

## **Chapter 16**

### **BC COMMUNITY BUSINESS DISTRICT/ZONE**

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#### **10-16-1: DESCRIPTION AND PURPOSE:**

The BC community business district is intended to create, preserve and enhance areas with a wide range of retail sales and service establishments serving both long and short term needs in compact locations typically appropriate to commercial clusters near intersections of major thoroughfares. This district also includes some development that does not strictly fit the description of this chapter but also does not merit a zoning district. (Ord. 3761, 12-17-2007)

#### **10-16-2: PERMITTED AND NONPERMITTED BUILDINGS AND USES:**

Permitted and nonpermitted buildings and uses in the BC district shall be as set forth in section 10-3-2, "Schedule of District/Zone Land Use Controls", of this title, subject to the general provisions and exceptions set forth in this and other chapters of this title.

All principal property uses except newsstands, private or public parking areas, nurseries and service station pump islands shall be in an entirely enclosed building unless otherwise specified by a conditional use permit. Temporary uses may be allowed subject to regulations cited in section 10-1-12 of this title.

Accessory exterior storage affiliated with principal uses shall not be allowed in any area in front of the principal building(s) on a property and shall be otherwise screened from view with a sight obscuring fence, wall or hedge not to exceed eight feet (8') in height. Materials so stored shall be kept below the top of the fence.

Bars, taverns, and cocktail lounges are not and shall not be allowed within the BC zone in or on any property having frontage on or within three hundred feet (300') of Garrity Boulevard. Existing bars, taverns, cocktail lounges fronting that boulevard are considered legally nonconforming in accordance with the provisions of chapter 3 of this title but may not be expanded as also stated in that chapter. (Ord. 3761, 12-17-2007)

**10-16-3: BUILDINGS AND USES PERMITTED CONDITIONALLY:**

The planning and zoning commission may grant a conditional use permit for any of the conditional uses listed for the BC district as set forth in section 10-3-2, "Schedule of District/Zone Land Use Controls", of this title, in accordance with the procedures set forth in chapter 25 of this title. (Ord. 3761, 12-17-2007)

**10-16-4: BUILDING HEIGHT REGULATIONS:**

In the BC district there is no building height limitation, except when said district abuts upon a residential district, in which case the maximum permitted building height allowed on a BC property shall not exceed the maximum building height permitted in that residential district for a distance, into the commercial property, fifty feet (50') from the abutting boundary. (Ord. 3761, 12-17-2007)

**10-16-5: PROPERTY AREA, WIDTH AND YARD REQUIREMENTS:**

The following minimum requirements shall be observed:

- A. Property Area: No minimum is/shall be required.
- B. Property Width: No minimum is/shall be required. (Ord. 3805, 7-21-2008)
- C. Front Yard/Street Side (Setback): None required (0') when property abuts a local public street, a private street, or a service drive. Twenty feet (20') is/shall be required on/for all properties that abut front streets classified or identified as collectors or arterials on the most currently utilized Nampa urban boundary and functional classification system map. (Ord. 3960, 4-4-2011)
- D. Interior Yards: Properties within the BC district are not/shall not be required to provide interior yards (setbacks) if said properties abut property lines of commercially or industrially zoned property. When property lines of a property zoned BC abut property zoned single- or two-family residential, interior yards (setbacks) not less than ten feet (10') wide/deep shall be required against the residential district.

Exception: When an intervening sight obscuring fence at least six feet (6') tall that obscures visibility of a parking lot is placed between that commercially zoned property and an adjoining single- or two-family residential zoned property, then a zero foot (0') setback may be allowed in order to separate/screen the commercial property's parking lot from the residentially zoned property. (Ord. 4282, 9-19-2016)

- E. Access: All lots/parcels developed/"built out", or proposed to be developed/"built out" with structures thereon shall have, or be demonstrated to have, legal access to a public street, before the city may issue or approve construction of any structures on that lot/parcel (as iterated in the definition of "property" in section 10-1-2, "Definitions", and subsection 10-1-7B1 of this title). Lots/parcels developed in this zone do not have to have direct lot/parcel frontage on a public street however, only legal access to the same. (Ord. 3805, 7-21-2008)

**10-16-6: MAXIMUM PROPERTY COVERAGE:**

None specified. (Ord. 3761, 12-17-2007)

### **10-16-7: PARKING:**

All uses shall conform to the general provisions and loading area standards of number, area, surface, landscaping, screening and maintenance as required in chapter 22 of this title. All properties/uses shall also conform to the corridor landscape buffering provisions of chapter 33 of this title as appropriate. (Ord. 3761, 12-17-2007)

### **10-16-8: SIGNS:**

All signs shall conform to relevant requirements in chapter 23 of this title. (Ord. 3761, 12-17-2007)

### **10-16-9: OTHER REQUIRED CONDITIONS:**

The following additional conditions shall apply:

- A. **Setback from Residential Districts:** In any BC district directly across the street from any residential district or an agricultural district designated for residential use on the comprehensive plan, the commercial property's parking and loading facilities shall be distant at least twenty feet (20') from the intervening street's edge upon the commercial property. The requirements of this subsection shall not, however, apply where such residential district or agricultural district is separated from the BC district by a street planned to have a right of way of eighty feet (80') or more. (Ord. 3761, 12-17-2007)

### **10-16-10: LANDSCAPING:**

All site parking area and perimeter setback and landscaping shall be designed and emplaced in accordance with the requirements of chapters 22 and 33 of this title respectively and the following:

- A. **Landscaping:** The following landscape standards (in addition to those listed in chapters 22 and 33 of this title) shall apply to new construction or expanded construction (as defined by section 10-1-6 of this title) within the BC zone:
  - 1. **Location(s) And Quantity of Landscaping Required:**
    - a. **General Location Requirement:** Landscaping shall be emplaced on a site wherever a structure, pedestrian pathway or parking lot is not located.
    - b. **Arrangement:** Landscaping shall be arranged in a natural pattern designed by a landscape designer and shall serve to highlight the building entrances and pedestrian plazas without encroaching into public right of way or impede pedestrian and vehicular views or intrude into required vision triangles.
    - c. **Around Building Exteriors:** Shrubs and flowerbeds shall be required around any new building's exterior. Landscaping is also required in all yard areas of the development to enhance the appearance of a building when viewed from a right of way that abuts the development site.
    - d. **Screening:** Needled evergreens may be used to help screen mechanical equipment and service areas (refer to mechanical unit screening, subsection 10-16-11A5 of this chapter).

- e. Growth Coverage: Plants used in landscaping around a building or on a development site shall be selected to complement the scale of the development area and any building(s) thereon.
2. Landscaping Components Requirements:
- a. Composition of added plants selected (aside from what is required by chapter 33 of this title for a landscape strip along an arterial or collector street) shall be comprised of at least fifty percent (50%) flowering trees.
  - b. Landscaping shall be designed so that fifty percent (50%) coverage of the site occurs after the first year and ninety percent (90%) coverage occurs after five (5) years.
3. Stormwater Retention: Planter areas may be used to absorb on site stormwater in accordance with city stormwater regulations. (Ord. 3761, 12-17-2007)

### **10-16-11: DESIGN STANDARDS:**

Design review is required in certain instances for projects developed in the BC Zones; see chapter 34 of this title. (Ord. 4421, 3-4-2019)