

Proposed UDC Text Amendments			
UDC Section	Topic	Reason for Change	Proposed Change
11-4-3-11	Drive-through Establishments	The City is seeing an increased number of requests for drive-throughs. The goal is to have better-defined standards to eliminate the need for requiring a conditional use permit.	A. A drive-through establishment shall be <u>deemed</u> an accessory use where the drive-through facility (including stacking lanes, speaker and/or order area, pick up windows, and exit lanes) <u>iscomplies with the following, otherwise a conditional use permit is required:</u> 1. Not within <u>Farther than</u> three hundred 300 feet (300') offrom another drive-through facility, a residential district, use, or dwelling, or an existing residence or 2. <u>Not the conversion of a tier 1 drive-through to another tiered drive-through in subsection (C) below; or</u> Separated by any arterial street from any other drive-through facility, residential district or existing residence; or 3. Not within the O-T zoning district, otherwise a conditional use permit is required.; or 3. Not designed in accord with subsection D below.
		Removed drive-throughs from being permitted in the OT zone.	B. All establishments providing drive-through service shall identify the stacking lane(s), menu and speaker location(s) (if applicable), and window location(s) on the <u>site plan submitted with certificate of zoning compliance and/or the</u> conditional use permit. Speakers are prohibited in the O-T zoning district. <u>C. Types of Drive-throughs.</u> 1. <u>Tier 1. A drive-through associated with a financial institution, automated teller machine (ATM), pharmacy, laundry and dry cleaning, or restaurant limited to online and mobile ordering only.</u> 2. <u>Tier 2. A drive-through associated with a restaurant, limited to a designated order area, one (1) stacking lane, an escape lane, and a pick-up window.</u> 3. <u>Tier 3. A drive-through associated with a restaurant providing at least two designated order areas, one (1) or more stacking lanes, an escape lane, and one (1) or more pick-up windows.</u>
		Improved the definition of each drive-through type.	C.D. A <u>For all drive-throughs, a</u> site plan shall be submitted that demonstrates safe pedestrian and vehicular access and circulation on the site and between adjacent properties. At a minimum the plan shall demonstrate compliance with the following standards: 1. Stacking lanes shall have sufficient capacity to prevent obstruction of driveways, drive aisles, and the public right-of-way by patrons. <u>Designated pick-up or pull-forward parking stalls may be required if the decision-making body determines that the stacking capacity is insufficient.</u>
		Added language so the decision-making body has the ability to require designated pick-up or pull-forward stalls.	

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- 2. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking, except stacking lanes may provide access to designated employee parking.
- 3. The stacking lane shall not be located within ~~twenty~~ ten feet (~~120~~) feet of any residential district, ~~use,~~ or ~~dwelling~~ existing residence.
- 4. Any stacking lane greater than one hundred ~~feet~~ (100') ~~feet~~ in length shall provide for an escape lane. Each stacking lane and designated escape lane shall have a minimum width of ten feet (10').
- 5. The site ~~should~~ shall be designed so that the drive-through is visible from a public street, ~~or other readily accessible public space,~~ for surveillance purposes.
- 6. The minimum stacking lane capacity shall be six (6) vehicles per lane for tier 2 or tier 3, and two (2) vehicles per lane for tier 1.
- 7. All drive-throughs shall submit a queuing exhibit demonstrating vehicle stacking per the lane capacity standards in subsection (D)(6). Each vehicle space within the stacking lane shall be based on a vehicle length of twenty feet (20').

11-4-3-12	Dwelling, secondary	Modify the specific use standards for secondary dwelling and rename for consistency with other codes Removed the requirement for the property owner to reside on the property more than 6 months out of the year.	11-4-3-12. - Dwelling, secondaryaccessory. <u>The following standards shall apply to the owner of any property where an accessory dwelling unit is built, placed or maintained:</u> A. Permitted<u>Limit one.</u> The property owner shall build, place, or maintain no more than One (1) secondaryaccessory dwelling unit is permitted on the sameper property in conjunction with and clearly subordinate to a single-family dwelling. B. <u>Accessory to primary dwelling.</u> Accessory dwelling units shall be located only on the same property as, in conjunction with, and clearly subordinate to, a primary dwelling. C. <u>Permit required.</u> The property owner shall obtain city permitting approval for an accessory dwelling unit prior to building, placing, or maintaining an accessory dwelling unit on any property. BD. Owner of Record <u>occupancy.</u> To create and maintain a secondary dwelling unit, the property owner shall reside on the property for more than six (6) months in any twelve-month period each calendar year in which the accessory dwelling unit is occupied. The applicant for a secondaryaccessory dwelling unit shall demonstrate ownership of thethat either the single-family dwelling or the secondary unit is occupied by the owner of the property. Owner occupancy isshall be demonstrated by title records, vehicle registration, voter registration, or other similar means. <u>Ownership of the primary dwelling shall be confirmed through Ada County records.</u> Secondary<u>The accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the single-family primary dwelling unit.</u> CE. <u>Maximum size.</u> SecondaryAccessory dwelling units shall be limited to a maximum of nine hundred (900) square feet or no more than fifty (50) percent of the primary dwelling, whichever is less, and <u>no more than</u> two (2) bedrooms constructed in accord with the adopted residential building code. DE. <u>Location.</u> The secondaryaccessory dwelling unit may be located within or attached to the primary dwelling; a detached structure; or above, or beside, or within a detached structure, such as a garage. Detached secondaryaccessory dwelling units shall be located to the side or rear of a primary dwelling. EG. <u>Parking.</u> Required parking for the property shall be as set forth in Section 11-3C-6, Table 11-3C-6 of this Title for single-family dwellings, as determined by the total number of bedrooms on the property. The conversion of a covered parking area (garage/carport) into an secondaryaccessory dwelling unit is not allowed unless the required parking can be provided elsewhere on site. FH. <u>Separate eEntrance.</u> <u>Both the primary dwelling unit and the accessory dwelling unit shall each have at least one (1) exterior egress door; no openings are allowed between dwelling units. Only one (1) entrance door of either the single-family dwelling or the secondary dwelling unit shall be located facing any one (1) street.</u> GI. <u>Design.</u> The secondaryaccessory dwelling unit shall be <u>generally</u> consistent in design with the single-family primary dwelling, including roof pitch, siding, color, materials, and window treatments.
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11-4-3-12 continued			HJ. Prohibitions<u>Prohibited dwelling units. Manufactured and mobile homes, and recreation</u>Only a building constructed on a foundation shall be used as an accessory dwelling unit.¶<u>Vehicles and tents shall be prohibited for use as secondary accessory dwelling units.</u> IK. <u>Number of occupants. The total number of occupants in both the single-family primary dwelling and the secondary accessory dwelling shall not exceed the maximum number established for a "family", as defined in Chapter 1, Article A, "definitions", of this Title.</u> <u>L. Utilities. The property owner shall be responsible for connecting an accessory dwelling unit to municipal water and sewer services, electricity, and for obtaining solid waste collection services.</u> <u>M. Address required. An accessory dwelling unit shall have its own separate address from the primary residence. The property owner shall be responsible for obtaining an address for an accessory dwelling unit.</u>
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