Proposed Amendments to Sections of Nampa City Code, Title X (ZTA 013-19).

Applicant: City of Nampa
File No: ZTA 013-19

Prepared by: Rodney Ashby, AICP
Date: November 15, 2019

Requested Action(s): Amendment of Title 10, Chapter 3, Establishment of Districts and Provisions for Nonconforming Uses; Amending Section 10-33-02 pertaining to Residential Land Use/Building Occupancy Type Notes 1.a. and 1.b. (ZTA 013-19)

City Legal Counsel has drafted the attached ordinances for adoption.

Requested Action: Recommendation of Approval to Nampa City Council

CORRESPONDENCE

No comments

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 ANALYSIS
In an e-mail to Planning & Zoning on October 25, 2019, the Nampa Building Department outlined concerns about the way our current code is written regarding accessory dwelling units. The Building Department pointed out that the National Electric Code requires a 240 volt panel and 240 volt wiring for all residential structures. Our code currently prevents 220 volt or higher electricity to the residential portion of an accessory dwelling structure (Mother/Father-In-Law’s Quarters). This wording in the code was to help prevent garages and other accessory structures from being rented out, or to prevent them from being sold as separate primary dwellings. The Building Department pointed out safety concerns stated: “By limiting the ‘kitchenette’ to 120 volt plug and cord connected cooking appliances, the risk of electrical fire is increased due to the use of cord and plug connected equipment and higher ampacity 120 volt equipment.

The proposed ordinance, changing NCC 10-3-02 is attached as an exhibit. The following is a summary of the changes being proposed.
1. Removal of the wording under “Residential land use/building occupancy type notes” for accessory residential suites/wings/additions attached to the primary dwelling stating: “(with no 220 volt power source wired to or for the use of the kitchenette), and no ‘split’ electrical panel.”
2. Removal of the wording under “Residential land use/building occupancy type notes” for detached accessory residential “guesthouses” stating: “no 220 volt power source.”

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**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 Nampa City Code Text 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.

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**ATTACHMENTS**

1) Final Draft of an Ordinance amending text sections of Title 10, Chapter 3, Section 2 Schedule of District/Zone Land Use Controls.
ORDINANCE NO._____

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING TITLE 10, CHAPTER 3, SECTION 10-03-02, CONTAINING THE SCHEDULE OF DISTRICT/ZONE LAND USE CONTROLS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

BE IT ORDAINED by the Mayor and Council of the City of Nampa, County of Canyon, State of Idaho:

Section 1. That Title 10, Chapter 3, Sections 10-3-2, containing the schedule of district/zone land use controls, be amended as follows:

10-3-2: SCHEDULE OF DISTRICT/ZONE LAND USE CONTROLS:

District land use controls shall be as set forth in the succeeding schedule.

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| Residential Land Use/Building Occupancy Type | U | AG | RA | RS | HC | RD | RML | RMH | RP | BN | DB | DV | DH | BC | BF | GB1 | GB2 | GBE | IP | IL | IH |
|---------------------------------------------|---|----|----|----|----|----|-----|-----|----|----|----|----|----|----|----|-----|-----|-----|----|----|----|----|

Residential land use/building occupancy type notes:

1. Uses normal and incidental to the uses permitted in each respective zoning district. Specific regulations governing certain accessory uses in residential zones are as follows:
   a. As pertaining to residential living quarters built or intended for construction as independent suites/wings/additions for use as "father-/mother-in-law quarters" or the equivalent thereof, they are, and shall be limited to, having 1 bedroom, 1 bathroom, and kitchenette (with no 220 volt power source wired to or for the use of the kitchenette), and no "split" electrical panel. They also shall not have: a separate and exclusive laundry facility/room, separate address, separate mailbox, or their only access to the suite from the outside of the structure. (Note that a building permit and/or occupancy permit to sanction such improvement, and the use thereof, may be required by the city.)
   b. Detached accessory residential "guesthouses" (intended for temporary use/stay by friends or relatives) as separate structures are allowed on the same lot/parcel as a house provided they contain but 1 bedroom, no 220 volt power source, no separate
address or separate parking facility for their use. They may be combined with or be part of another detached structure such as a detached garage.

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Section 2. This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

Section 3. This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

Section 4. All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, this ___ day of __________, 2019.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, this ___ day of __________, 2019.

ATTEST:

Mayor Debbie Kling

City Clerk (or Deputy)