Additional conditions may be required through the Planning and Zoning Commission or City Council through the Conditional Use Permit, Planned Unit Development.](#)(Ord. 898-08, 9-8-2008)

**8-2C-2 ACCESSORY USE:**

A. Limitations:

1. An accessory use shall not be permitted if the use is otherwise not permitted in the zoning district, or obtaining required approvals for the use.
2. Accessory uses shall not be permitted in any zoning district without a legal principle use.
3. An accessory structure shall not be used for sleeping quarters, unless specifically designed as an approved accessory dwelling unit or through approval of a conditional use permit. (Ord. 944-12, 5-14-2012; amd. Ord. 967-14, 6-9-2014; Ord. 975-15, 4-27-2015)

#### **8-2C-3 AGRICULTURE:**

##### **A. Setbacks:**

1. Buildings or confinement areas (not perimeter fencing), for animals and poultry shall not be closer than forty feet (40') from any existing residential structure not on the property, and not less than twenty feet (20') from the property lines, whichever is greater. (Ord. 898-08, 9-8-2008)
2. The feeding or sheltering of animals or poultry in penned enclosures shall not be within one hundred feet (100') of any adjacent residential structure. (Ord. 905-09, 3-23-2009)

[3. The feeding, sheltering, or enclosure of animals or poultry shall not be within one hundred feet \(100'\) of the Boise River or its tributaries.](#)

##### **B. Site Layout: Animals and poultry shall be maintained within fences, buildings, or confined feeding/watering areas. (Ord. 898-08, 9-8-2008)**

##### **C. Limitations:**

1. The overall animal density shall not exceed the following: two (2) horses; or two (2) cows; or two (2) hogs; or four (4) llamas; or four (4) lambs; or four (4) sheep or four (4) goats; or twelve (12) chickens per acre or an equivalent animal density as approved by the planning official.
2. Roosters are not permitted.
3. A structure for the sheltering of the animals must be provided.
4. Minimum open space must be provided for the husbandry of the animals as follows: twenty one thousand seven hundred eighty (21,780) square feet per horse or cow; ten thousand eight hundred ninety (10,890) square feet per llama or hog; one hundred thirty (130) square feet for the first sheep or goat plus an additional forty (40) square feet per additional sheep or goat; twenty five (25) square feet for the first chicken plus twelve (12) square feet per additional chicken.
5. Husbandry of bees shall adhere to the following provisions:
  - a. Maximum Density: The maximum density of beehives and colonies is three (3) colonies per one-fourth (1/4) acre. Higher densities may be permitted by conditional use permit.
  - b. Nucleus Colony: For every two (2) colonies one nucleus colony is allowed.
  - c. Removable Frames: Colonies shall be kept in hives with removable frames.

d. Flyway Barriers: For colonies located within twenty five feet (25') of a property boundary, a flyway barrier at least six feet (6') in height consisting of a solid wall, fence or dense hedge parallel to the property line and extending ten feet (10') beyond the apiary in each direction is required.

e. Setbacks And Placement: Hives shall be located at least twenty feet (20') from front property lines and three feet (3') from other property lines. The back of the hive shall be oriented to adjoining properties.

f. Water Source: A constant supply of fresh water is required. It shall be readily accessible to the bees and allow them to access water by landing on a hard surface. A water supply is not required during winter and other inactive months.

g. Maintenance: Hives not being actively maintained shall be removed. Colonies must be maintained so as to not interfere with the quiet enjoyment of surrounding properties.

h. Queens: Where a colony exhibits unusually aggressive characteristics the colony shall be destroyed or requeened.

i. Compliance With State Statutes: Beekeeping shall comply with all applicable state laws.

D. Site Maintenance:

1. Site Cleanup: The site shall be returned to a clean condition after the termination of the growing and packing season, including being free of debris and garbage.

2. Disposal Of Unsold Products: Unsold food products, trees, greens, or debris generated by the use shall be properly disposed of off site.

3. Parking Surfaces: All surfaces used for parking on the site shall be constructed with paving, vegetative cover or of dustless material.

4. Manure: Manure shall not be allowed to accumulate so as to create odor.

5. Pesticides And Herbicides: Use of pesticides and herbicides shall be approved by the Garden City environmental division.

6. Mechanical Equipment: The use of mechanical equipment is limited from sunrise to sunset.

7. Contact Information: Contact information for a responsible party shall be clearly visible on site.

E. Accessory Uses: Accessory uses for packing, treating, selling and storing produce shall be secondary to that of normal agricultural activities.

1. The pick up and delivery of produce for the purpose of distribution to gardeners or those who have purchased shares of produce is allowed during daylight hours.

2. Sales shall be limited primarily to produce grown on the premises. Other items that have been grown or raised in Ada County, Idaho, may also be sold. Items not grown or produced in Ada County, Idaho, may not exceed twenty five percent (25%) of total product for sale. (Ord. 944-12, 5-14-2012)

F. Additional Standards For Riding Stables And Schools:

1. All stables or loafing sheds shall be located a minimum of one hundred feet (100') from any residential structure not on the property.
2. All facilities, including stables, riding rings and horse trailer parking shall be located with full consideration to their proximity to adjacent uses and their noise and odor impacts upon adjacent and surrounding properties. (Ord. 898-08, 9-8-2008)

**8-2C-4 AMUSEMENT CENTER:**

A. Other Regulations Apply: A use that is a pool, billiard or card room shall comply with the licensing requirements as set forth in title 3, "Business And License Regulations", of this code. (Ord. 898-08, 9-8-2008)

**8-2C-5 ANIMAL CARE FACILITY:**

A. Site Layout: A minimum distance of three hundred feet (300') shall be required to be maintained from the facility to any residence or lodging not on the property; the facility shall be entirely enclosed, heated, soundproofed, and air conditioned.

B. Site Maintenance:

1. Adequate shelter shall be required for the animals to be kept, including adequate means of restraining animals from running at large.
2. The property shall be maintained with adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.

C. Accessory uses, grooming and boarding of animals are allowed.

D. Other Regulations Apply:

1. The operator shall have a continuing obligation to comply with all city, county and state regulations relative to such an operation.
2. The use shall comply with the licensing requirements as set forth in title 3, Business And License Regulations, of this code.
3. There shall be staff available at all times there are animals at the facility. If staff is not on site, a telephone number where a staff member can be reached and available to the site within thirty (30) minutes must be clearly and legibly posted from the exterior of the building at the front entrance to the establishment. (Ord. 898-08, 9-8-2008; amd. Ord. 967-14, 6-9-2014)

[E. Limitations: Outdoor areas provided to serve the animal care facility must be at least 50' from the Greenbelt or Nature Path.](#)

**8-2C-5-1 ARTIST STUDIO:**

A. Standards:

1. The artist or artists who are endeavoring in production, sale or instruction of the creative pursuit reside in a dwelling on site; or

2. The art and/or creative process being conducted on the site are visible to the public, on sale at the site, or the site is open to the public. (Ord. 975-15, 4-27-2015)

**8-2C-6 BED AND BREAKFAST:**

A. Limitations:

1. The bed and breakfast shall be limited to a maximum of five (5) guestrooms.
2. Service shall be limited to the rental of bedrooms or suites, and meal/beverage service shall be provided for registered guests only.
3. A bed and breakfast within a residential zoning district shall not be used for private parties, receptions, or similar activities, unless the activities are specifically authorized by the conditional use permit approval for the bed and breakfast use.

B. Site Maintenance: A manager shall be present on the site at all times. (Ord. 898-08, 9-8-2008)

**8-2C-7 BUILDING MATERIAL, GARDEN EQUIPMENT AND SUPPLIES:**

A. Limitations:

1. It shall be unlawful for any person to maintain any lumberyard or stacks of lumber or to stack lumber in the city in such a manner as to create a fire hazard or a nuisance or in such a manner as to endanger the life or [well-being](#) of any persons.
2. All lumberyards or stacks of lumber shall be so maintained as to minimize the possibility of fire spreading from such yards to any nearby buildings or improvements.
3. All lumberyards and stacks of lumber shall be enclosed by a building or fence so that persons other than those having business interests in connection therewith shall not have access thereto unless permitted to have such access by the person in charge of such lumberyard or stacked lumber.

[4. Outdoor storage of materials \(excluding growing plants in ground or in containers\) shall not be allowed within 50' of the Greenbelt or Nature Path.](#)

[5. Outdoor storage of materials \(excluding growing plants in ground or in containers\) of greater than two thousand square feet shall not be allowed in Urban Zones.](#)

B. Other Regulations Apply: Outdoor storage areas for materials (excluding growing plants in ground or in containers), and mechanical equipment shall comply with the provisions as set forth in section 8-1C-3, "Property Maintenance Standards," of this title. (Ord. 898-08, 9-8-2008; amd. Ord. 967-14, 6-9-2014)

**8-2C-8 CHURCH OR PLACE OF RELIGIOUS WORSHIP:**

A. Setbacks: In the residential zoning districts, the interior side setback shall be a minimum of fifteen feet (15') and the rear setback shall be a minimum of twenty five feet (25'). The front setback shall be the same as that required for an allowed use.

B. Accessory Uses:

1. Schools, child daycare services, meeting facilities for clubs and organizations, and other similar uses not operated primarily for the purpose of religious instruction, worship,

government of the church, or the fellowship of its congregation may be permitted to the extent the use is otherwise permitted in the district.

2. Accessory uses associated with a church or place of religious worship located in a residential district may only operate between the hours of six o'clock (6:00) A.M. and eight o'clock (8:00) P.M. (Ord. 898-08, 9-8-2008)

**8-2C-9 CLUB:**

A. Setbacks: No outdoor activity area associated with the use shall be located within fifty feet (50') of any property line adjacent to a residential zone [or the Greenbelt or Nature Path](#).

B. Accessory Uses: The sale and/or distribution of beer and wine shall be allowed as an accessory use.

C. Other Regulations Apply: The use shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages. (Ord. 898-08, 9-8-2008)

**8-2C-10 COMMERCIAL ENTERTAINMENT FACILITIES:**

A. Setbacks: If the use involves the sale of alcoholic beverages, the use shall not be located within three hundred feet (300') of a property used for a church or school.

B. Limitations: No outside activity or event shall be allowed in the parking area, except as allowed through a special events permit that takes into account the public health and welfare, the interests of adjoining property owners, noise, traffic and vehicular and pedestrian safety.

C. Other Regulations Apply:

1. The use shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.

2. The use shall comply with the licensing requirements as set forth in title 3, "Business And License Regulations", of this code.

3. Security shall be provided for the entire premises including inside the building and any parking lot or outside usable space. Security shall be provided in the prescribed manner:

a. Security personnel are required and shall wear identical attire clearly identifiable with the word "Security" on the backside of shirts; and

b. Security staff should have some means of two-way communication; and

c. Video surveillance is required; and

d. Parking areas shall be lighted; and

e. No loitering outside of the establishment shall be permitted. (Ord. 944-12, 5-14-2012)

[4. If the use is within 300' of a residential zone or the Boise River the use shall be sound proofed, and no outdoor amplification shall occur after 9:00 p.m..](#)

**8-2C-11 DAYCARE FACILITY:**

A. Determining The Type Of Facility: In determining the type of daycare facility, the total number of individuals cared for during the day and not the number of individuals at the facility at one time, is the determining factor. The operator's children are excluded from the number.

B. Access And Parking: On site vehicle pick up, parking and turnaround areas shall be provided to ensure safe discharge and pick up of clients.

C. Limitations: In residential districts or uses adjoining an adjacent residence, the hours of operation shall be between six o'clock (6:00) A.M. to eight o'clock (8:00) P.M.

D. Additional Standards For Daycare Facilities That Serve Children:

1. All outdoor play areas shall be completely enclosed by a minimum six foot (6') fence to secure against exit/entry by small children and to screen abutting properties.

2. Outdoor play equipment over six feet (6') high, shall not be located in a front yard setback or within any required setback.

3. Outdoor play areas in residential districts adjacent to an existing residence shall not be used after dusk.

4. The use shall comply with the licensing requirements as set forth in title 3, "Business And License Regulations", of this code. (Ord. 898-08, 9-8-2008)

**8-2C-12 DRINKING ESTABLISHMENT:**

A. Setbacks: The drinking establishment shall not be located within three hundred feet (300') of a property used for a church or school.

B. Limitations:

1. No outside activity or event shall be allowed in the parking area, except as allowed through a special events permit that takes into account the public health and welfare, the interests of adjoining property owners, noise, traffic and vehicular and pedestrian safety.

2. No amplification device shall be used such that the sound is plainly audible within any place of residence [in a residential zone](#), [at the Boise River](#), or, is plainly audible on a street at a distance of one hundred feet (100') or more from the amplification device.

3. Establishments shall remain closed between two o'clock (2:00) A.M. and six o'clock (6:00) A.M. Closing times shall be clearly posted on all entrances and exits. (Ord. 944-12, 5-14-2012)

C. Other Regulations Apply:

1. The use shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.

2. The use shall comply with the licensing requirements as set forth in title 3, "Business And License Regulations", of this code. (Ord. 898-08, 9-8-2008)

3. ~~Security~~ [For full service drinking establishments, security](#) shall be provided for the entire premises including inside the building and any parking lot or outside usable space. Security shall be provided in the prescribed manner:

a. Security personnel are required and shall wear identical attire clearly identifiable with the word "Security" on the backside of shirts; and

b. Security staff should have some means of two-way communication; and

- c. Video surveillance is required; and
- d. Door security alarms shall be installed so as to prevent patrons from entering and exiting the building from doorways other than the main entrance; and
- e. Parking areas shall be lighted; and
- f. Mandatory identification checks of all individuals patronizing the establishment shall be conducted and no one under the legal age to drink alcohol shall be allowed to patronize the establishment; and
- g. No loitering outside of the establishment shall be permitted. (Ord. 944-12, 5-14-2012)

**8-2C-13 DRIVE-THROUGH ESTABLISHMENT:**

A. Location Standards:

1. A drive-through establishment may be appropriate on Chinden, Glenwood or State Street, which are arterial roadways that carry high volumes of pass-through traffic; however, the use is not appropriate on local or collector streets.
2. A drive-through establishment use shall not be closer than five hundred feet (500') from a residence, park, [Boise River](#), or a school; and:
  - a. The speaker system is located so that the sound from a speaker system is directed away from a residence, park, or school and not audible off the site; and
  - b. Stacking does not create an impact off site; and
  - c. Vibration, noise, odors, etc., are not allowed off site; and
  - d. The use does not otherwise create a negative impact.
3. A drive-through establishment shall not be closer than five hundred feet (500'), as measured by the shortest unobstructed driving route from another drive-through establishment.

[4. Drive-through establishments shall be prohibited in Urban Zones.](#)

B. Building Design and Site Layout:

1. New drive-through facilities shall be oriented toward the side or rear yards and not placed between the street right-of-way and the primary customer entrance.
2. Vehicular lanes shall be sited to minimize additional vehicular traffic on site and within the surrounding uses.
3. Service shall be provided to those who elect to walk or bike.
  - a. Service shall be available in an area that is protected from the weather and separate from vehicle stacking lanes.
4. Adequate trash receptacles shall be provided that comply with the requirements set forth in section 8-4A-5, Outdoor Service And Equipment Areas, of this title.

5. All site and vehicular lighting shall be down-shielded, screened or oriented not to encroach on any residence.

6. Stacking lanes shall be screened with landscaping by plantings or berming or a combination of both to a minimum height of four feet (4') where not in conflict with a necessary clear vision triangle.

C. Access and Parking: Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:

1. A bike rack shall be provided.

2. Access to the pedestrian customer shall be provided facing the public right-of-way.

3. Direct, comfortable, and safe pedestrian connection from the public sidewalk system and the parking area to the structure shall be provided through sidewalks or pathways that are:

a. A minimum of five feet (5') in width; and

b. Americans with Disabilities Act compliant; and

c. Uninterrupted by motorized vehicles. If there is no other feasible alternative, the vehicular crossing of the path or sidewalk shall be designed in a way to visibly demonstrate that it is secondary to the pedestrian. This may be achieved by changes in materials or colors, landscaping, or other such treatments.

4. Based on the size of the drive-through and expected patronage, stacking lanes shall have sufficient capacity to prevent obstruction of the public right-of-way.

5. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking.

6. Any stacking lane greater than one hundred feet (100') in length shall provide for an escape lane.

7. The design and construction of the drive-through facilities shall minimize the number of driveway cuts.

D. Additional Standards For Drive-Through Selling Food Or Beverages:

1. A seating area either indoor or outdoor with temporary or permanent shelter, sufficient for a minimum of ten (10) people shall be provided.

2. A minimum of one (1) outdoor trash receptacle shall be provided. (Ord. 898-08, 9-8-2008; amd. Ord. 905-09, 3-23-2009; Ord. 972-14, 11-24-2014)

**8-2C-14 DWELLING UNIT, ACCESSORY:**

A. Setbacks And Dimensional Standards:

1. Setbacks shall meet the zoning district setback requirements.

2. No accessory structure shall be allowed in front of the principal structure without design review approval.

3. Accessory dwelling units may not be any greater in size than six hundred (600) square feet.

B. Additional Standards: In addition to meeting all building codes for a dwelling unit the following provisions shall be complied with:

1. Not more than one accessory dwelling unit shall be allowed per property.
2. Direct ingress and egress to the unit shall be provided.
3. The unit shall provide a kitchen with appliances for the cooking of food, a sink and storage.
4. The unit shall provide a bathroom with minimally a sink, toilet and either tub and/or shower.
5. The unit shall have at least three hundred (300) square feet of habitable space as defined by the building code.
6. The unit shall provide for at least one closet.
7. The unit shall be identified with an approved address.
8. Manufactured and mobile homes shall not be permitted as an accessory dwelling unit. (Ord. 944-12, 5-14-2012)

**8-2C-15 DWELLING UNIT, MULTI-FAMILY:**

A. Setbacks: Setbacks within the site between buildings shall be a minimum of ten feet (10').

B. Site Layout: All multi-family developments shall provide for quality of life, open space and recreation amenities to meet the particular needs of the residents as follows:

1. Quality of life amenities: a) clubhouse; b) fitness facilities; c) enclosed bike storage; or d) public art.
2. Open space: a) open grassy area of at least fifty feet by one hundred feet (50' x 100') in size; b) community garden; c) ponds or water features; or d) plaza.
3. Recreation amenities: a) pool; b) walking trails; c) children's play structures; or d) sports courts.
4. The number of amenities shall depend on the size of multi-family development as follows:
  - a. For multi-family developments with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate categories.
  - b. For multi-family developments between twenty (20) and seventy five (75) units, three (3) amenities shall be provided, with one from each category.
  - c. For multi-family developments with seventy five (75) units or more, four (4) amenities shall be provided, with at least one from each category.

C. Site Maintenance: All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features.

D. Additional Standards For Developments With Twenty Units Or More: Developments with twenty (20) units or more shall provide the following:

1. A property management office.
2. A maintenance storage area.
3. A central mailbox location, including provisions for parcel mail that provide safe pedestrian and/or vehicular access.
4. A directory and map of the development at an entrance or convenient location for those entering the development. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

**8-2C-16: EQUIPMENT RENTAL, SALES AND SERVICE:**

A. Limitations:

1. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.
2. All equipment repairs shall be limited to between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Saturday.
3. Damaged or wrecked equipment shall not be stored on site for purposes other than repair.
4. All equipment shall be parked on site and not in adjoining streets or alleys.
5. All discarded vehicle parts or equipment, or permanently disabled, dismantled, or junked vehicles shall be removed from the premises within thirty (30) days of arrival.

[6. An equipment rental, sale, and service use shall not be closer than one hundred feet \(100'\) from the Boise River, Greenbelt, or Nature Path.](#)

[7. Outdoor storage shall be prohibited in Urban Zones.](#)

B. Site Design: All new structures constructed for equipment repair shall be constructed so that the entrances to individual workstation/service bays do not face abutting residential parcels or the public rights of way.

C. Maintenance: All paved and unpaved areas shall be maintained grease and oil free. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

**8-2C-17: FINANCIAL INSTITUTIONS:**

A. Other Regulations Apply:

1. The location, access and safety features of all automated teller machines (ATMs) shall be subject to review and approval by the Garden City police department, and in accord with the standards set forth in section 8-4A-6, "Self-Service Uses", of this title.

2. The provisions of section 8-2C-13, "Drive-Through Establishment", of this article shall apply to all drive-through tellers. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

**8-2C-18: FOOD PRODUCTS PROCESSING:**

A. Setbacks:

1. All structures, loading areas, outdoor activity areas for the storage and processing of food, exclusive of parking shall be located a minimum of five hundred feet (500') from any abutting residential districts, and two hundred feet (200') from the Boise River unless-

2. All structures, loading areas, outdoor activity areas for the storage and processing of food and beverages shall be located a minimum of two hundred feet (200') from the Boise River unless the activity or storage is concealed visually, audibly, and there is no perception of odor at the Greenbelt or Nature Path.

3. Uses shall be located a minimum of one thousand feet (1,000') from any hospital.

B. Limitations: No outside activity or event shall be allowed on the site, except as allowed through a conditional use permit that takes into account the public health and welfare, the interests of adjoining property owners, odor, noise, traffic and vehicular and pedestrian safety.

C. Other Regulations Apply: The operator shall have a continuing obligation to comply with all city, county and state regulations relative to such an operation. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

**8-2C-19: FOOD STORES:**

A. Maximum Size: In the LI and C-2 base zoning districts, and within two hundred feet (200') of the Boise River -the maximum size is limited to two thousand (2,000) square feet.

B. Other Regulations Apply: Uses over sixty thousand (60,000) square feet shall comply with the regulations set forth in subsection 8-4C-4A, "Large Scale Nonresidential Structures", of this title. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

**8-2C-20: FUEL SALES:**

A. Minimum Site Area: The site area shall be at least fifteen thousand (15,000) square feet, with a minimum of one hundred twenty five feet (125') of frontage on a public street. This requirement shall not apply to the remodeling or expansion of a preexisting use.

B. Setbacks: The use shall be located at least five hundred feet (500') from a residential zone, a residence, ~~or~~ lodging, and Boise River.

C. Site Layout:

1. Air, water, telephone, and vending machines shall be located in an area that does not impede vehicular traffic.

2. All restroom entrances shall be accessed from inside the building.

3. The total height of any overhead canopy or weather protection device shall not exceed twenty feet (20').

D. Access And Parking:

1. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons.

2. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking.

E. Site Maintenance: All paved and unpaved areas shall be maintained grease and oil free.

F. Accessory Use:

1. Mobile recycling trucks, emission control trucks and temporary, nonpermanent structures may be located on a fuel sales facility site through approval of a conditional use permit.

2. When fuel sales are allowed as an accessory use, the fuel sales facilities shall not occupy more than twenty five percent (25%) of the subject property.

G. Other Regulations Apply:

1. If the use is unattended, the standards as set forth in section 8-4A-6, "Self-Service Uses", of this title shall also apply.

2. Installation of underground fuel tanks shall require written approval from the Idaho division of environmental quality, Idaho department of water resources, and the fire authority. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

**8-2C-21: HEALTH CLUB:**

No outdoor activity area associated with the use shall be located within fifty feet (50') of any property line adjacent to a residential zone. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

**8-2C-22: HOME OCCUPATIONS:**

A. Maximum Size:

1. A home occupation use shall be conducted entirely within a structure and shall occupy no more than twenty five percent (25%) of the gross floor area of the residential structure. The maximum floor area calculation shall include on site storage areas, and any portion of the home occupation that is located within an accessory structure.

2. The floor area maximum can be exceeded if the storage area is located off site.

3. The area devoted to home occupation shall not occupy an area required for residential parking.

B. Site Layout:

1. There shall be no alteration to the residential character of the premises as a result of the home occupation use.

2. The existence of a home occupation use shall not be apparent beyond the boundaries of the subject site.

3. No outdoor storage or display of equipment, appliances, materials, or supplies shall be allowed.

4. Only one sign not exceeding four (4) square feet in area, nonilluminated and mounted flat against the building shall be allowed.

C. Limitations:

1. There shall be no items sold in the home occupations other than products crafted on the premises. Items manufactured off site may be sold through mail order or through the internet as long as the home occupation use (including storage area) does not exceed five hundred (500) square feet of floor area.

2. No equipment or process shall be used in a home occupation, which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

3. Guns and ammunition shall not be sold as part of a home occupation except that a home occupation for a gunsmith or firearms collector licensed by the bureau of alcohol, tobacco, and firearms as a gunsmith or firearm collector is allowed and the license shall be visible at all times.

4. The home occupation shall not serve as a headquarters or main office where employees come to the site and are dispatched to other locations.

5. Only a resident of the dwelling unit and one other person other than a family member shall be employed in the operation of home occupation use.

6. The home occupation shall not involve the use of more than one commercial vehicle.

7. A home occupation use shall not allow any clients or customers without prior appointments.

8. Client/customer appointments are limited to the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M., Monday through Friday.

9. If there is an employee other than a family member, one parking space shall be provided in addition to the parking required for the residential use. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

**8-2C-23 HOSPITAL:**

A. ~~A.~~ Setback:

1. No hospital shall be located within one thousand feet (1,000') of the following uses: explosive manufacturing or storage, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, food product storage and processing plant.

B. Access: If the hospital provides emergency care, the location shall have direct access on an arterial street.

C. Accessory Uses: Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve patrons of the hospital and their visitors only. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

**8-2C-24 INDUSTRY, FLEX OR LIGHT:**

A. Setback:

1. All mechanical equipment emissions; shipping and/or delivery; or other outdoor activity areas shall be located a minimum of five hundred feet (500') from any abutting residential districts and the Boise River.

2. Any use involving explosive manufacturing or storage, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, food product storage and processing plant shall be located a minimum of one thousand feet (1,000') from a hospital.

B. Limitations:

1. The following adverse effects shall be mitigated through setbacks, buffers, sound attenuation and/or hours of operation:

1a. Noise, odor, or vibrations; or direct or reflected glare; detectable by the human senses without the aid of instruments.

2b. Radioactivity and electric or electromagnetic disturbances which unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties.

3c. Any other emission or radiation which endangers human health, results in damages to vegetation or property or which exceeds health and safety standards.

2. This use shall be prohibited in Urban Zones.

C. Other Regulations Apply: A use in this category may require approval from the Environmental Protection Agency, the U.S. Department of Agriculture, Central District Health Department, the Ada County air quality board and Idaho Department of Water Resources. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012; Ord. 967-14, 6-9-2014)

**8-2C-25 RESERVED:**

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

**8-2C-26 KENNEL, HOBBY:**

A. Minimum Site Area: A minimum site area for twenty two thousand (22,000) square feet shall be provided for any property with more than three (3) dogs or five (5) or more domesticated animals that are more than four (4) months of age.

B. Setback:

1. A minimum of one hundred fifty feet (150') of distance shall be required to be maintained from the kennel facility to any residence or lodging not on the property.

2. The feeding, sheltering, or enclosure of animals outside of the dwelling unit shall not be within one hundred feet (100') of the Boise River or its tributaries.

C. Site Maintenance:

1. Adequate shelter shall be required for the number of dogs to be kept, including adequate means of restraining such dogs from running at large.

2. The property shall be maintained with adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.

D. Other Regulations Apply:

1. The owner shall have a continuing obligation to comply with all city, county and state regulations relative to such an operation.

2. The use shall comply with the licensing requirements as set forth in title 3, "Business And License Regulations", and title 4, chapter 5, "Animal Control", of this code. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

**8-2C-27: LAUNDROMAT, SELF-SERVICE CLEANING:**

A. Limitations:

1. The hours of operation shall be limited to between six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M. in the general commercial (C-2) districts.

2. Exhaust shall be discharged upward and a minimum of twenty five feet (25') from any property line adjacent to a residential use.

B. Other Regulations Apply: If unattended, the use shall meet the requirements of section 8-4A-6, "Self-Service Uses", of this title. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

[ADD: Laundry and dry cleaning](#)

[A. Limitations:](#)

[1. Not allowed within 300' of the Boise River](#)

**8-2C-28: LODGING:**

A. Minimum Lot Size: The minimum lot size for lodging uses shall be thirty thousand (30,000) square feet.

B. Limitations:

1. A maximum of sixty percent (60%) of the lodging units may contain a kitchen.

2. Lodging guestrooms shall not be provided on less than a daily basis. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

**8-2C-29: MORTUARY:**

A. Access: The site has frontage on and direct access to a collector or arterial roadway.

B. Design:

1. The design of new structures or additions to existing structures shall be reviewed by the Garden City design review committee for compatibility of scale and character with the intended land use and development in the vicinity.

2. At least twenty percent (20%) of the area within the required structure setbacks shall be open space, not used for buildings, parking areas or driveways.

C. Limitations:

1. Buildings and outdoor activity areas will be at least fifty feet (50') from adjacent residentially and mixed use zoned properties. The setback may be reduced to the minimum setback required by the zoning district if:

a. The adjoining land is committed to a long term institutional or open space use that provides an equivalent or better buffer for vicinal residential development; or

b. The petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, or an equivalent combination, that presents an attractive and effective buffer for neighboring properties.

2. Crematoriums may be permitted as accessory uses to a funeral home or mortuary provided that:

a. No portion of the cremator may be visible to adjacent properties or right of way; and

b. Each cremation shall be monitored to ensure adherence to legal environmental standards as prescribed by DEQ; and

c. The crematorium must have a secondary chamber or other apparatus to consume and destroy smoke and odor. (Ord. 931-11, 8-8-2011; amd. Ord. 944-12, 5-14-2012)

**8-2C-30 NURSERY:**

A. Minimum Site Area: The minimum site area for a nursery or urban farm shall be fifteen thousand (15,000) square feet.

B. Site Maintenance:

1. The site shall be returned to a clean condition after the termination of the selling season, including being free of weeds, debris and garbage.

2. Unsold food products, trees, greens, or debris generated by the use shall be properly disposed off the site.

3. All surfaces used for parking on the site shall be constructed with paving, vegetative cover or of dustless material. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

C. Limitations:

1. Outdoor storage of materials (excluding growing plants in ground or in containers) shall not be allowed within 50' of the Greenbelt or Nature Path.

2. Outdoor storage of materials (excluding growing plants in ground or in containers) of greater than two thousand square feet shall not be allowed in Urban Zones.

**8-2C-31 NURSING AND RESIDENTIAL CARE FACILITIES:**

A. Limitations: If the use results in more than ten (10) persons occupying a dwelling at any one time, the applicant or owner shall concurrently apply for a change of occupancy as required by title 7, "Building Regulations", of this code.

B. Additional Standards For Uses Providing Care To Children And Juveniles Under The Age Of Eighteen Years:

1. All outdoor play areas shall be completely enclosed by a minimum six foot (6') nonscalable fence to secure against exit/entry by small children and to screen abutting properties.
2. Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard.
3. Outdoor play areas in residential districts or uses adjacent to an existing residence shall not be used after dusk.

C. Additional Standards For Uses Providing Care To Patients Who Suffer From Conditions That May Cause Disorientation: A barrier shall be provided with a minimum height of six feet (6') and patient safe door, along the perimeter of any portion of the site that is accessible to these patients.

D. Other Regulations Apply: The owner and/or operator of the facility shall secure and maintain a license from the state of Idaho department of health and welfare, facility standards division. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

**8-2C-32 PERSONAL AND PROFESSIONAL SERVICES:**

A. Other Regulations Apply: A use that is a private security, escort service or massage service shall comply with the licensing requirements as set forth in title 3, "Business And License Regulations," of this code. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

**8-2C-33 RECREATIONAL VEHICLE PARK:**

A. Minimum Site Area:

1. The minimum site area for a recreational vehicle park shall be three (3) acres.
2. A recreational vehicle space shall have an area of not less than seven hundred (700) square feet exclusive of driveways and common areas.

B. Setbacks:

1. The location of all RV spaces shall comply with the setback of the base zoning district.
2. No outdoor activity area associated with the use shall be located within fifty feet (50') of any property line, [Greenbelt](#), or [Nature Path](#).

C. Site Layout:

1. The site layout shall reflect the requirements of the health and fire authorities with respect to water supply, sewage disposal, fire hydrants, sanitary facilities, building location, street layout and park design.

2. Roadways shall have a minimum width of thirty feet (30') or a minimum width of twenty feet (20') where parking is not permitted and an equal amount of off road parking is provided. Roadways shall be paved.

3. Each RV space shall have at least one ten by twenty foot (10' x 20') parking space exclusive of the RV itself. Parking and driveway areas shall be paved.

4. Outdoor lighting shall be provided. Lighting shall be oriented to prevent direct illumination onto abutting property and public right-of-way.

5. The park shall be screened on all sides by a sight obscuring planting screen, fence or combination thereof.

6. One waste disposal dump station shall be provided for each one hundred (100) sites, or part thereof. All sewer and water lines shall be first approved by the city engineer and the health authority.

7. Trash receptacles shall be provided at a rate of thirty (30) gallons of refuse capacity for each two (2) spaces or equivalent.

8. Each RV space shall be provided with electrical service.

D. Limitations:

1. It shall be unlawful for a park owner or park tenant to permit a travel trailer or motor coach to remain situated in a park in excess of ninety (90) days. Where the park tenant is physically disabled from traveling, extensions may be granted by the planning and zoning administrator and/or his or her designee in conjunction with the proprietor of the park.

2. Where a park tenant remains in a park in excess of ninety (90) days, the park proprietor will so advise the planning and zoning administrator and/or his or her designee and cooperate with the planning and zoning administrator and/or his or her designee and city attorney in removing said holdover tenant.

3. It shall be unlawful to remove the wheels from any travel trailer or motor coach located within a park as defined in this chapter. It shall also be unlawful to permanently affix any such living unit to the ground when located within such a park.

[4. This use shall be prohibited in Urban Zones.](#)

E. Site Maintenance: A manager shall be present on the site at all times.

F. Other Standards Apply: Outdoor storage, service and equipment areas shall comply with sections 8-1C-3, Property Maintenance Standards, and 8-4A-5, Outdoor Service And Equipment Areas, of this title. (Ord. 898-08, 9-8-2008; amd. Ord. 905-09, 3-23-2009; Ord. 944-12, 5-14-2012; Ord. 967-14, 6-9-2014)

**8-2C-34 SCHOOL:**

A. Setbacks:

1. In the residential zoning districts, the interior side setback shall be a minimum of fifteen feet (15') and the rear setback shall be a minimum of twenty five feet (25'). The front setback shall be the same as that required for an allowed use.

B. Site Layout:

1. In residential zoning districts, a minimum of one hundred twenty five (125) square feet of outdoor play area shall be provided for each child enrolled.

2. In nonresidential zoning districts, a minimum of seventy five (75) square feet of outdoor play area shall be provided for each child enrolled.

3. No outdoor play area shall be located within a required front or corner side setback or within twenty five feet (25') of a residential use.

4. Portable classrooms shall not be located in the front yard of the principal school structure or located in any required setback.

C. Access And Parking: On site vehicle pick up, parking and turnaround areas shall be provided to ensure safe discharge and pick up of students.

D. Accessory Uses: Accessory uses including, but not limited to, daycare facilities, special events, community services, social services, meeting facilities for clubs and organizations, and school administration may be allowed.

E. Additional Standards For Private Schools: Written documentation that the facility meets the minimum site area guidelines as established by the Idaho state department of education shall be provided.

F. Additional Standards For Vocational Or Trade Schools:

1. A school involving the instruction of truck driving, heavy equipment operation or any other vocation involving noise generating instruction shall not be allowed in a residential district.

2. Written documentation that the school will have major curriculum relating to technological industrial research and processes shall be provided. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

**8-2C-35 SEXUALLY ORIENTED BUSINESSES:**

A. Setbacks:

1. The use shall be located at least one thousand five hundred feet (1,500') from any school, child daycare, church or place of religious worship.

2. The use shall also be located at least one thousand five hundred feet (1,500') from any of the following: a) another adult oriented business; b) any boys' club, girls' club, or similar existing youth organizations; c) a public park; d) a public building; e) a school bus stop; or f) any property zoned for residential use or in use as residential property.

3. Said distances shall be measured in a straight line without regard to intervening structures from the nearest entrance of the sexually oriented business to the nearest property line or boundary line, or school bus stop.

B. Signs:

1. Signs for the use shall not contain any emphasis, either by movement, picture, or otherwise, on matter relating to the sexually oriented business.

2. A legible door sign stating "Persons Less Than 18 Years Of Age Not Permitted" shall be installed and maintained at each entrance to the business. The sign shall be no less than 0.5 square feet and no greater than one square foot in area. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

**8-2C-36 SERVICE PROVIDER:\***

A. A. Site Layout:

1. No structure, facility, drive lane, parking area, or loading area shall be located adjacent to a residential district.

1.2. Outdoor storage shall not be allowed within one hundred feet (100') of the Greenbelt or Nature Path

B. Parking and Access:

1. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

2. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.

C. Limitations:

1. The site shall not be used as vehicle wrecking as herein defined.

2. This use shall be prohibited in Urban Zones.

D. Site Maintenance:

1. All outdoor storage of materials or vehicles shall be maintained in an orderly manner so as not to create a public nuisance.

2. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

E. Other Standards Apply: Outdoor storage areas shall comply with section 8-1C-3, Property Maintenance Standards, of this title. (Ord. 967-14, 6-9-2014)

\* Code reviser's note: Ord. 967-14 adds this section as 8-2C-34. It has been editorially renumbered to avoid duplication of numbering.

**8-2C-37 STORAGE FACILITY OR YARD:**

A. Site Layout:

1. The distance between structures shall be a minimum of twenty five feet (25').

2. No structure, facility, drive lane, parking area, or loading area shall be located adjacent to a residential district.

[3. Outdoor storage shall not be allowed within one hundred feet \(100'\) of the Greenbelt or Nature Path](#)

B. Parking And Access:

1. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.
2. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.

C. Limitations:

1. Storage units, facility areas or vehicles shall not be used as dwellings or as a commercial or industrial place of business.
2. The site shall not be used as a vehicle wrecking or junk yard as herein defined.

[3. This use shall be prohibited in Urban Zones.](#)

D. Site Maintenance:

1. All outdoor storage of materials or vehicles shall be maintained in an orderly manner so as not to create a public nuisance.
2. Materials or vehicles shall not be stored within the required yard setbacks.
3. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

E. Other Standards Apply: Outdoor storage areas shall comply with section 8-1C-3, Property Maintenance Standards, of this title.

F. Additional Standards For Storage Facility, Self-Service:

1. The manufacture or sale of any item by a tenant from or at a self-service storage facility is specifically prohibited.
2. On site auctions of unclaimed items by the storage facility owners shall be allowed as a temporary use in accord with section 8-2C-38, Temporary Uses, of this article.
3. If abutting a residential district, the facility hours of public operation shall be limited to six o'clock (6:00) A.M. to eleven o'clock (11:00) P.M.
4. If the use is unattended, the standards as set forth in section 8-4A-6, Self-Service Uses, of this title shall also apply, or an on site manager is present at all times.

G. Additional Standard For Storage Yard, Recreation Vehicle, Commercial: Storage shall be limited to operable recreational vehicles only.

H. Additional Standards For Storage Yard, Recreation Vehicle, Residential:

1. Recreational vehicle storage facilities shall be approved only as an accessory use to a platted subdivision and/or approved planned unit development.

2. Storage shall be limited to vehicles only and shall not include heavy equipment such as tractors or backhoes not normally needed for residential uses.

I. Additional Standard For Storage Yard, As An Accessory Use: Outside storage of materials for commercial or industrial uses shall be limited to those items owned or used by the business. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012; Ord. 967-14, 6-9-2014)

**8-2C-38 TEMPORARY USES:**

A. Setbacks: Structures and/or the display of merchandise shall comply with the setback requirements of the district within which it is located.

B. Site Layout:

1. Temporary structures and merchandise shall be displayed so as not to interfere with the clear vision triangle. In no case shall items be displayed, or business conducted within the public right of way, unless otherwise authorized by the transportation authority.

2. Compressors, fans, pumps, and other motorized equipment shall be located or shielded to reduce noise levels to adjoining properties.

3. Except for the construction of a temporary office for model home sales, a maximum of one structure shall be allowed and may cover a maximum of five hundred (500) square feet.

4. No use shall be located on a site in a way that would block a private or public sidewalk.

5. A temporary use shall not result in the removal of any trees.

C. Parking And Access:

1. Adequate off street parking shall be provided to serve the use.

2. The use shall not displace the required off street parking spaces or loading areas of the permitted uses on the site.

3. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

4. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.

D. Limitations:

1. Except for the construction of an office for model home sales, the use shall not result in the construction of any permanent structures that would not otherwise be permitted subject to the provisions of this title.

2. Any temporary structures shall be portable and completely removed at the end of the allowed time period.

3. Except as otherwise defined in this section, one temporary use is allowed on a property for a specified period not exceeding two (2) weeks in any twelve (12) month period from the date of issuance of a temporary use permit. For seasonal stands or events, the temporary use permit shall specify a beginning and end date.

4. Any use of a temporary nature that does not meet the definition of a "temporary use" as defined in chapter 7, article A of this title shall be reviewed and permitted only as the use is allowed in the base zoning district.

E. Site Maintenance:

1. The site shall be returned to a clean condition after the termination of the use, including being free of debris and garbage.

2. Unsold food products, trees, greens, or debris generated by the use shall be properly disposed off the site.

F. Additional Standards For Fireworks Stands:

1. Prohibited: The use shall be prohibited in residential districts.

2. Other Standards Apply:

a. The applicant or owner shall obtain written approval of the fire authority and Garden City police department.

b. Dates of the fireworks sales shall comply with Idaho Code section 39-2606 and title 4, chapter 8 of this code.

G. Additional Standards For Model Home Sales And Construction Office:

1. The sales office shall be located on a lot within a subdivision or planned unit development.

2. The sales shall be limited to the sale of lots and/or dwellings within the development.

3. When required, the applicant or owner shall obtain a building permit to convert the sales office to a dwelling or shall remove the sales office within thirty (30) days of the sale or rent of the final lot or space.

4. Temporary buildings, construction trailers, equipment and materials may be permitted in any district during the period construction work is in progress. Such temporary facilities or equipment shall be removed within sixty (60) days of completion of the construction work.

H. Additional Standards For Seasonal Sale Of Agricultural And Food Products: Such sales are limited to a period of time not to exceed two (2) consecutive months for pumpkin and Christmas tree sales, and four (4) consecutive months per calendar year for other uses. Christmas tree lots shall be removed by January 1.

I. Additional Standards For Arts, Entertainment Or Recreation Event:

1. Events, such as festivals, carnivals, circuses, fairs, and amusement rides may be allowed in any nonresidential district for a period not to exceed two (2) weeks within any ninety (90) day period.

2. The Garden City police department shall approve the location and access for any use in this category.

J. Additional Standards For Vendors Not Associated With An Arts, Entertainment Or Recreation Event:

1. The applicant shall provide notarized consent of the property owner.
2. The use shall be prohibited in residential districts.
3. Signs shall only be allowed on the vending units and shall not exceed sixteen (16) square feet in area.
4. No direct sales to customers in vehicles shall be allowed.

K. Other Standards Apply:

1. All signs erected in association with the use shall be in compliance with the regulations for signs as set forth in chapter 4, article F, "Sign Provisions", of this title.
2. All outdoor display of merchandise shall be in compliance with the standard set forth in subsection 8-1C-3N, "Outdoor Display Of Merchandise", of this title.
3. A building permit for temporary structures may be required as set forth in title 7, "Building Regulations", of this code. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

**8-2C-39: TERMINAL YARD, TRUCKING:**

A. Minimum Lot Size: The use shall have a minimum lot size of thirty thousand (30,000) square feet.

B. Setback:

1. The use shall be located a minimum of one thousand feet (1,000') from any hospital.
2. No outdoor activity area shall be located within five hundred feet (500') from any residential district.

C. Access: The use shall be located with direct access to a principal arterial or state highway and with no access through residential streets.

D. Accessory Uses: Accessory uses are allowed through approval of a conditional use permit that have a direct relationship to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.

E. Other Standards Apply: Installation of underground fuel tanks shall require written approval from the Idaho division of environmental quality, Idaho department of water resources, and the fire authority. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

F. Limitations:

1. This use shall not be allowed within three hundred feet (300') of the Boise River.

2. This use shall not be allowed within urban zones.

**8-2C-40: TOBACCO ENTERTAINMENT ESTABLISHMENT:**

A. Setbacks: The tobacco entertainment establishment shall not be located within three hundred feet (300') of a property used for church or school activities.

B. Limitations:

1. No outside activity or event shall be allowed in the parking area, except as allowed through a special events permit that takes into account the public health and welfare, the interests of adjoining property owners, noise, traffic and vehicular and pedestrian safety.
2. No amplification device shall be used such that the sound is plainly audible within any place of residence, or, is plainly audible on a street at a distance of one hundred feet (100') or more from the amplification device.
3. Establishments shall remain closed between two o'clock (2:00) A.M. and six o'clock (6:00) A.M. Closing times shall be clearly posted on all entrances and exits.

C. Other Regulations Apply:

1. The use shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of tobacco products.
2. Security shall be provided for the entire premises including inside the building and any parking lot or outside usable space. Security shall be provided in the prescribed manner:
  - a. Security personnel are required and shall wear identical attire clearly identifiable with the word "Security" on the backside of shirts; and
  - b. Security staff are required to have some means of two-way communication; and
  - c. Video surveillance is required; and
  - d. Door security alarms shall be installed so as to prevent patrons from entering and exiting the building from doorways other than the main entrance; and
  - e. Parking areas shall be lighted; and
  - f. Mandatory identification checks of all individuals patronizing the establishment shall be conducted and no one under the legal age to smoke tobacco shall be allowed to patronize the establishment; and
  - g. No loitering outside of the establishment shall be permitted. (Ord. 944-12, 5-14-2012)

**8-2C-41 VEHICLE SERVICE:**

- A. Minimum Site Area: The use shall have a minimum site area of fifteen thousand (15,000) square feet.
- B. Site Layout:
  1. All hydraulic hoists and pits, and all equipment for greasing, lubrication, and allowed repairs shall be enclosed entirely within a structure.
  2. Any spray booth must be approved by the fire authority and building official.
  3. All parts, inventory and vehicles waiting to be repaired shall be kept inside an entirely enclosed building or hidden behind a privacy fence or other visual barrier as set forth in section 8-2C-37, Storage Facility Or Yard, of this article.

4. All new structures constructed for vehicle/equipment repair shall be constructed so that the entrances to individual workstation/service bays do not face abutting residential parcels or the public rights-of-way.

5. Tires taken in on trade that have no more than salvage value shall be stored in a solid wall enclosure.

[6. Outdoor storage shall not be allowed within one hundred feet \(100'\) of the Greenbelt or Nature Path](#)

C. Limitations:

1. No servicing of trucks in excess of one and one-half (1-1/2) ton capacity or industrial equipment of any type or character shall be allowed in the commercial district without a conditional use permit.

2. All vehicle/equipment repair uses and related activities shall be limited to between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Saturday.

3. Damaged or wrecked vehicles shall not be stored on site for purposes other than repair.

4. All vehicles that are repaired and are waiting to be picked up by the owner of the vehicle shall be parked on site and not in adjoining streets or alleys.

5. All discarded vehicle parts or equipment, permanently disabled, dismantled, or junked vehicles, or tires shall be removed from the premises within thirty (30) days of arrival.

[6. This use shall be prohibited in Urban Zones.](#)

D. Site Maintenance: All paved and unpaved areas shall be maintained grease and oil free. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012; Ord. 967-14, 6-9-2014)

**8-2C-42 VEHICLE RENTAL:**

A. Location Standards: Vehicle rental may be appropriate on Chinden, Glenwood or State Street, which are arterial roadways; however, the use is generally not appropriate on local or collector streets unless on property designated as light industrial (LI) zoning.

B. Building and Site Design:

1. The site shall be designed in accord with chapter 4, article D of this title, Parking And Off Street Loading Provisions, chapter 4, article E of this title, Transportation And Connectivity Provisions, chapter 4, sections 8-4I-4, Landscaping Provisions For Specific Uses, 8-4I-5, Perimeter Landscaping Provisions, and 8-4I-6, Parking Lot Landscaping Provisions.

2. There shall be no barbed wire visible from the right-of-way or adjacent properties.

3. Chained-link fencing is not permitted adjacent to rights-of-way.

4. Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:

a. Vehicular lanes shall be sited to minimize additional vehicular traffic on site, within the surrounding uses, and on adjacent rights-of-way.

b. A bike rack shall be provided.

c. Direct, comfortable, and safe pedestrian connection from the public sidewalk system and the parking area to the structure shall be provided through sidewalks or pathways that are:

i. A minimum of five feet (5') in width; and

ii. Americans with Disabilities Act compliant; and

iii. Uninterrupted by motorized vehicles. If there is no other feasible alternative, the vehicular crossing of the path or sidewalk shall be designed in a way to visibly demonstrate that it is secondary to the pedestrian. This may be achieved by changes in materials or colors, landscaping, or other such treatments.

5. All site and vehicular lighting shall be down-shielded, screened or oriented not to encroach on any adjacent property.

6. The design and construction of the site shall minimize the number of driveway cuts.

7. New construction or substantial alteration shall require:

a. All parking oriented toward the side or rear yards and not placed between the street right-of-way and the primary customer entrance.

b. Public access facing the public right-of-way.

C. Parking:

1. Customer parking shall be provided at:

a. One (1) space for every ten (10) cars available for rent; and

b. One (1) space for every three (3) pick-ups, cargo vans, or trucks available for rent.

2. No on-street parking associated with the use is permitted.

D. Limitations:

1. This use is not the same as storage facility or yard, storage facility, self-serve, vehicle sales, vehicle service, vehicle washing facility, or vehicle wrecking yard. Activities on site that are a part of these uses shall require separate approvals.

2. All vehicles on site shall be operable, licensed, and shall not be dismantled or partially dismantled.

3. All vehicles and trailers to be rented shall be indoors or in a screened parking lot, and shall not to be on display to the right-of-way. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012; Ord. 991-17, 2-13-2017)

**8-2C-43 VEHICLE SALES:\***

A. Minimum Site Area: The use shall have a minimum site area of thirty thousand (30,000) square feet.

B. Accessory Use:

1. Vehicle repair may be allowed as an accessory use, subject to the standards as set forth in section 8-2C-41 of this article, Vehicle Service.

2. Vehicle washing may be allowed as an accessory use, subject to the standards as set forth in section 8-2C-44 of this article, Vehicle Washing Facility.

3. The accessory uses of vehicle service and vehicle washing facility shall be limited to a combined forty percent (40%) of the gross floor area of enclosed space.

4. Vehicle service shall not be conducted in areas visible from the right-of-way.

C. Location Standards:

1. Vehicle sales may be appropriate on Chinden, Glenwood or State Street, which are arterial roadways; however, the use is generally not appropriate on local or collector streets unless on property designated as light industrial (LI) zoning.

2. [This use shall be prohibited in Urban Zones and within two hundred feet \(200'\) of the Boise River.](#)

D. Building and Site Design:

1. The site shall be designed in accord with chapter 4, article D of this title, Parking And Off-Street Loading Provisions, chapter 4, article E of this title, Transportation And Connectivity Provisions, chapter 4, sections 8-4I-4, Landscaping Provisions For Specific Uses, 8-4I-5, Perimeter Landscaping Provisions, and 8-4I-6, Parking Lot Landscaping Provisions.

2. There shall be no barbed wire visible from the right-of-way or adjacent properties.

3. Chained-link fencing is not permitted adjacent to rights-of-way.

4. Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:

a. Vehicular lanes shall be sited to minimize additional vehicular traffic on site, within the surrounding uses, and on adjacent rights-of-way.

b. A bike rack shall be provided.

c. Direct, comfortable, and safe pedestrian connection from the public sidewalk system and the parking area to the structure shall be provided through sidewalks or pathways that are:

i. A minimum of five feet (5') in width; and

ii. Americans with Disabilities Act compliant; and

iii. Uninterrupted by motorized vehicles. If there is no other feasible alternative, the vehicular crossing of the path or sidewalk shall be designed in a way to visibly demonstrate that it is secondary to the pedestrian. This may be achieved by changes in materials or colors, landscaping, or other such treatments.

5. All site and vehicular lighting shall be down-shielded, screened or oriented not to encroach on any adjacent property.

6. The design and construction of the site shall minimize the number of driveway cuts.

E. Limitations:

1. No on-street parking associated with the use is permitted.

2. This use is not the same as storage facility or yard, storage facility, self-serve, vehicle service, vehicle washing facility, or vehicle wrecking yard. Activities on site that are a part of these uses shall require separate approvals. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012; Ord. 991-17, 2-13-2017)

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

**8-2C-44 VEHICLE WASHING FACILITY:\***

A. Access And Parking: Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:

1. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons;

2. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking;

3. The stacking lane shall not be located within ten feet (10') of any residential district or existing residence; and

4. Any stacking lane greater than one hundred feet (100') in length shall provide for an escape lane.

5. The design and construction of the drive-through facilities shall minimize the number of driveway cuts.

B. Limitations:

1. Any use that is not fully enclosed shall be located a minimum of five hundred feet (500') from any abutting residential district, and shall be limited in operating hours from six o'clock (6:00) A.M. to eleven o'clock (11:00) P.M.

2. [This use is prohibited within two hundred feet \(200'\) of the Boise River.](#)

C. Other Regulations Apply: If unattended, the use shall meet the requirements of section 8-4A-6, "Self-Service Uses", of this title. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

\* 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.

**8-2C-45 WAREHOUSE, STORAGE AND WHOLESALE:\***

~~A. A.~~ Limitations:

1. Outside activity areas shall be located a minimum of three hundred feet (300') from any property line adjoining a residence or a residential district.

2. [This use shall be prohibited in Urban Zones](#)

Commented [O3]: Combine with terminal yard

A.B.

B. Accessory Uses: The use may include accessory office uses not to exceed twenty five percent (25%) and retail sales not to exceed ten percent (10%) of the gross floor area of the use. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

\* 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.

**8-2C-46 WIRELESS COMMUNICATION FACILITY:\***

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.
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. 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)

\* 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.

Working Draft #12