Before the Planning and Zoning Commission
February 26, 2019

STAFF REPORT – PUBLIC HEARING #3

Proposed Amendments to Sections of Nampa City Code(s)
Title VI, Title VII, Title IX and Title X (ZTA 009-19).

Applicant: City of Nampa
File No: ZTA 009-19

Prepared by: Norman L. Holm
Date: February 20, 2019

Requested Action: Proposed amendments to certain sections of Nampa City Code(s) Title VI, Title VII, Title IX and Title X (ZTA 009-19).

1) Amendment of Title 6, Chapter 2, Section 20, pertaining to Canine Licensing.
2) Amendment of Title 7, Chapter 2, Section 16, pertaining to parking of vehicles in specified places.
3) Amendment of Title 9, Chapter 1, Section 9, pertaining to the parking of an “unauthorized dwelling unit” on public rights-of-way(s).
5) Amendment of Title 10, Chapter 1, Section 5, regarding conformance of projects to entitlements issued.
6) Amendment of Title 10, Chapter 1, Section 18 regarding vision triangles.
7) Amendment of Title 10, Chapter 1, Section 19 refining existing standards for self/mini-storage projects in RP and BN Zones.
8) Amendment of Title 10, Chapter 2, Section 10 regarding requests for reconsideration.
9) Amendment of Title 10, Chapter 3, Section 2 regarding professional offices, medical/dental offices and non-professional/non-medical office types.
10) Amendment of Title 10, Chapter 4, Section 5 correcting GB 2 Zone regulations for minimum property size relating to non-multiple family dwellings.
11) Amendment to Title 10, Chapter 4, Section 9 clarifying required development improvements, landscaping requirements, and eliminating a berming requirement and landscaping code relevant to the railroad in the GB 2 Zone.
12) Amendment to Title 10, Chapter 4, Section 10 requiring enclosures for trash receptacles.
13) Amendment of Title 10, Chapter 8, Section 5 to include a limited number of varying refinements.
14) Amendment to Title 10, Chapter 8, Section 6 to add a RS4 zoning designation with associated standards.
15) Amendment of Title 10, Chapter 15, Section 9 deleting definitions being moved to Title 10, Chapter 1, Section 2.
16) Amendment of Title 10, Chapter 15, Section 6 deleting and revising references to definitions.
17) Amendment of Title 10, Chapter 16, Section 11 regarding trash enclosure screening.
18) Amendment of Title 10, Chapter 21, Section 3 pertaining to the number of dogs kept on a property in coordination with contemplated changes to Title 6, Chapter 2, Section 20.
19) Amendment of Title 10, Chapter 22, Section 4 to clarify parking requirements for multi-structure developments.
20) Amendment of Title 10, Chapter 22, Section 5 to clarify provisions pertaining to Site Improvement Permits.
21) Amendment of Title 10, Chapter 22, Section 6 to clarify requirements pertaining to the P-2 parking district, single-family dwellings, two through multiple-family parking requirements, and offices.
22) Amendment of Title 10, Chapter 22, Section 7 eliminating loading space [docks] unilateral installation requirement.
23) Amendment of Title 10, Chapter 23, Section 2 to add definitions.
24) Amendment of Title 10, Chapter 23, Section 8 to address abandonment of billboard signs.
25) Amendment of Title 10, Chapter 23, Section 20 to allow two subdivision identification signs per entry.
26) Amendment of Title 10, Chapter 24, Section 2 to improve grammar.
27) Amendment of Title 10, Chapter 25, Section 15 repealing and re-enacting the section to improve formatting and grammar, clarify scope and effect of modifications to CUP.
28) Amendment of Title 10, Chapter 27, Section 2 providing requirements for filing of applications to re-plat or convert common lots.
29) Amendment of Title 10, Chapter 27, Section 4 respecting master communities, infill developments, RS 4 developments, new requirements for infill and standard subdivisions (including in RS 4 Zones), qualifying regulations for “infill” subdivisions, short plat allowance and effectiveness clarifications.
30) Amendment of Title 10, Chapter 27, Section 6 path/bikeway inter and intra-connectivity requirements.
31) Amendment of Title 10, Chapter 27, Section 12 regarding correcting or amending plats including situations affecting common properties.
32) Amendment of Title 10, Chapter 29, Section 3 clarifying manufactured home dimension requirements and adjusting grammar.
33) Amendment of Title 10, Chapter 33, Section 4 to authorize the City Forester to participate in and reviewing commercial plans submitted to the City for permit(s).
City Legal Counsel and City Engineering have reviewed the amendments and have given their approval. If there are one (1) or more sections the Commission would like removed or revised, staff requests that the rest of the amendments move forward to the City Council.

**GENERAL INFORMATION**

Correspondence: No opposing correspondence has been received from any interested parties regarding the proposed amendments.

Applicable Regulations: Section 10-2-3 D Conclusions of Law Pertinent to Proposed Zoning Ordinance Text Amendments: Before the commission recommends a text (content) amendment to the zoning ordinance, and, before the City Council approves any proposed zoning code amendment(s), the Commission and the City Council must individually find and conclude: 1. That the proposed amendment(s) is, are or would be reasonably necessary, in the interest of the public, and in harmony with the goals and/or policies of the adopted comprehensive plan.

**STAFF RECOMMENDED FINDINGS**

The following findings are recommended by staff:

1) Section 10-2-3 D. of Nampa City Code provides the standards for amending the City’s zoning ordinance.
2) The proposed Ordinance Amendments are appropriate because they are “reasonably necessary, in the interest of the public, and in harmony with the goals and/or policies of the adopted comprehensive plan.” Nampa City Code § 10-2-3-D.
3) The proposed Ordinance Amendments are in harmony with the City’s comprehensive plan—Nampa 2035.
4) The proposed Design Review Ordinance Amendments would also help achieve Nampa 2035 Comprehensive Plan’s Land Use Goal 7: Update the City’s Land Use Ordinances, and Objective 13 and the associated 2 Strategies regarding amending the Zoning and Subdivision Ordinances.

**STAFF NARRATIVE ON AMENDMENTS**

Amendment 1:

**6-2-20: LICENSING:**
This amendment comes from a citizen who pointed out that surrounding jurisdictions allow for the keeping of three dogs – that moving to Nampa is difficult for those pet owners who come from other areas with one too many pets that then have to be surrendered or a Conditional Use Permit obtained to allow for the animals to remain with their owners. Some have opposed the notion of allowing more dogs due to the potential for an “up-tick” in complaints regarding barking dogs, animals at large, etc. Staff included the request with our other amendments as a courtesy to the citizen.
Amendment 2:
7-2-16: STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACE:
These amendments propose the repeal of the word "stand" from paragraph A of the section per the police department's request. Added, with their blessing, is a line (#18) that controls parking in front of (i.e., blocking) a mailbox.

Amendment 3:
9-1-9: RESIDING ON A PUBLIC RIGHT-OF-WAY:
The minor change to this section helps strengthen the disallowance of residing in vehicles on City streets.

Amendment 4:
10-1-2: DEFINITIONS:
During drafting these code amendments, we noted that it would be "cleaner" to have varying definitions in other code sections all populated within the master zoning code definition listing in this section. A few redundant or replaceable definitions are also proposed for removal.

Amendment 5:
10-1-5: CONSTRUCTION AND USE TO BE STATED IN APPLICATIONS:
This amendment is intended to strengthen the requirement to conform a use or construction project to approved plans/certificates of occupancy.

Amendment 6:
10-1-18: Figures:
Engineering and P&Z Staff concur that the proposed change to the vision triangle standard is necessary. City Engineering some months ago met with Code Enforcement to review and educate their personnel regarding the proposed change(s). Code Enforcement staff agreed that the change could be readily enforced and would improve safety at varying intersections in town.

Amendment 7:
10-1-19: PROFESSIONAL, PUBLIC MINI-STORAGE FACILITY DESIGN REGULATIONS:
This amendment is to clarify and make reasonable the standards for mini-storage facilities in RP and BN Zones as presently constituted. In part, they reflect the City's design review related practice applied to storage facilities whereby primary visual interest is given to those portions of buildings visible from a public right-of-way.

Amendment 8:
10-2-10: REQUESTS FOR RECONSIDERATION:
City legal counsel concur with Staff that this amendment helps clarify and better control reconsideration proceedings.

Amendment 9:
10-3-2: SCHEDULE OF DISTRICT/ZONE LAND USE CONTROLS:
To eliminate confusion regarding the management of various office types, additional identification of their sub-types is proposed in the table with a recommendation as to which zoning districts they should be best entertained as permitted or conditional uses.
Amendment 10:  
10-4-5: PROPERTY DIMENSIONAL AND BULK REQUIREMENTS:  
Closing a loophole that left undefined the minimum lot areas for single-unit to four-unit dwellings in the GB zones is the purpose behind the proposed amendment.

Amendment 11:  
10-4-9: LANDSCAPING:  
These amendments are intended to reflect the actual property development improvements (on most properties within the GB Zones) as well as to recognize that landscape code requirements in other areas of our zoning ordinance address landscaping on properties in the GB Zones outside of this section. The largest change is to eliminate what has become, effectually, an obsolete berming requirement and berm illustration.

Amendment 12:  
10-4-10: DESIGN STANDARDS:  
A restatement of the need for an enclosure for trash receptacles.

Amendment 13:  
10-8-5: DETACHED ACCESSORY STRUCTURES:  
Clean-up edits.

Amendment 14:  
10-8-6: PROPERTY AREA, WIDTH, DEPTH, FRONTAGE AND SETBACK REQUIREMENTS:  
Staff believes it is time to react to the need for infill housing with an eye towards allowing smaller lots sizes in appropriate locations. This does not pre-empt the construction of single-family homes of size and design commensurate with what is being built in standard subdivisions now. A set of infill enhancement allowances in Chapter 27, the subdivision chapter, are being proposed to be placed in coordination with the new RS4 Zone introduction (please notice the exception on page 16 for the introduction of RS4 subdivisions).

Amendment 15:  
10-15-6: DH DOWNTOWN HISTORIC SUBDISTRICT:  
Recognizes and reacts to the change in the location of definitions (from chapter 15 to chapter 1).

Amendment 16:  
10-15-9 DEFINITIONS:  
The definitions in the front of chapter 15 are being moved to chapter 1 to reside with the balance of zoning code definitions.

Amendment 17:  
10-16-11: DESIGN STANDARDS:  
A simple iteration of the need for an enclosure for trash receptacles...
Amendment 18:

**10-21-3: AGRICULTURAL ANIMALS AS PETS:**
Proposed changes are reactionary to the possible allowance [number of dogs per household from two to three] sought for in 6-2-20 but without allowing for three (3) pot-bellied pigs.

Amendment 19:

**10-22-4: COMMON/SHARED PARKING FACILITIES FOR MIXED USES AND OFF-SITE PARKING ALLOWANCE:**
Adds a clarification.

Amendment 20:

**10-22-5: PARKING AREA IMPROVEMENTS AND PLANS:**
Adds a needed permit review time for Site Improvement Permits as well as an expression of their longevity; also gives RV parking areas the same off-paving allowance as that which exists for heavy equipment or high GVWR rated vehicles when in storage facilities or in commercial business ventures (e.g., sales lot areas devoted to RVs and similar).

Amendment 21:

**10-22-6: SPECIAL PARKING AND LANDSCAPE CORRIDOR DISTRICTS AND SPACES REQUIRED:**
The intent of a portion of the language is to reformat and clarify the language of the P-2 parking district. The other amendments found in the table are to reiterate (for dwellings) what is required in chapter 8 already respecting covered/enclosed parking, to also address ADA parking when associated with a shared parking arrangement, and, to revised office parking ratios to react to the apparent code deficiency in the number of spaces required for the same.

Amendment 22:

**10-22-7: LOADING SPACES:**
Rather than requiring loading docks for certain kinds of industries, Staff believes that the operations managers of the kinds of business types listed in the language proposed for deletion are fully capable of proposing loading docks for their buildings when needed.

Amendment 23:

**10-23-2: DEFINITIONS:**
A couple of needed sign code related definitions are proposed. Given the extent of sign code definitions and the regular handing out of our sign code chapter to companies, Staff believed it best to simply leave sign code definitions in chapter 23 instead of moving them to chapter 1.

Amendment 24:

**10-23-8: PROHIBITED SIGNS:**
The contemplated changes would strike an obsolete differentiation between “painted” and “poster” billboard signs and, more importantly, define when a billboard sign relocation permit is to be considered “abandoned” to circumvent the practice of one company trying to jump into the queue (given our cap and replace billboard inventory regulations) in order to obtain a permit to emplace a billboard when they learn another competitor is about to remove a billboard. This amendment has been reviewed and endorsed by legal counsel and comes on the heels of a case we dealt with in Nampa this past year or so [we were
caught in the middle of two contending companies without having adequate regulations pertaining to the manner of handling transfers in such circumstances].

The allowance to have a private property owner pull a permit to transfer was an add-on request by a local business owner. Staff’s only concern with such an allowance [again, referring to the last sentence of paragraph 5 under section 8.J.] is whether there is a requirement that the sign permit only be “pulled” by a license sign contractor that would bear on the matter. Our code currently reads that way, but mayhap that isn’t necessary as long as they don’t get authorization to actually do the work in the field themselves.

Amendment 25:

**Table 10-23-20(E) PERMANENT SIGNS PERMITTED IN THE GB1/GB2/GBE ZONES:**
Correcting illumination type for Wall, marquee, canopy or awning signs.

**Table 10-23-20(K) PERMANENT SIGNS PERMITTED IN THE RS6, RS7, RS8.8, RS12, RS15, RS18, RS22. RA amd RD ZONES:**
Allowing two subdivision identification signs per entry.

Amendment 26:

10-24-2: ACTIONS:
Some grammatical tweak.

Amendment 27:

**10-25-15: CONDITIONAL USE EXPANSIONS AND MODIFICATIONS:**
This amendment includes primarily re-formatting and grammatical improvements. In addition, the percent of expansion to conditional uses and/or facilities requiring formal Planning Commission approval via a public hearing process has been reduced from those exceeding 25% to those exceeding 10%.

Amendment 28:

10-27-2: PRELIMINARY PLAT APPLICATION FORM, CONTENT AND PROCESS:
Reiterates the considerations necessary to convert common land to private and also reiterates how the application is to be handled in such situations.

Amendment 29:

**10-27-4: SPECIAL SUBDIVISIONS AND DEVELOPMENTS:**
This amendment revises our current infill density bonuses (outside of PUD’s). The amendments intend to help meet a market demand for small lots that can house homes and help provide more housing opportunities for our local market and add a requirement to such subdivisions to provide open space.

A “short plat’s” approval time frame, formerly absent, is now proposed to be added as 18 months, along with a clarification of the number of lots that may be handled by that process.

Amendment 30:

**10-27-6: GENERAL DEVELOPMENT AND IMPROVEMENTS REQUIREMENTS:**
This amendment is intended to support Nampa’s interest in having bike paths and introduce a requirement that where possible intra/inter-connectivity of paths be provided between and inside subdivisions.
Amendment 31:
10-27-12: CORRECTING/VACATING/AMENDING PLATS:
A few corrections, and re-iteration of standards to be used when accepting any change to a plat where a substantive/material change to its contents is proposed – especially changes to common properties. The changes alluded to are beyond the reach of Affidavits of Correction or similar surveyors’ instruments to fix errors.

Amendment 32:
10-29-3: DEVELOPMENT STANDARDS:
This section has adjustments to manufactured home standards as seem appropriate to Staff. They are still being treated as the equivalent of "stick-built" homes as required by state law. In addition, the amendment changes references to the previously adopted “uniform building code" to the presently adopted "international building code".

Amendment 33:
10-33-4: CORRIDOR LANDSCAPING REGULATIONS:
This amendment introduces the City Forester’s involvement in commercial plan review. Their expertise in matters of tree plantings is a necessity.

PROPOSED CITY CODE AMENDMENTS

6-2-20: LICENSING:
A. Canine License Required; Application:
   1. Licenses:

   h. Kennel License: It is unlawful to keep, maintain or possess upon the premises of any one dwelling unit more than two (2) three (3) dogs over the age of six (6) months or two (2) potbellied pigs as described in section 10-21-3 of this Code, unless the owner or person in charge thereof obtains a kennel license and any conditional use permit required according to the City of Nampa, Idaho, zoning ordinance. If a kennel license is issued, the holder shall pay to the City an annual license fee established by Council resolution. Such kennel license shall only be permitted and issued in accordance with the terms and provisions of this section as hereafter noted:

7-2-16: STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES:
A. Exceptions: No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

18. Within ten-feet (10’) of a free-standing mailbox or blocking the same from postal vehicle access.
9-1-9: RESIDING ON A PUBLIC RIGHT-OF-WAY:

It shall be unlawful for any person(s) to reside or stay more than twenty-four hours fourteen (14) days in an "unauthorized dwelling unit" on public rights-of-way. "Unauthorized dwelling units" are and shall include: vehicles (i.e., cars, trucks, trailers [office, camp, horse, vehicle transport and utility types, etc.], buses, RV's, towed pop tents, camper shells, fifth wheels, boats) and other portable and temporary shelters including, but not limited to, tents and boxes. (Ord. 3807, 7-21-2008)

10-1-2: DEFINITIONS:

... APPROPRIATE HISTORIC HUES: Muted and a limited number of colors, usually not more than two (2) accent colors used in any one building. See guidelines for specific color pallet.

... AS BUILT ROOF: The roof pitch and style constructed when the structure was originally constructed.

... BUILDING EXPANSION: See section 10-1-6 of this title.

... CONGREGATE RESIDENCE: Single-family dwelling unit (usually a rental situation) wherein not more than four (4) persons over age eighteen (18), who are not related by blood or marriage, live together as a single housekeeping unit.

... EARLY TWENTIETH CENTURY ARCHITECTURE: Architectural styles used in downtown Nampa between 1900 and 1941. See guidelines for further definition.

... FACADE IMPROVEMENTS: Any alteration of an existing building facade including repainting, etc.

... FOSTER DAILY CARE HOME: See definition of day nursery.

... HISTORIC STOREFRONT PATTERN: A storefront which exhibits proportion and regular patterns in the relationship of windows, walls and doors, and is characterized by recessed entries, vertical and horizontal elements, and transparency.
HISTORIC STRUCTURE: Any structure that is: a) listed individually in the national register of historic places or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register; b) certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district; c) individually listed on a state inventory of historic places that have been approved by the secretary of interior; or d) individually listed on the city's inventory of historic places.

ORIGINAL ARCHITECTURAL CHARACTER: The architectural style or elements of an architectural style that existed when the building was originally constructed.

ORIGINAL BUILDING: The building that was located on a site prior to any major remodel, rehabilitation or expansion.

PEDESTRIAN AMENITIES: Brick sidewalk pavers, benches, landscaping planters, landscaping walls, trash and recycling receptacles, bollards, pedestrian scale lighting, fountains, bike racks, public art, kiosks, way finding, interactive public art, seat walls, etc.

PHOTOMETRIC TEST REPORT: A report that analyzes the intensity, location, and distance that a light source emits.

RECREATIONAL (HOBBY) VEHICLE/TRAILER: A vehicular unit primarily designated as temporary living quarters or used for recreational purposes including general recreation, fishing, camping, or travel which either has its own power or is mounted on or drawn by another vehicle. Examples of such vehicles include, but are not limited to, the following: travel trailers, camping trailers, truck campers, motor homes, fifth wheels, RVs, etc. Other recreational vehicle types for purposes of this definition shall include, but not be limited to: boats and boat trailers, transport trailers (e.g., used to haul motorcycles, jet skis, snowmobiles, 4-wheelers), and other vehicles including, but not limited to: sandrails, mudder trucks, race cars, etc.

REHABILITATION: The process of returning a structure to a state of utility through repair or alteration-while preserving those portions or features which are significant to its architectural, historic, or cultural value.

REMODEL: Any change to the exterior surfaces or external appearances of a building including, but not limited to, renovation, rehabilitation, reconstruction, restoration, replacement, or
rearrangement of structural parts or elements; or any change that affects the plan configuration of walls, spaces, or bulk of a building.

RESIDENTIAL INFILL SUBDIVISION: A single-family subdivision, platted within a RS zone, for the purpose of facilitating the establishment of building lots intended to have constructed thereon attached or detached residential living/dwelling units (i.e., houses or townhomes). In order to qualify for residential infill status, certain code controls apply (see Section 10-27-4).

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. See definitions of Basement and Cellar.

STRUCTURE, CONTRIBUTING: A building, site or structure that adds to the historic architectural qualities, historic association, or cultural values of the district through location, design, setting, materials, workmanship, or association.

STRUCTURE, NONCONTRIBUTING: A building, site or structure that does not add to the historic architectural qualities, historic association, or cultural values of the area because: a) it was not present during the period of significance; or b) it does not relate to the documented significance of the property due to alterations, disturbances, additions, or other changes; or c) it no longer possesses historic integrity nor is capable of yielding important information about the period.

TRADITIONAL BUILDING MATERIALS: Brick, masonry, stucco, wood, accents of metal, ceramic, etc.

TRADITIONAL BUILDING WIDTH: Buildings in the subdistrict were originally built on lots twenty five feet (25') to fifty feet (50') in width.

TRANSPARENCY: The amount of visibility allowed through a building plane as provided by windows and other openings.

VISION CLEARANCE: Vision clearance in districts where front yards are required shall be: A term referring to theoretical triangles imposed by code (to enhance safety) at every street.
intersection corner; every alley to street, or, alley to alley intersection; every service drive to street intersection; and every driveway to street intersection. The effect of the vision clearance triangles is to cause obstacles that obstruct clear vision that are in the triangles’ areas to be either absent, or, both minimal in mass (e.g., no thicker/wider than a 4’ x 4’ post) and short (i.e., below 2.5’ in height) or high enough (i.e., 9’ or more) to not impede vehicle drivers’ view(s) around/through intersection corners.

The triangles of land are defined on any intersection corner property by measuring from the intersection of the curb [or absent curbing from a future curb location or edge of asphalt travel-way] of two intersecting private or public rights-of-way (e.g., streets, alleys, service drives, driveways, etc.) a specified distance as illustrated in Section 10-1-18, Figures 7a and 7b.

A. That triangle of land defined on any corner lot by measuring from the intersection of the curb lines of the two (2) adjacent streets, forty feet (40’) along each curb line and connecting the two (2) points with a straight line. See section 10-1-18, figure 7 of this chapter.

B. That triangle of land defined adjacent to any alley or driveway intersecting a street by measuring along the alley or driveway edge and the back of sidewalk of the adjacent street seven and one-half feet (7 1/2’) and connecting the two (2) points with a straight line. Where curbs or sidewalks do not exist or a street improvement project is anticipated, the measurement shall be taken from the projected future curb/sidewalk lines.

10-1-5: CONSTRUCTION AND USE TO BE STATED IN APPLICATIONS:

A. Plans, Permits, And Certificates Of Occupancy: Building permits or certificates of occupancy issued on the basis of plans and applications approved by the building official authorizes only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction set forth in such approved plans and applications, and no other use, arrangement or construction at variance with that authorized via zoning entitlement or a certificate of occupancy shall be deemed a violation of this section and shall be and is punishable as provided in section 1-1-7 of this code. (Ord. 3805, 7-21-2008)
(Figure 10-1-8 repeal and replace Figure 7 with the following two illustrations -- new 7a and 7b):

**Figure 7a:**

![Intersection Plan](image)

**Intersection Plan**

<table>
<thead>
<tr>
<th>Sight Distance Based on Vehicle Speed</th>
<th>Minimum Sight Distance</th>
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</thead>
<tbody>
<tr>
<td>Approaching Vehicle Speed</td>
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<tr>
<td>30 MPH AND LESS</td>
<td>200'</td>
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<tr>
<td>35 MPH</td>
<td>250'</td>
</tr>
<tr>
<td>40 MPH</td>
<td>300'</td>
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<tr>
<td>45 MPH</td>
<td>360'</td>
</tr>
</tbody>
</table>

* Taken from AASHTO Exhibit 3-5a, 2001 4th Edition.

**Notes:**

1. The case exhibited represents the minimum allowable distances for the city of Nanqua at partially controlled intersections. Compliance with AASHTO standards is required when more restrictive.

2. Projected face of curb or edge of pavement.

**Clear Vision Triangle**

At Partially Controlled Int.
10-1-19: PROFESSIONAL, PUBLIC MINI-STORAGE FACILITY DESIGN REGULATIONS:

The following site and building design standards shall be made to apply to any and all public/self-mini-storage facilities ("storage facility" or "project" hereinafter) proposed to be newly-constructed or otherwise developed or converted on or from open ground, an existing private-storage facility or from another use already on an RP or BN zoned property within the city of Nampa shall comply with the following regulations in order to be able to lawfully operate:

These site and building design standards shall apply, on RP or BN zoned land, to any and all newly proposed or developed mini-storage facilities, and to any private storage facilities converted into public storage facilities:

A. Locations Allowed: All public storage facilities shall be constructed/located on a property that has direct access to/from a public street and also abuts/fronts the same; although the service Service drive(s) in the storage facility may remain private; and shall not be extend farther than three hundred feet (300') from the main access road(s) that provide ingress/egress
to the property upon which a storage facility rests, any collector or arterial street in any event; and

B. Structure Appearance Requirements:

1. Any portions of a building wall visible from a public street and longer than one hundred feet (100') shall include facade changes such as bases, fenestration, offsets, or wall plane jogs built into the same; and

2. 1. External building materials on walls visible from a public street shall be limited to masonry (e.g., brick, stone, quality concrete, quality concrete block), glazing, and EIFS systems. No vinyl, metal, or wooden material shall be used except that overhead doors may be metal; and

2. 2. Exterior finish materials used on buildings in a storage facility shall be non-reflective and shall include use of at least three (3) colors and three (3) material textures or three (3) different materials in exterior wall composition; and

3. 3. All buildings made a part of a facility shall feature a residential roof structure with a minimum of twelve (12:12) pitch. Any roof mounted vents (e.g., on the office building) shall be painted to match the color of the roof; and

4. 4. Exterior paint colors shall be earth tone with no white, black or reflective/fluorescent coloring allowed; and

5. 5. Storage facility offices shall, in addition, have at least twenty five percent (25%) glazing on their primary facade(s); and

6. 6. Storage buildings shall be limited to ten feet (10') in height at the edge of eaves.

10-2-10: REQUESTS FOR RECONSIDERATION:

A. On any application brought before the city council affecting the use, occupancy or development of real property, including, but not limited to, those matters governed by the Idaho local land use planning act, found at Idaho Code 67-6501 et seq., or the Nampa comprehensive zoning ordinance, found in this title, a party may request that the city council reconsider a decision pursuant to the terms of this section. Decisions and recommendations of the planning and zoning commission are not subject to reconsideration but may be appealed to the city council as provided in this title.

To make such a request for reconsideration, the following criteria must be met:

4. The request must demonstrate either: a) the party requesting reconsideration has relevant information, the relevant information was not previously presented and is in response to something brought up at the previous hearing, and the information was not previously available; or b) the request for reconsideration is made pursuant to Idaho Code section 67-6535(2)(b), as
amended—either include new and relevant information challenging claims made during the Council's prior deliberation or be made pursuant to Idaho Code section 67-6535(2)(b).
### 10-3-2: SCHEDULE OF DISTRICT/ZONE LAND USE CONTROLS:

<table>
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<tr>
<th>Service And Office Land Use/Building Occupancy Type</th>
<th>U</th>
<th>AG</th>
<th>RA</th>
<th>RS</th>
<th>HC</th>
<th>RD</th>
<th>RML</th>
<th>RMH</th>
<th>RP</th>
<th>BN</th>
<th>DB</th>
<th>DV</th>
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<th>BC</th>
<th>BF</th>
<th>GB1</th>
<th>GB2</th>
<th>GBE</th>
<th>IP</th>
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<tr>
<td>Medical/dental (or similar) clinic and related services</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Non-Professional, non-medical, non-construction/trade-related, general office</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional office</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>CP</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

...
10-4-5: PROPERTY DIMENSIONAL AND BULK REQUIREMENTS:

Construction of on-site parking or structures shall comply with the following minimum requirements, except where duly increased by the city in conjunction with issuance of a conditional use permit, or decreased in accordance with granting of a variance or planned unit development permit:

<table>
<thead>
<tr>
<th>Minimum Property Area Required Per Dwelling Unit(s):</th>
<th>The first two (2) units require six thousand (6,000) square feet and additional units require one thousand three hundred fifty (1,350) square feet of additional land per unit.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum property area per multi-residential unit:</td>
<td>6,000 square feet for first 2 units and 1,350 square feet required per unit thereafter</td>
</tr>
</tbody>
</table>

10-4-9: LANDSCAPING:

All landscaping shall be established in accordance with the requirements of chapters 22 and 33 of this title; in addition, the following standards shall apply:

SECTION 10-4-9. Sections A through D, including the figure contained therein, and SECTION 10-4-9. Section F, are hereby repealed.

... F. A. Landscaping Adjacent To Residential Uses: All non-residential development sites having a common boundary line with a residentially used property shall have erected and maintained a view obscuring wall, fence or coniferous hedge not less than five feet (5'), nor more than six feet (6') in height for screening purposes and access control controlling access. This screening provision shall not eliminate the requirement to provide pedestrian pathways or neighborhood street connections within the GB district to provide access of residential areas to schools, parks, shopping areas, public lands, transportation or other community facilities.

However, where the wall of a pre-existing non-residential building (i.e., already on site and incorporated into a new development plan and/or use for the property) is on such common property line, no separate wall or fence need be installed along that portion of the boundary occupied by the building. Public utility installations need only fence and screen with appropriate materials such as base planting of coniferous shrubs or trees and climbing coniferous plant materials on the fences to minimize the industrial character of such
installations, with the area surrounding the fenced and screened enclosure landscaped and planted to create a park-like atmosphere.

10-4-10: DESIGN STANDARDS:

... 

C. Fencing/Screening: Fencing of anything other than mechanical or maintenance related equipment or stored inventory or trash receptacles is prohibited. Trash receptacles shall be screened from view by durable enclosures resembling the related building's façade.

10-8-5: DETACHED ACCESSORY STRUCTURES:

Shall comply with standards in section 10-3-2 of this title and, in addition, the following regulations apply:

A. Detached accessory structures shall not be taller than the height of the principal building on the property or twenty-two feet (22'), whichever is greater.

B. Detached accessory structures over two hundred (200) square feet (201+) in footprint area shall comply with required front and interior yard setbacks that apply to principal buildings and require a building permit.

C. Detached accessory structures two hundred (200) square feet or under and twelve feet (12') or lower in height may be built to within five feet (5') of any property line provided they are at least three feet (3') from any primary structure wall (unless a building permit is obtained from the city to locate closer to the house), do not interfere with provision of at least ten feet (10') of clear, uninterrupted access from the front yard to the back of a home.

D. In no case shall any portion of an accessory structures be located closer to the front property line/street line than any covered part of the house to which they are accessory. In other words, they shall not be placed or built in front of home.

... 

E. As noted in subsection 10-1-7D3 of this title, only two (2) accessory structures per property are permitted in the RS zone, and only one of those may be a detached guesthouse or in-laws quarters. (Ord. 3960, 4-4-2011)
10-8-6: PROPERTY AREA, WIDTH, DEPTH, FRONTAGE AND SETBACK REQUIREMENTS:

In order for a property to be eligible for development the following requirements shall be adhered to:

<table>
<thead>
<tr>
<th>RS Zoning District/Zone</th>
<th>Maximum Number Dwelling Units Per Acre</th>
<th>Required Property Area</th>
<th>Required Property Width</th>
<th>Required Mean Property Depth</th>
<th>Required Street Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS 4</td>
<td>9.18</td>
<td>4,000</td>
<td>50 feet</td>
<td>50 feet</td>
<td>22 feet</td>
</tr>
<tr>
<td>RS 6</td>
<td>7.26</td>
<td>6,000</td>
<td>50 feet</td>
<td>60 feet</td>
<td>22 feet</td>
</tr>
<tr>
<td>RS 7</td>
<td>6.22</td>
<td>7,000</td>
<td>50 feet</td>
<td>70 feet</td>
<td>22 feet</td>
</tr>
<tr>
<td>RS 8.5</td>
<td>5.12</td>
<td>8,500</td>
<td>70 feet</td>
<td>80 feet</td>
<td>22 feet</td>
</tr>
<tr>
<td>RS 12</td>
<td>3.63</td>
<td>12,000</td>
<td>80 feet</td>
<td>80 feet</td>
<td>22 feet</td>
</tr>
<tr>
<td>RS 15</td>
<td>2.90</td>
<td>15,000</td>
<td>100 feet</td>
<td>80 feet</td>
<td>22 feet</td>
</tr>
<tr>
<td>RS 18</td>
<td>2.42</td>
<td>18,000</td>
<td>100 feet</td>
<td>80 feet</td>
<td>22 feet</td>
</tr>
<tr>
<td>RS 22</td>
<td>1.98</td>
<td>22,000</td>
<td>100 feet</td>
<td>80 feet</td>
<td>22 feet</td>
</tr>
</tbody>
</table>

Notes:
1. All single-family residential lots/parcels developed/built out (or proposed to be developed/built out) with either attached or detached single-family residential dwelling units (i.e., houses or townhouses) thereon, shall have/maintain at least 22 feet of public street frontage.

Exception A: RS 4 zoned properties shall only be allowed within single-family detached subdivisions platted after <date of enactment of code amendment ordinance> and in accordance with rules set forth in section 10-27-4 of this title.

Exception B: Building lots established in accordance with subsection 10-27-4A of this title during the platting process may enjoy smaller than normal minimum lot sizes as stated in that section. However, terms of a development agreement or entitlement instrument/permit may require otherwise.
Chapter 15
DOWNTOWN SUBDISTRICTS (DB, DV, DH)/ZONES

10-15-1: DESCRIPTION AND PURPOSE:
10-15-2: PERMITTED BUILDINGS AND USES:
10-15-3: BUILDINGS AND USES PERMITTED CONDITIONALLY:
10-15-4: DB DOWNTOWN BUSINESS SUBDISTRICT:
10-15-5: DV DOWNTOWN VILLAGE SUBDISTRICT:
10-15-6: DH DOWNTOWN HISTORIC SUBDISTRICT:
10-15-7: DESIGN STANDARDS APPLICATION PROCEDURES:
10-15-8: DESIGN STANDARDS APPEALS:
10-15-9: DEFINITIONS:

10-15-9: DEFINITIONS: IS HEREBY REPEALED

10-15-6: DH DOWNTOWN HISTORIC SUBDISTRICT:

B. Applicability:

1. The provisions of this section shall apply to all forms of building and site improvements within the DH subdistrict including building expansion, facade improvements, new construction, rehabilitation, remodel, exterior site improvements, and signs. The specific provisions that apply to the various categories of development activities are as follows:

<table>
<thead>
<tr>
<th>Type Of Project</th>
<th>Applicable Code Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expansion over 25 percent</td>
<td>10-1-6 and 10-15-6</td>
</tr>
<tr>
<td>Exterior site improvements</td>
<td>10-1-6, 10-1-18, 10-15-6, and 10-22</td>
</tr>
<tr>
<td>Facade improvements; includes painting or repainting</td>
<td>10-15-6 and definitions as found in 10-15-9</td>
</tr>
<tr>
<td>New construction</td>
<td>10-1-6 and 10-15-6</td>
</tr>
<tr>
<td>Rehabilitation</td>
<td>10-1-6 and 10-15-6</td>
</tr>
<tr>
<td>Remodel</td>
<td>10-1-6 and 10-15-6</td>
</tr>
<tr>
<td>Signs</td>
<td>10-15-6 and 10-23</td>
</tr>
</tbody>
</table>

2. The provisions of this subsection shall not apply to preexisting buildings that are expanded less than twenty five percent (25%) unless a change of occupancy is determined as defined in section 10-1-6 of this title.

...
C. Fencing/Screening: Fencing of anything other than mechanical or maintenance related equipment or stored inventory or trash receptacles is prohibited. Trash receptacles shall be screened from view by durable enclosures resembling the related building's façade with durable materials as found on the related building's façade.

10-21-3: AGRICULTURAL ANIMALS AS PETS:

D. A residence may have a maximum of two (2) potbellied pigs, and the aggregate number of pigs and dogs they are allowed shall not exceed three (3).

In the case of potbellied pigs kept as pets, the number allowed (maximum of 2) shall be in lieu of and not in addition to the number of dogs allowed in the city, two (2), and kept by an owner or claimant as pets. (Thus, if a person has a dog, they may only have 1 potbellied pig.) If they have two (2) pigs they may not keep dogs unless a conditional use permit is first obtained to have a kennel.

10-22-4: COMMON/SHARED PARKING FACILITIES FOR MIXED USES AND OFF-SITE PARKING ALLOWANCE:

In the case of determining the number of required parking spaces for mixed uses (e.g., a shopping center, office complex, etc.), or for shared spaces in a multi-structure development (like an apartment complex), the total requirements for off street parking spaces shall be the sum of the requirements for the various uses.

Off street parking facilities for a particular use shall not be considered as providing parking facilities for any other use except under the following conditions:

10-22-5: PARKING AREA IMPROVEMENTS AND PLANS:

C. Site Improvement Permit: A site/landscape development plan shall be submitted with the application for the permit to the city building department with a copy to the city planning and zoning department and to the city engineer prior to actual development. The plan shall indicate the proposed design including location, size, shape, design, curb cuts, lighting, landscaping, drainage, and construction details, accessible spaces and ramps along with any other features and appurtenances deemed necessary by the city engineer. The City shall have thirty (30) days to process the permit. Upon issuance of the permit, development plans may be executed. Any improvements in the right of way, including curb and gutter, sidewalk, driveway approaches or cuts in existing curbs, etc., shall require application for an issuance of a right of way permit from the city engineer's office prior to actual construction. The
permit fee shall be set/established by council resolution. The permit shall be valid for a period of six (6) months unless extended by consent of the planning and zoning, and engineering departments.

D. Surfacing: In any zoning district, all areas where any kind of vehicles may/will traverse, be parked or stored (e.g., new principal/primary residential driveways, drive aisles and/or service drives, private or public roads, display areas, drive-throughs, loading dock areas, parking lot areas, parking pads, turnaround areas, vehicle storage areas, etc.), emplaced subsequent to April 11, 2011, shall be required to be paved (via asphalt or concrete) except secondary/auxiliary residential dwelling unit driveways and/or parking pads for recreational vehicles, and, certain parking lots as noted hereafter:

2. Certain Permanent Parking Lots Exempted: Certain types of permanent parking lots may be established in the city without having to be paved, striped or even landscaped, but only in accordance with the following conditions/situations:

a. That the parking lot is used or intended for use by/for vehicle salvage/wrecking yard areas, and/or used by/regularly parked on by semitrucks or other trucks of equivalent GVW (gross vehicle weight unloaded) heavy or construction/mining type vehicle/machinery or RV storage lots [within storage unit complexes or subdivisions or as stand-alone commercial ventures] and/or are used as contractor's storage yards in which case:

10-22-6: SPECIAL PARKING AND LANDSCAPE CORRIDOR DISTRICTS AND SPACES REQUIRED:

A. Special Parking/Landscape Corridor Overlay District(s): Provision for special parking and landscape corridor overlay districts is hereby established in order to accommodate the need for off street parking ratio and parking and landscape strip design alternatives in specific city areas above and beyond what is normally allowed. Origination of such areas results from various causes including: legal nonconformities in landscape strip, parking area, service drive, landscape area and even setback areas introduced by the city or state doing street improvements (including widening), implementation of special plan studies, enactment of local improvement districts, and so forth.

The following regulations, in addition to the general regulations of this chapter, shall apply to all land classified as being and sited in a P district. If any of the parking or chapter 33 of this title landscape corridor regulations specified in this title differ from the corresponding

2. Garrity Boulevard Special Parking/Landscape Corridor District (P-2):

b. Requirements Of The P-2 District: Landscape corridor provision, parking layout/design, parking setback and provision of spaces shall adhere to requirements set forth in section 10-1-18.
figure 1 of this title, this section, and section 10-33-4 of this title. Expansion of site/structural improvements or property re-development/new construction that would normally require updating of site improvements in accordance with section 10-1-6 of this title shall still be therein required. Exceptions to such standards, where necessitated because of the property being legally nonconforming, may be allowed without requiring a variance. Structures destroyed by fire or other calamity may be rebuilt within the same footprint as previously occupied by the same but are exempt from having to update site improvements at that time to establish parking in accordance with this chapter. Additionally, as indicated in chapter 33 of this title, private properties within the P-2 district that have frontage abutting Garrity only have to install four feet (4') of landscaping along Garrity when such is required to be emplaced instead of fifteen feet (15'). Also, it shall be unlawful to place any form of temporary or portable sign on or in the landscape strips that lie along and abutting any section of Garrity Boulevard which is in the P-2 district.

b. Requirements of the P-2 District:

(1) Landscape corridor provision, parking layout/design, parking setback and provision of spaces shall adhere to requirements set forth in section 10-1-18, figure 1 of this title, this section, and section 10-33-4 of this title; and.

(2) Expansion of site/structural improvements or property re-development/new construction that would normally require updating of site improvements in accordance with section 10-1-6 of this title shall still be required for properties within the P-2 District. Exceptions to such standards, where necessitated because of the property being legally nonconforming, may be allowed without requiring a variance. Structures destroyed by fire or other calamity may be rebuilt within the same footprint as previously occupied by the same but are exempt from having to update site improvements at that time to establish parking in accordance with this chapter; and.

(3) Private properties within the P-2 district that have frontage abutting Garrity shall install but four-feet (4') of landscaping along Garrity when such is required to be emplaced instead of twenty-feet (20') or other metric as determined by a zone.

...  

10-22-6: SPECIAL PARKING AND LANDSCAPE CORRIDOR DISTRICTS AND SPACES REQUIRED:

...

B. Number Of Spaces Required: The number of off-street/on-property [site] parking spaces required and/or provided for land and structure uses shall be no less than as set forth as follows for all zones save the DH and GBE districts. Where fractional number results, round to the next highest whole amount. Thus, 2.6 spaces needed for a project means that three (3) spaces are/will be actually required. Required spaces do not apply to uses in the DH or GBE.
<table>
<thead>
<tr>
<th>Property's/Structure's Principal Use Type</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barber and beauty shops</td>
<td>1 per 75 square feet of gross floor area</td>
</tr>
<tr>
<td>Churches, clubs, lodges</td>
<td>1 per every 4 fixed seats or every 8 feet of bench length or every 28 square feet</td>
</tr>
<tr>
<td>Dwelling, single-family</td>
<td>2 per dwelling unit on a single lot property (note: at least one space shall be covered or covered and enclosed in RS Zoned areas)</td>
</tr>
<tr>
<td>Dwelling, (to be) converted into a commercial business/office</td>
<td>Shall be in accordance with other requirements in this section (e.g., for small item retail 1 per 250 square feet of net floor area) or the maximum number of parking spaces that will/can be made to fit on the property without needing to obtain a variance, whichever standard is less restrictive</td>
</tr>
<tr>
<td>Dwelling, two-family or multiple</td>
<td>2 per dwelling unit (plus 1 extra per building [for use as an ADA space] when a fourplex or higher density residential building is served/developed) by itself on a property; when ADA parking is to be commonly shared amongst two or more properties in the same development, ANSI code shall be used to determine the number of required ADA parking stalls to be provided</td>
</tr>
<tr>
<td>Elderly housing</td>
<td>1 per 2 dwelling units</td>
</tr>
</tbody>
</table>

...
Offices:

<table>
<thead>
<tr>
<th>Type of Office</th>
<th>Per Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical offices (e.g., doctor, dental, optometrist,</td>
<td>1 per 150 sq ft</td>
</tr>
<tr>
<td>chiropractic, etc.)</td>
<td>of usable/used</td>
</tr>
<tr>
<td>Standard/professional</td>
<td>1 per 400 sq ft</td>
</tr>
<tr>
<td>business/accessory to industrial use (i.e., all but</td>
<td>of usable/used</td>
</tr>
<tr>
<td>medically related types)</td>
<td>net floor area</td>
</tr>
</tbody>
</table>

10-22-7: LOADING SPACES:

Each off street loading space [open air or dock] shall measure not less than thirty five feet by twelve feet (35' x 12') and shall have an unobstructed height of fifteen feet (15') and shall be made permanently available for parking and shall be surfaced, improved and maintained as required in section 10-22-5 of this chapter. Required loading spaces shall be in conformance with the following:

SUBSECTIONS 10-22-17 A AND 10-22-17 B ARE HEREBY REPEALED

10-23-2: DEFINITIONS:

ILLUMINATED, HALO: Illumination of a sign from a light source that is not visible and is concealed or contained within the sign or located between the sign and the structure/wall. Illumination from the source of the light becomes visible in darkness when the light is reflected off of the structure/wall upon which the sign is attached. See also the definition for “LIGHTING DIRECT”.

ILLUMINATED, INTERNAL: Illumination of a sign from a light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. This includes illumination by gas filled luminous tubes, such as neon, argon or fluorescent. See also the definition for “LIGHTING DIRECT”.

LIGHTING, DIRECT: Illumination of a sign via one or more internal fixture(s) -- including those that produce a halo effect.

LIGHTING, INDIRECT: Illumination of a sign via an external light source (e.g., floodlighting). As stated in the definition of a “floodlighted sign” it may be. “A sign illuminated only by devices which reflect or project light upon it.”

10-23-8: PROHIBITED SIGNS:

The following signs are prohibited:

... J. "Billboard Type" Outdoor Advertising Signs:

3. In order to relocate a billboard within the city, application shall first be made to the planning and zoning department. A relocated billboard must meet/comply with requirements listed in this chapter in order to be allowed. Not more than one billboard sign shall be allowed per property. Minimum spacing between poster-type billboard signs on the same side of a right of way shall be no less than one thousand (1,000) linear feet, measured along the centerline of the roadway. Minimum spacing between painted-type billboard signs on the same side of a right of way shall be no less than three thousand (3,000) linear feet, measured along the centerline of the right of way. Minimum spacing between a poster-type or painted-type billboard sign on the other side of a right of way from another such sign shall be no less than three hundred (300) linear feet, measured along the centerline of the right of way. No grouping of signs on a single pole shall be allowed. If a proposal for relocation of a billboard sign is deemed to meet applicable codes, the city shall permit relocation of the sign. (Ord. 4178, 5-18-2015)

4. The allowance to relocate billboards shall not be deemed or construed to permit painted billboard signs existing along Interstate 84 prior to the effective date hereof to be moved to other parts of the city away from the interstate.

5. Abandonment: If a billboard is removed from a property, and it is neither relocated (nor is an application for its relocation filed) within 30 days, the right to maintain said billboard will be deemed abandoned.

6. Other types of outdoor advertising signs are permitted in accordance with this chapter.

...
### TABLE 10-23-20(E)
PERMANENT SIGNS PERMITTED IN THE GB1/GB2/GBE ZONES

<table>
<thead>
<tr>
<th>Type Of Sign</th>
<th>Number Allowed</th>
<th>Maximum Allowable Height Above Grade</th>
<th>Maximum Display Surface Area Per Establishment</th>
<th>Spacing And Location</th>
<th>Illumination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall, marquee, canopy or awning</td>
<td>1 or more²</td>
<td>1' above building for single story; 5' for buildings &gt;30'</td>
<td>20% of building or tenant wall (as pertinent)</td>
<td>Indirect or internal for wall; also direct for others</td>
<td></td>
</tr>
</tbody>
</table>

### TABLE 10-23-20(K)
PERMANENT SIGNS PERMITTED IN THE RS6, RS7, RS8.5, RS12, RS15, RS18, RS22, RA, AND RD ZONES

<table>
<thead>
<tr>
<th>Type of Land Use</th>
<th>Number Allowed</th>
<th>Maximum Allowable Height Above Grade</th>
<th>Maximum Display Surface Area</th>
<th>Illumination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential subdivision</td>
<td>12 per entry</td>
<td>8'</td>
<td>64 sq. ft.</td>
<td>Indirect or internal</td>
</tr>
</tbody>
</table>
10-24-2: ACTIONS:

B. Waiver: The Council may grant variance permits for the waiver of required front and/or street side yard setbacks, or for fence, walls or hedge heights. In order to approve such variances, the Council must conclude that a request is acceptable based on the conclusions listed in subsection A of this section and also accept a substitute plan, which provides equal safety or aesthetics qualities by other means. The substitute plan must:

10-25-15: CONDITIONAL USE EXPANSIONS AND MODIFICATIONS:
IS HEREBY REPEALED AND REPLACED WITH

Holders of valid conditional use permits may apply to Expand or Modify the nature or conditions of their CUPs.

A. Expansions To CUP Authorized Uses and/or Structures: Expansions to uses and/or structures that were originally approved via a conditional use permit may be allowed in accordance with the following provisions:

1. Scope of Increase to Facility or Use Less than 10%: Proposed physical expansions that do not exceed ten percent (10%) of the square footage (whether related to 1 or more structure's size(s) and/or a use's area coverage on a property) of an approved conditional use shall be allowed without formal Planning Commission approval via hearing provided that they: 1) Conform to all zoning regulations of this title, 2) any needed permits (e.g., building, right of way, variances, etc.) for such change are obtained from the city as appropriate, 3) will not adversely impact the surrounding neighbors, and 4) will not increase residential dwelling unit density.

2. Scope of Increase to Facility or Use Greater than 10%: Proposed physical expansions to uses and/or structures exceeding ten percent (10%) of the square footage (whether related to one or more structure(s)' size(s) and/or a use's area coverage/footprint on a property) of a use previously approved via a conditional use permit shall require commission approval via the public hearing process before any such expansion may occur.

B. Modifications to Conditions of CUP Authorized Uses and/or Structures: The commission may revoke or modify CUP conditions if acting upon a request as applied for by a true representative of the CUP holder. Modifications to approval conditions imposed by the city council shall only be modified/changed by order of the council.
Modifications to approval conditions may be allowed provided that: 1) the modification will not result in unjustifiable negative impacts on surrounding properties, 2) the modification will comply with all zoning regulations, and 3) the modification will not unjustifiably burden adjacent roadways.

Changes that meet any of the following criteria shall require commission approval via the public hearing process (or council approval if they approved the original CUP request):

1. A modification to a specifically approved or required open space area or amount (excepting those made a part of a subdivision plat or PUD); and/or,

2. A change in elevation(s) of one or more structures where the elevation was once specifically required to be in a certain form or was proposed and accepted to be in a particular style or of a specified height; and/or,

3. A change in the site layout of a project including relocation of pads, streets, structures, or parking areas when such were specifically approved or required as part of an earlier CUP approval; and/or,

4. A request to delete one or more conditions of approval originally imposed on a CUP project; and/or,

5. A request to change the nature of the use(s) the original CUP sanctioned provided that the new use(s) proposed are at least allowed via a new CUP issuance...

10-27-2: PRELIMINARY PLAT APPLICATION FORM, CONTENT AND PROCESS:

B. Application: Every person seeking to subdivide land shall file with the planning and zoning director appropriate application materials including a completed subdivision application package including fifteen (15) copies of the preliminary plat (with supporting data as required in this section). One reduced copy eleven inches by seventeen inches (11" x 17") and one reduced copy eight and one-half inches by eleven inches (8 1/2" x 11") of the preliminary plat together with requisite review fees shall also be concurrently submitted. An electronic copy of all preliminary plats shall be filed in AutoCAD format, version 14 or higher. An application for a proposed plat must be accompanied by written consent from all property owners whose land(s) are to be made a part of the plat. Any application to re-plat a subdivision's common areas shall also require the consent of the HOA board of said subdivision (if the HOA is active and on file with the Idaho Secretary of State).
10-27-4: SPECIAL SUBDIVISIONS AND DEVELOPMENTS:

A. Master Community Subdivisions, Infill Homes (see Section 10-1-2, Definitions)

... 

3. Reduced Sized Lots Within Residential Subdivisions Within in RS Districts: Within a subdivision developed in an RS zone, building lots sized below normal minimum required size (termed "infill lots") may be developed in accordance with the standards listed hereafter. Detached homes built on said lots are termed "infill homes", though they might not be smaller than homes on regular sized lots in the same development. Furthermore, two-unit townhouses may be allowed without requiring a conditional use permit to preauthorize emplacement of the same in a subdivision, in accordance with the standards listed hereafter:

... 

f. ... 

... 

(1) In no case shall garages or carports be allowed closer than twenty feet (20') to the street giving access to a lot, although, the living space (non-parking) part of the home may be within fifteen-feet (15") of the street line closer than twenty feet (20') to the street. (Ord. 4159, 1-20-2015)

... 

4. Reduced Sized Lot RS Zoned Subdivisions:

A. Master Community, Not PUD or Infill: When a subdivision intended for development as a "master community subdivision" is platted in an RS 4 zone, building lots 4,000 sq. ft. or larger in area may be platted throughout said subdivision in accordance with the standards listed hereafter:

a. Dwelling units shall comply with parking requirements of the RS 4 zone;

b. Dwelling units shall be subject to architectural controls as administered by a homeowners' association using their CCRs and any related policies;

c. RS 4 building lots are, and shall be, exempt from the subdivision minimum lot size average and periphery compatibility requirements stated in subsection 10-27-6F2a of this chapter;

d. Front, side and rear yard setbacks, and minimum lot width pertaining to master community building lot(s), shall be [as] per pertinent RS district standards unless approved otherwise by action of the city council.
e. Open Space Requirements:

(1) Open spaces required shall be:

aa. Those required by Chapter 33 corridor beautification standards for those areas that abut external collector or arterial rights-of-way; and,

bb. Those that may be required as part of deed and dedication of land and placement of a City required and standards compliant master pathway; and,

c. At least 500 sq. ft. per building lot to be made a part of a continuous, permanent, “functional” common open space privately held and maintained by the subdivision’s property owners and formed to establish a parkway/pathway area located behind and between parallel rows of what would normally be back-to-back building lots that abut two separate and roughly parallel internal roadways; at least 30% of building lots shall be designed to be adjacent to, or at a minimum, have direct access to common area open space. The term “direct access” means all building lots are to be located at least 250’ away from a micro-pathway that connects to a common area open space lot; and,

d. At least 700 sq. ft. per building lot of open space permanent, common open space privately held and maintained by the subdivision’s property owners shall be made a part of a larger micro park or tot lot within the master community and shall be required to be “functional” as specified hereafter....

(2) Functional Open Space: Open space in master community subdivisions may, and shall, only be constituted by, or as, land area within an infill subdivision that:

aa. Is not covered by buildings, parking structures, or accessory structures (except commonly held recreational structures);

bb. Is not enclaved inside individual, privately held building lots;

c. Is not a part of any proposed or existing street, common driveway, private driveway or parking pad, alley, or exclusive easement;

dd. Is not fully or partly proposed as part of a water channel, exclusive waterway easement, swamp or high-water table (2’ or less to static), retention basin deeper than one-foot (1’);

ee. Is not proposed to be platted into lots arranged in such oddly dimensioned, unusable shapes, as to be considered realistically unusable, as determined by the Director or his designee, for groups of people engaged in passive or active recreation;

ff. Is not land not made a part of a school site (including all lands inside a school’s property boundaries including its playground(s));
gg. Is not land not necessarily allocated to street frontage landscape strips via common lots or in easements in order to satisfy requirements of chapter 27 or 33 of this title.

hh. Which is distributed equitably throughout the subdivision, as determined by the Planning Commission, in relation to the dwelling units of the people open space lots are intended to serve.

B. Infill, Not PUD Subdivision: When a subdivision intended for development in a non-RS 4 zone qualifies as a "residential infill subdivision", building lots sized below normal minimum required size (termed "infill lots") may be platted throughout said infill subdivision in accordance with the standards listed hereafter:

a. The minimum lot size per individual infill home or each two-unit townhouse shall be at least two-thirds (2/3) of that normally required in the RS zone within which the residential structure is proposed.

b. Dwelling units constructed within a residential infill subdivision shall comply with parking requirements of the respective zone within which the subdivision lies.

c. Reduced lots are, and shall be, exempt from the subdivision minimum lot size average and periphery compatibility requirements stated in subsection 10-27-6(E)(2)(a) of this chapter.

d. Front, side and rear yard setbacks, and minimum lot width pertaining to infill home building lot(s), shall conform to RS district standards unless approved otherwise by action of the city council.

Should the city council authorize reductions in required setbacks for infill developments during review of a plat wherein the units will be located, the following conditions shall control:

(1) In no case shall garages or carports be allowed closer than twenty feet (20') to the street giving access to a lot, although, the living space (non-parking) part of the home may be within fifteen-feet (15') of the street line.

(2) If the council approves reduced setbacks in the plat review stage, then building envelopes reflecting the council's reduced setback allowance shall be depicted graphically or referenced by note on the final plat.

(3) Any "developer proposed" building envelopes shall be depicted on preliminary plats and shall likewise be noted on final plats (or portions of final plats where the provision for dwelling units was made).

e. Open Space Requirements:

(1) Any differential (i.e., reduced area vs. the minimum building lot square footage normally required in RS Zone within which an infill subdivision is proposed) in building lot sizes proposed for an infill subdivision plat shall be transferred to another part of the plat as open space. Open space required shall be 2/3rds of the amount of differential.
between the minimum lot size normally required by the zone within which the subdivision is proposed to be developed and the actual building lot sizes planned therein.

(2) Qualifying (i.e., "Functional") Open Space: Unless otherwise approved, not less than fifteen percent (15%) of the total gross area of any residential infill subdivision shall be retained as permanent, common open space privately held and maintained by the subdivision’s property owners.

(3) Functional Open Space: Open space in residential infill subdivisions may, and shall, only be constituted by, or as, land area within an infill subdivision that:

   aa. Is not covered by buildings, parking structures, or accessory structures (except commonly held recreational structures);

   bb. Is not enclaved inside individual, privately held building lots;

   cc. Is not a part of any proposed or existing street, common driveway, private driveway or parking pad, alley, or exclusive easement;

   dd. Is not fully or partly proposed as part of a water channel, exclusive waterway easement, swamp or high-water table (2' or less to static), retention basin deeper than one-foot (1')

   ee. Is not proposed to be platted into lots arranged in such oddly dimensioned, unusable shapes, as to be considered realistically unusable, as determined by the Director or his designee, for groups of people engaged in passive or active recreation;

   ff. Is not land not made a part of a school site (including all lands inside a school's property boundaries including its playground(s));

   gg. Is not land not necessarily allocated to street frontage landscape strips via common lots or in easements in order to satisfy requirements of chapter 27 or 33 of this title.

   hh. Which is distributed equitably throughout the subdivision, as determined by the Planning Commission, in relation to the dwelling units of the people open space lots are intended to serve.

f. Residential Infill Subdivision Qualifications: A residential subdivision shall be required to comply with the following criteria in order to qualify for "infill" status (and be correspondingly entitled to development under the regulations associated therewith):

   (1) Said subdivision is located in an “enclaved” area as designated on the City’s official zoning map or GIS land use map, or, is surrounded on at least three (3) sides by properties within the city’s incorporated limits; and,
(2) Said subdivision shall be deemed to be serviceable with full city utilities (i.e., sewer, potable water and irrigation [pressurized or otherwise] water); and.

(3) Said subdivision is deemed to be of no or low impact on the abutting and adjoining street network(s) by city engineering or may be accommodated by system improvements as defined by a traffic impact study where required by city engineering; and.

(4) Said subdivision shall comply with all street, landscaping and fencing standards/requirements associated with standard residential subdivision plats; and.

(5) Dwelling units proposed within residential infill subdivisions that are proposed to have building lots not fronting a standard public street shall have their garages or carports at the back of the house [may be attached or detached structures] where they shall access either a city approved alley or common driveway in order to promote an improved residential, “new urban” subdivision character. In such cases, a public or approved private street shall still be used to provide road frontage to said lots, but such street may be of reduced width as allowed by the City’s engineering design and specification manual. Street frontage in between home fronts shall allow solely for two-way traffic flow.

   aa. Two (2) parking spaces shall be required of each home site at the alley/common drive.

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10-27-6: GENERAL DEVELOPMENT AND IMPROVEMENTS; REQUIREMENTS:

F. RS6 And RS7 Zones; Residential Lot Compatibility:

1. Subdivisions Within City Limits: Any newly proposed single-family subdivision that is proposed to be located within city limits or proposed for annexation into the same with an RS6 or RS7 zone designation, and that is abutting or within eighty five feet (85') of the property line(s) of a recorded single-family residential city subdivision or one that has at least still valid preliminary plat approval, or an approved county subdivision recorded after June 14, 1977, shall meet the compatibility requirements listed within this section, except as hereinafter exempted.

A newly proposed subdivision's lots (typically the periphery ones) need not meet the requirements of this section if either:

a. A signed waiver is obtained from the developer(s) of the "pre-existing subdivision" and all the impacted property owners of lots within that "preexisting subdivision" that abut the newly proposed subdivision; and/or

b. Proposed lot(s) would abut a planned unit development (PUD) lot (or when a proposed PUD lot would abut a standard lot), then lot compatibility review is not required between the PUD and the subdivision. Average building lot area of an RS6 or RS7 zoned subdivision shall be determined by dividing the total land area of a subdivision development by the acreage of all new (newly proposed) building lots (exclusive of unusable parts of lots devoted to waterway easements, rights of way dedications, pedestrian paths) proposed within that same development; and/or

c. Proposed lot(s) are comprised of two-unit townhouse master lots...

H. Pedestrian/Cyclist Pathways/Trailways: The city may require the placement of bikeways, pathways [including micro-paths], or trailways to encourage non-motorized forms of travel and to provide safe, convenient and aesthetic alternative travel routes to common destinations such as schools, parks and shopping centers. Pathways shall be required, located, and designed per the city master trail plan, the manuals referenced in subsection 10-27-1F of this chapter, or as required by the city staff or council.

1. Master planned pedestrian/cyclist pathways/trailways may be located on common lots or deeded lots to be owned and maintained by the city.

1. Pedestrian/cyclist pathways/trailways, provided in conformance to Nampa bicycle and pedestrian master plan, shall be located on properties deeded and dedicated to the city.

2. Intra-subdivision (including PUDs) pedestrian/cyclist pathways/trailways, shall be designed and laid out in such fashion as to provide linkage to Nampa City path/trailways and to adjoining subdivision paths or undeveloped parcels as required by the City.
2.3. Maintenance of pedestrian pathways and surrounding common area grounds shall be by a
subdivision homeowners' association, or in the case of a single parcel or lot by that property
owner; alternatively, those paths and adjoining property on land owned by the city shall be
maintained by the city.
3.4. Any common areas associated with this section shall be open to the general public.

**10-27-12: CORRECTING/VACATING/AMENDING PLATS:**

B. Amending A Preliminary Plat After It Is Approved But Prior to Final Plat Approval Of Any
Portion Thereof: An amended plat design, application materials and method of filing shall be
executed in accordance with the regulations established in this chapter in order to have the
changes become valid and recognized.

Nevertheless, design changes to approved preliminary plats made prior to final plat approval and
recording and incorporated within a final plat design shall not require rehearing of the original
preliminary plat by the Planning and Zoning Commission (or City Council if they already
reviewed the preliminary plat) if the proposed design change(s), does(do) not:

D. Correcting Plats:

1. Affidavits Of Correction: Affidavits of Correction may be used to execute corrections to plats
that are strictly/truly scriveners errors (i.e., typos, minor changes to mapping, etc.) and thus do
not have the effect of changing a plat's exterior boundaries, a recorded plat's notes, common area
 provision or boundaries, or, the numbering scheme used for lots and/or blocks in a subdivision.

4. Re-Platting Of Original Plat: Re-platting shall be required in order to execute a material or
substantive change to a plat (i.e., to a plat's exterior boundaries, changes to a recorded plat's
notes, or alteration of plat notes or common area designation, or a change to the numbering
scheme used for lots and/or blocks in a subdivision). As allowed by subsection 10-27-4.E of this
chapter, property lines internal to a subdivision may be adjusted or receive the effect of being
erased, by a record of survey property line adjustment or density reduction survey. (The City
acknowledges that a record of survey line adjustment or density reduction does not actually move
or delete the original subdivision line(s) being affected thereby; however, the City treats the
action as if a plat amendment moving or erasing the lines had been executed.)

a. Land, exclusive of public right-of-way, that has been subdivided and platted in accordance
with City law need not be vacated in order to be re-platted.

b. Any re-plat(s) shall conform to current engineering plat language requirements in effect at the
time of re-platting.
c. A re-plat may be handled as a "short plat" if it involves seven (7) or fewer lots, unless a substantive or material change is being proposed to the plat notes or conversion of a common lot to or from a privately held lot (e.g., building lot) in which case the plat amendment will be processed as a "full plat" application; and, must be accompanied by written consent from all property owners whose land(s) are to be made a part of the plat and, if applicable, the consent of the HOA board of the subdivision (if the HOA is active and on file with the Idaho Secretary of State).

10-29-3: DEVELOPMENT STANDARDS:

The use of a multi-sectional (e.g., "double" or "triple wide") manufactured home as a permanent residential dwelling on an individual lot shall be permitted in any zoning district of the chapter which permits installation of a single-family site-built dwelling provided the following standards are met:

A. It is multi-sectional and at least twenty-feet (20') wide; was built after 1976 and confirmed to meet HUD standards applicable to manufactured home construction;

B. Has a minimum floor area of one thousand (1,000) nine hundred (900) square feet.

C. Has roofing materials which are generally acceptable for site-built housing, and which have:
Any roofing materials may be used provided it has the appearance of a nonmetallic shingle, shake or tile roof. Roofs shall also have a minimum slope of twenty-five percent (25%) (3:12) and overhanging eaves.

D. Has siding materials which are generally acceptable for site-built housing, and which have:
Any siding materials may be used provided it has the appearance of wood, masonry or horizontal metal siding. Reflection from horizontal metal siding shall be no greater than that from siding coated with white, gloss enamel.

E. Has a foundation of concrete or other material allowed by the uniform international building code for site-built homes which is aesthetically compatible with the manufactured home having the appearance of site-built construction. This means the fascia shall be an extension of the siding or be of materials having the appearance of site-built foundations such as brick, concrete or concrete block.

F. Is permanently affixed per manufacturer's instructions. Footings shall be of poured masonry extending twenty-four inches (24") below grade.

G. Has a crawl space with the following minimum measurements: 1) eighteen inches (18") of clearance; 2) twelve inches (12") of clearance under beams; and 3) an eighteen inch by twenty-four inch (18" x 24") door.

H. Complies with all applicable lot size, setback, and other requirements of the zoning district in which it is to be located.

I. Provides two (2) off street parking spaces.
J. **When placed in a RS Zone**, HH has a single car garage, or a carport with an attached enclosed storage room.

K. Provides right of way improvements in the same manner as site-built construction, in accordance with city policy.

L. Manufactured homes shall not be allowed in subdivisions where they are prohibited by restrictive covenants.

M. Manufactured homeowners or purchasers shall own or be purchasing the land upon which their home is to be placed. The owner or purchaser shall record with the county recorder a non-revocable option declaring the manufactured home as real property. These requirements shall not apply within any duly approved mobile home park or to lands having mobile homes legally placed and resting on them prior to June 7, 2004. Exceptions may also be granted as a part of a planned unit development approval.

N. Manufactured homes shall meet the requirements of the 1995 edition of the model energy code as adopted in section 4-2-1 of this code, or other equivalent standard approved by the city.

O. Manufactured homes shall be provided with smoke detectors as required in the **uniform international** building code, section 1210, "smoke detectors and sprinkler systems", before final inspection and occupancy. Smoke detectors required in addition to those provided for in the department of housing and urban developments, part 3280 of 24 CFR, "manufactured home construction and safety standards", may be of the battery operated type.

P. Manufactured homes not meeting standards in subsection A, B, E, J, N or O of this section shall not be allowed. Placement of manufactured homes not meeting standards in subsection A, B, E, J, N or O of this section may be considered by the planning commission on a case by case basis in all other residential use districts in accordance with the conditional use permit provisions of chapter 25 of this title. (Ord. 3354, 6-7-2004)

**10-33-4: CORRIDOR LANDSCAPING REGULATIONS:**

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B. Landscape Plan:

1. A landscape plan is required for all developments.

   a. A landscape plan (or set of plans as may be needed and/or required by city staff) shall be submitted in conjunction with an application for a building permit for a new structure or an off-street parking design permit. **The city arborist/forester shall review and comment on development applications when such applications are submitted to the City.** (Subdivision plat, planned unit development plan and conditional use permit applications all have their own landscape plan submittal requirements, and, shall also require that landscape stripping be emplaced via imposing appropriate conditions of approval.)