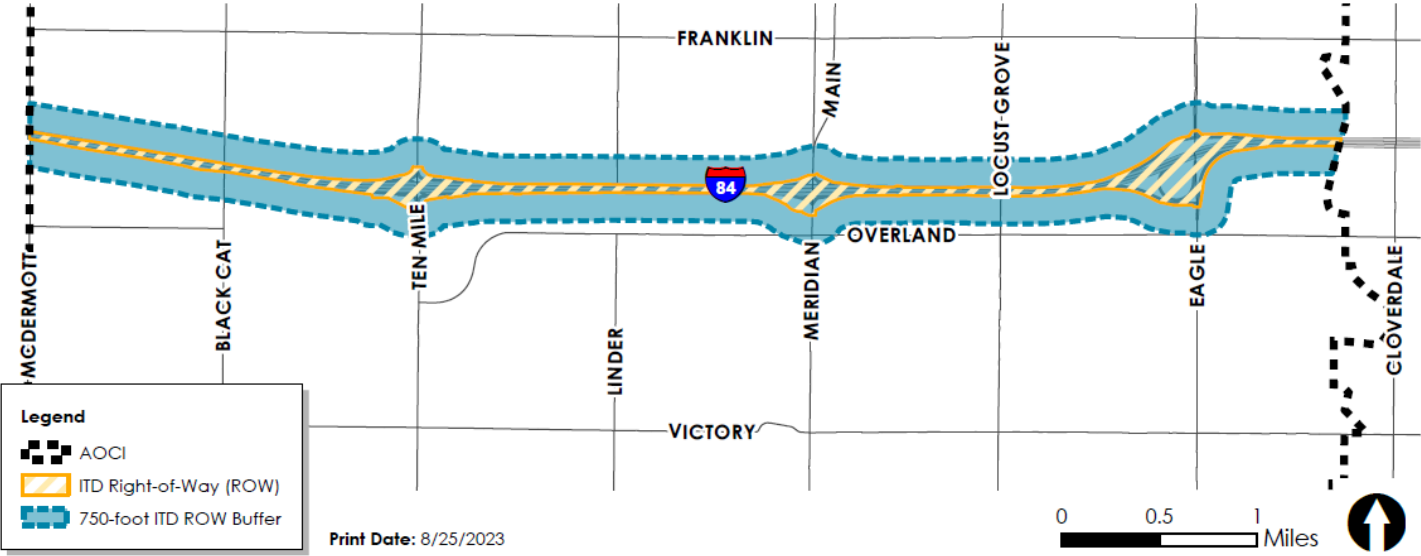


Proposed UDC Text Amendments																					
UDC Section	Topic	Reason for Change	Proposed Change																		
Table 11-2A-2	Allowed use table in the residential districts	Allow family daycares in the R-2 zoning district.	<table><tr><td>Use</td><td>R-2</td><td>R-4</td><td>R-4</td><td>R-8</td><td>R-15</td><td>R-40</td></tr><tr><td>Daycare, family¹</td><td>- <u>A</u></td><td>A</td><td>A</td><td>A</td><td>A</td><td>C</td></tr></table>					Use	R-2	R-4	R-4	R-8	R-15	R-40	Daycare, family ¹	- <u>A</u>	A	A	A	A	C
Use	R-2	R-4	R-4	R-8	R-15	R-40															
Daycare, family ¹	- <u>A</u>	A	A	A	A	C															
11-2B-3A.3	Standards	City is receiving more requests for height exceptions in certain locations. This is adding a new provision to the code to allow taller buildings in appropriate locations.	3. <i>Maximum height limit.</i> a. The maximum height limitations shall not apply to the following architectural features not intended for human occupation. steeple, belfry, cupola, chimney. Such architectural features shall have a maximum height limit of twenty (20) feet as measured from the roofline. b. The maximum height limitations shall not apply to the following: spire; amateur radio antenna; bridge tower; fire and hose tower; observation tower; power line tower; smokestack; water tank or tower; ventilator; windmill; wireless communication facility, or other commercial or personal tower and/or antenna structure; or other appurtenances usually required to be placed above the level of the ground and not intended for human occupancy. c. No exception shall be allowed to the height limit where the height of any structures will constitute a hazard to the safe landing and takeoff of aircraft in an established airport. d. Additional height not to exceed twenty (20) percent of the maximum height allowed for the district may be approved by the Director through the alternative compliance procedures set forth in chapter 5, "administration", of this title. Additional height shall be allowed when the development provides ten (10) percent of the building square feet in open space, courtyards, patios, or other usable outdoor space available for the employees and/or patrons of the structure, excluding required setbacks and landscape buffers. e. Additional height exceeding twenty (20) percent of the maximum height allowed for the district or when additional height is requested without providing the required open space in accord with subsection (A)(3)d of this section requires approval through a conditional use permit. <u>f. A maximum building height of one hundred (100) feet shall be allowed for properties that are within seven hundred fifty (750) feet of I-84 right of way in the C-C, C-G, M-E, and H-E zoning districts (see Figure 1 below) and properties adjoining I-84 interchanges.</u>																		

Figure 1: 100-foot Height Allowance Buffer Adjacent to I-84 Right of Way



11-3A-3A	Access to streets	A property owner can't grant an easement to themselves if they own multiple properties sharing access. Legal has advised Planning that the best way to ensure cross access is granted in this scenario is through the platting process. Therefore, staff is clarifying this section of code to include additional language that requires the dedication through a plat note. There may be instances when a property is not platting and therefore cross access can still be dedicated by a recorded easement.	A. The following standards shall apply to any use and/or property that takes direct access to an arterial and/or collector roadway. Prior to any new, expanded, or extended use or development of the property: 1. Where access to a local street is available, the applicant shall reconfigure the site circulation plan to take access from such local street. 2. Where access to a local street is not available, the property owner shall be required to grant cross-access/ingress-egress easements to adjoining properties, <u>either by recorded easement or as a note on a recorded final plat</u>. This standard is intended to apply primarily to nonresidential properties, but may extend to residential properties where the use is anticipated to change to a nonresidential use. 3. All subdivisions must provide local street access to any use that currently takes direct access from an arterial or collector street.
Table 11-3C-6	Required parking spaces for residential use (MF)	Modify footnote 1 to allow parking stall dimensions with carports to meet the required stall and drive aisle dimensions in UDC Table 11-3C-5.	Notes: 1 The size of the garage or carport required for dwelling units shall be measured by exterior dimensions and shall be at least ten (10) feet by twenty (20) feet for a one-space garage or carport and 20 feet by 20 feet for a two-space garage or carport. <u>All other required parking shall meet the required stall and drive aisle dimensions in UDC Table 11-3C-5.</u>

11-4-3-2	Arts, entertainment or recreational facility, indoors or outdoors	Require a conditional use permit for outdoor lighting	A. <i>General standards.</i> 1. All outdoor recreation areas and structures that are not fully enclosed shall maintain a minimum setback of one hundred (100) feet from any abutting residential districts. The playing areas of golf courses, including golf tees, fairways, and greens, are an exception to this standard. 2. No outdoor event or activity center shall be located within fifty (50) feet of any property line and shall operate only between the hours of 6:00 a.m. and 11:00 p.m. 3. Accessory uses including, but not limited to, retail, equipment rental, restaurant and drinking establishments, may be allowed if designed to serve patrons of the use only. 4. Outdoor speaker systems shall comply with section 11-3A-13, "outdoor speaker systems", of this title. B. <i>Additional standards for swimming pools.</i> Any outdoor swimming pool shall be completely enclosed within a six-foot nonscalable fence that meets the requirements of the building code in accord with title 10, chapter 1, of this Code. C. <i>Additional standards for outdoor stage or musical venue.</i> Any use with a capacity of one hundred (100) seats or more or within one thousand (1,000) feet of a residence or a residential district shall be subject to approval of a conditional use permit. <u>D. Outdoor lighting, including lighted fields, designed for the site shall comply with section 11-3A-11, "outdoor lighting", of this title. These standards may be modified through the approval of a conditional use permit.</u>
11-4-3-10	Drinking establishment	Clarifying this section of code for consistency with State Statute.	A. The facility shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages. B. The If a drinking establishments or expansion of such uses shall not be located within three hundred (300) feet of a property used for a church or any other place of worship, or any public or private education institution, it may be allowed with the approval of the decision-making body set forth in Chapter 5 of this title. nor shall the drinking establishment be located within one thousand (1,000) feet of an adult entertainment establishment; provided, that this limitation shall not apply to any duly licensed premises that at the time of licensing did not come within the restricted area but subsequent to licensing came therein; the expansion of an existing establishment may be allowed with the approval of a conditional use permit as set forth in section 11-5B-6 of this title. C. nor shall the A drinking establishment shall not be located within one thousand (1,000) feet of an adult entertainment establishment, as defined in Chapter 1, Article A. "definitions", of this Title; For properties abutting a residential district, no outside activity or event shall be allowed on the site, except in accord with chapter 3, article E, "temporary use requirements", of this title. <u>D. For properties abutting a residential district, no outside activity or event shall be allowed on the site, except in accord with chapter 3, article E, "temporary use requirements", of this title.</u>

11-4-3-27B.1	Minimum building setback	Need to clarify applicability of the building setbacks for the residential buildings.	B. Site design 1. Residential B buildings shall provide a minimum setback of ten (10) feet unless a greater setback is otherwise required by this title and/or Title 10 of this Code. Building setbacks shall take into account windows, entrances, porches and patios, and how they impact adjacent properties.
11-4-3-27C.3b	Alternative Compliance to open space standards for multi-family developments	This is a clean-up item – the alternative compliance is in the wrong section; it applies to subsection C.1 and C.2. It should be a separate # (3).	3. Alternative compliance is available for the standards listed in subsections (C)1 and (C)2 above, if a project has a unique targeted demographic; utilizes other place-making design elements in Old-Town or mixed-use future land use designations with collectively integrated and shared open space areas. All multi-family projects over twenty (20) units shall provide at least one (1) common grassy area integrated into the site design allowing for general activities by all ages. This area may be included in the minimum required open space total. Projects that provide safe access to adjacent public parks or parks

11-4-3-41	Vertically integrated residential project	Clean-up item for this section code.	A. A vertically integrated residential project shall be a structure that contains at least two (2) stories. B. A minimum of twenty-five (25) percent of the gross floor area of a vertically integrated project shall be residential dwelling units, outdoor patio space on the same floor as a residential unit may count towards this requirement. C. A minimum of ten (10) percent of the gross floor area of a vertically integrated project shall be used for nonresidential uses as specified in subsection E below. D. The minimum building footprint for a detached vertically integrated residential project shall be two thousand four hundred (2,400) square feet. E. The allowed nonresidential uses in a vertically integrated project include: arts, entertainment or recreation facility; artist studio; civic, social or fraternal organizations; daycare facility; drinking establishment; education institution; financial institution; healthcare or social assistance; industry, craftsman; laundromat; nursing or residential care facility; personal or professional service; public or quasi-public use; restaurant; retail; or other uses that may be considered through the conditional use permit process. F. None of the required parking shall be located in the front of the structure. G. A minimum of fifty (50) square feet of private, usable open space shall be provided for each residential dwelling unit. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Landscaping, entryway and other accessways shall not count toward this requirement. In circumstances where strict adherence to such standard would create inconsistency with the purpose statements of this section, tThe Director may consider an alternative design proposal through the alternative compliance provisions as set forth in Section 11-5B-5 of this Title.
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11-5A-3(F)	Administrative process	Legal requested the change for consistency with state statutes.	F. Request for City Council review. The City Council may be asked to review any decision of the Director or the commission by an applicant, any party of a record <u>affected person</u> , or a City Council member through the provisions set forth in section 11-5A-7, "City Council review process", of this article.
11-5A-4	Administrative process	Legal requested the change for consistency with state statutes.	A. For purposes of this section, " parties of record " " <u>affected person</u> " shall include (1) the applicant, (2) property owners of record within one hundred (100) feet of the exterior boundary of the application property, and (3) any person who, in writing, specifically requests such status as to a particular application <u>with a bona fide interest in real property that may be affected by a land use decision pertaining to the applicant's request, provided that the person requests, in writing, such status</u>
11-5A-6	Public hearing process	Legal requested the change for consistency with state statutes.	1. The City Council and/or Planning and Zoning Commission shall conduct the public hearing in accord with the procedures set forth in title 1 of this Code. 2. If the decision-making body (see section 11-5A-2, table 11-5A-2 of this article) finds that it does not have sufficient information to make a decision, it may continue the public hearing. The decision-making body may also choose to conduct a study session with all parties of record affected persons to

11-5A-7	City Council review process	Legal requested the change for consistency with state statutes.	A. Request for City Council review of a decision of the Director or the Planning and Zoning Commission concerning the administration of this title may be made by an applicant, the Director, or a party of record <u>an affected person</u>. B. All requests for review shall be filed in writing with the department within fifteen (15) days after the written decision is issued. The request shall include the following information: 1. The decision being requested for review; 2. The name and address of the person requesting the review and their interest in the matter; and 3. The specific grounds upon which the request is made. C. All requests for review of the action of the Director or commission, shall require a de novo public hearing before the City Council as set forth in Section 11-5A-6 of this article to reach a decision to uphold or overrule the action. D. By simple majority vote, the City Council may uphold or overrule the decision. 1. In the case of consideration of a decision of the Director: a. If the action is overruled, the City Council shall issue a written decision and send the matter back to the Director for action consistent with the City Council's decision. b. If the action of the Director is upheld, the City Council shall issue a written decision stating the decision and the reasons for the decision. 2. In the case of consideration of a decision of the commission, if the decision is overruled, the Council shall issue findings consistent with the decision. E. A request for City Council review stays all proceedings in furtherance of the action unless the Director certifies to the Council or commission, after notice of the request is filed, that by reason of facts stated in the application, a stay would in the Director's opinion cause imminent peril to life and
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11-5B-5	Table 11-5B-5	Clean-up item to align with the specific use standards in Chapter 4. Added this to the table in Chapter 5.	Structure and site design review standards	11-3A-19
			<u>Vertically integrated residential project private usable open space standards</u>	<u>11-4-3-41G</u>
11-5B-5E	Required findings	Other decision-making bodies need to be added based on a previous change to UDC Table 11-5A-2 which now allows	E. Required Findings. In order to grant approval for an alternative compliance application, the Director <u>decision-making body</u> shall determine the following:	

11-5B-6E	Findings	“Council” needs to be added based on a previous change to UDC Table 11-5A-2, which now allows Council to be the decision-making body on CUP’s when there is a concurrent AZ, RZ, PP and/or PFP application that requires Council action.	E. Findings. The commission <u>or City Council, as applicable,</u> shall base its determination on the conditional use permit request upon the following:
11-6C-3D	Common driveways	Aligning common drive standards to align with the revised verbiage in UDC 11-3A-3A above.	D. Common Driveways. 1. Maximum Dwelling Units Served. Common driveways shall serve a maximum of four (4) dwelling units. In no case shall more than three (3) dwelling units be located on one (1) side of the driveway. 2. Width standards. Common driveways shall be a minimum of twenty (20) feet in width, unless a greater width is required by the City Engineer. All common driveways shall be on a common lot.

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