

# TITLE 11 ZONING REGULATIONS

## CHAPTER 1 GENERAL PROVISIONS

### SECTION:

**11-1-1: Purpose Of Zoning Ordinance**

**11-1-2: General Rules**

**11-1-3: Definitions**

**11-1-4: Development Agreements**

### **11-1-1: PURPOSE OF ZONING ORDINANCE:**

The zoning regulations as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the residents of the city of Hayden. They have been specifically designed to:

- A. Secure safety from fire and to protect life and property in areas subject to natural hazards and disasters;
- B. Consider the congestion in the streets and consider public safety for vehicles and pedestrians;
- C. Protect the sole source of Hayden's drinking water supply from contamination;
- D. Avoid undue concentration of population and the overcrowding of land;
- E. Ensure the development of land is commensurate with the physical characteristics of the land;
- F. Ensure that important environmental features are protected and enhanced;
- G. Facilitate the adequate provision and coordination of public services and facilities; and
- H. Implement the goals and policies of the comprehensive plan.

The zoning regulations have been made with reasonable consideration, among other things, for the character of the district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of the land throughout the incorporated area of the city of Hayden. (Ord. 559, 7-12-2016)

### **11-1-2: GENERAL RULES:**

The rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise.

- A. Tense; Plurals: Words used in the present tense shall include the future and words used in the singular number shall include the plural number and the plural the singular;

## Hayden, ID Code of Ordinances

- B. Shall: The word "shall" shall be mandatory and not discretionary;
- C. May: The word "may" is permissive;
- D. Lot; Building: The word "lot" shall include the word "piece" and "parcel"; the word "building" includes all other structures of every kind regardless of similarity to buildings and the phrase "used for" shall include the phrases "arranged for", "designed for", "maintained for", and "occupied for".
- E. Setback Encroachments: Building setbacks shall not be less than the minimum dimension specified for each zoning district, except as follows:
  - 1. Cornices, canopies, eaves, chimneys, steps or other similar architectural features not providing additional floor space within a building may extend into the required side, front or rear yard setback or building separations as measured from the foundation, provided they do not encroach by more than two feet (2') into the required setback, nor encroach into a public or private right of way. For those structures located in a zone district where the fifteen foot (15') front yard setback is allowed; these features may not encroach any closer than fifteen feet (15') from the property line.
  - 2. Rear decks and platforms forty two inches (42") or lower may extend into the required rear yard setback up to ten feet (10'), and no upright support members may be extended higher than the forty two inches (42") of the deck.
  - 3. Structures completely below natural grade may extend into the required setback not more than half of the required setback.
  - 4. Inground pools may extend into the required rear yard setback not more than one-half ( $\frac{1}{2}$ ) the measurement of the required setback. (Ord. 559, 7-12-2016)

### **11-1-3: DEFINITIONS:**

ACCESSORY BUILDING: One which:

- A. Any subordinate building, such as a detached garage, incidental to and located on the same lot on which a principal building exists or which is under construction. The accessory building shall not be occupiable unless the principal building is occupiable; and
- B. Is subordinate in area, extent, or purpose to the principal building, or principal uses served; and
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building or use served; and
- D. Is located on the same lot as the principal building or principal use served with the single exception of such accessory off street parking facilities as are permitted to be located elsewhere than on the same lot with the building or use served.

ACCESSORY LIVING UNIT: A building or portions of a building located on the same lot, but separate from the principal dwelling, with at least two hundred twenty (220) square feet of habitable space but not more than eight hundred (800) square feet, equipped with plumbing for a toilet, sink, and bathing facilities, and a single kitchen with a refrigerator and permanently installed sink, oven and/or stove top.

ACCESSORY USE: A use conducted on the same lot as the primary use of the structure to which it is related; a use that is clearly incidental to, and customarily found in connection with, such primary use.

## Hayden, ID Code of Ordinances

**ACREAGE:** Any tract or parcel of land which has not been subdivided or platted, in common ownership having an area of one acre or more.

**AGRICULTURE:** The tilling of soil, horticulture, floriculture, forestry, viticulture, raising crops, livestock, farming, dairying and animal husbandry including all uses customarily accessory and incidental thereto; but excluding slaughterhouses, fertilizer works, boneyards and commercial feedlots.

**AIRPORT:** Any area of land designed and set aside for take off and landing of aircraft and utilized or to be utilized in the interest of the public for such purposes.

**ALLEY:** A public right-of-way consistent with the City's adopted typical section providing a secondary means of access to abutting property and not intended for general use.

**ALTERATIONS, STRUCTURAL:** Any change, other than incidental repairs, which should prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams and girders.

**AMENDMENT:** A change in the wording, context or substance of this title, or change of the zone boundaries upon the zoning map, which map is part of this title when adopted by resolution, passed by the City Council in the manner prescribed herein.

**APPROACH:** A point of access onto a publicly dedicated and maintained road for which approval has been given by the City, the appropriate highway district or the Idaho Transportation Department.

**AREA, BUILDABLE:** The space within the setback lines remaining on a lot after the minimum open space requirements of this chapter have been complied with.

**AREA, GROSS FLOOR (Applying To Floor Area Ratio):** The sum of the gross horizontal areas of the several floors inside the exterior walls of a building or a portion thereof.

**AREA, GROSS FLOOR (Applying To Parking Ratio):** The entire square foot area of floor space of a building which is enclosed and subject to heating and/or air conditioning, less:

A. Any space used and occupied by central mechanical and/or electrical equipment, elevator, escalator, conveyors, dumbwaiters, lifts, chutes, trash disposal units, and fuel storage spaces; and

B. Public right of way and other similar enclosed spaces open to the public.

**AREA, PRIVATE PARKING:** An open graded surfaced or unsurfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles of occupants of the building or buildings for which the parking area is developed.

**AREA, PUBLIC PARKING:** An open area, other than a street or alley, used for the temporary parking of vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers.

**ASSEMBLAGE:** To fix or join together (in a clean, quiet atmosphere free of noise, odor, soot and smoke) manufactured parts that are produced at another site, to make a complete product.

**ASSISTED LIVING FACILITY:** A building or distinct part thereof, or complex of buildings where senior and/or individuals with disabilities reside or where daily care is provided. These facilities generally provide the following: supervision or assistance with activities of daily living, administration of medication, coordination of services by outside or inside healthcare providers, and monitoring of resident activities to help ensure their health, safety, and well being. Also known as nursing, rest, and convalescent homes.

## Hayden, ID Code of Ordinances

**AUTO WRECKING YARD, JUNKYARD:** An outdoor space where junk, waste, discarded, or salvaged materials are stored or handled, including automobile wrecking yards, and yards for used building materials, and places, or yards for storage of salvaged building and structural steel materials and equipment, including used machinery, trailers or construction equipment or parts thereof; excluding yards or establishments for the sale, purchase or storage of used cars or machinery in operable condition, and the processing of used, discarded or salvaged materials as a part of a permitted manufacturing operation on the same premises. An "auto wrecking yard" and "junkyard" are further defined as any use of premises, excluding fully enclosed buildings, on which two (2) or more motor vehicles not in operable condition are standing more than thirty (30) days, or on which used motor vehicles, or parts thereof, are dismantled or stored.

**BASEMENT:** That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to ceiling is no more than six feet (6').

**BED AND BREAKFAST FACILITY:** A single-family residence, occupied by the property owner or caretaker year round, which provides a maximum of five (5) sleeping rooms (not including the occupant's sleeping room(s)) for the lodging of overnight transient guests for a fee, and which includes the serving of a meal.

**BUILDING:** Any structure built for support, shelter or enclosure of persons, animals, chattel, or movable property of any kind and which is permanently fixed to the land.

**BUILDING, ACCESSORY:** A building which is subordinate to, and the use of which is incidental to, the principal building or use on the same lot; but not including any building containing a "dwelling unit" as hereinafter defined.

**BUILDING, COMPLETELY ENCLOSED:** A building separated on all sides from the adjacent open space or from other buildings or other structures by a permanent roof and by exterior walls or party walls pierced only by windows and normal entrance or exit doors.

**BUILDING, DETACHED:** A building surrounded by an open space on the same lot.

**BUILDING, EXISTING:** A building erected prior to the effective date hereof or one for which a legal building permit has been issued.

**BUILDING HEIGHT:** The vertical distance measured from the average elevation of the proposed finish grade at the front of the building to the highest point of the roof for a flat roof, to the deck line of a mansard roof or the average height of the highest gable of a pitch or hip roof.

**BUILDING LINE:** A line established by this title to govern the placement of buildings with respect to highways, streets and alleys. The front line shall be the front line as shown upon official plats of the property in all subdivisions platted.

**BUILDING, NONCONFORMING:** Any building which does not conform to the requirements of this title.

**BUILDING, PRINCIPAL:** A building in which is conducted the principal use of the lot upon which it is situated.

**CAPACITY:** The maximum amount of people which may be contained in a building or structure.

**CARPOR:** A structure open on at least two (2) sides used to house or protect motor vehicles which are owned or operated by the occupants of the principal building.

## Hayden, ID Code of Ordinances

**CHURCH:** A building that people regularly attend to participate in or hold religious services, meetings, and other activities. A church site may include a rectory.

**CITY:** The city of Hayden, Idaho.

**CLERK, CITY:** The city clerk of the city of Hayden, Idaho.

**CLINIC:** A building, other than a "hospital" as herein defined, used by two (2) or more licensed physicians for the purpose of providing medical, dental, or psychiatric services for outpatients only.

**COMMUNITY ASSEMBLY HALL:** A building of which the primary use is a meeting place used by members of the community to gather for social, cultural, entertainment, recreational, or religious purposes.

**COMPREHENSIVE PLAN:** A plan, or any portion adopted by the city council including such things as the general location and extent of present and proposed housing, commercial uses, transportation, parks and other community facilities.

**CONTRACTOR'S OFFICE AND STORAGE:** A lot or portion of a lot or parcel, or a building or a portion of a building used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. Such lot, portion of lot or building includes office area directly related to the function of the contractor.

**CONVALESCENT HOME:** See definition of Assisted Living Facility.

**DAYCARE CENTER:** A place, home, building, or location providing care, with or without instruction, for more than twelve (12) children not residing on the same premises.

**DAYCARE, HOME:** A home providing care, with or without instruction, for twelve (12) or less children not residing on the same premises.

**DECIBEL:** A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels".

**DENSITY:** A unit of measurement; the number of dwelling units per acre of land.

**Gross Density:** The number of dwelling units per acre of total land to be developed including public right-of-way.

**Net Density:** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public right-of-way.

**DENSITY PROVISIONS:** The requirements for each land use district to encourage, protect and preserve the health, safety and general welfare of the area through standards which include yards, height, bulk, lot area, lot coverage and occupancy limitations.

**DEPENDENT RELATIVE:** One who is related by direct bloodline, marriage, adoption, unmarried partner relationship or court ordered guardianship, and has been determined by a licensed physician to be physically or mentally incapable of caring for themselves and/or their property.

**DRIVEWAY, PRIVATE:**

**Multi-Family Residential, Commercial Or Industrial:** A privately owned and maintained path that provides access to nonoccupiable utility infrastructure, provides internal circulation to multi-family dwellings, or serves as an aisleway within a shared parking lot.

## Hayden, ID Code of Ordinances

**Residential:** A privately owned and maintained path, with a minimum surface width of sixteen feet (16'), that provides vehicular and pedestrian access to a maximum of two (2) single family residential structures (not including accessory dwelling units).

**DWELLING:** A building, or portion thereof, containing one or more dwelling units. The term does not include any trailer, mobile home, motel, hotel, guesthouse or boarding house.

**DWELLING, MULTIPLE-FAMILY:** A building, a portion thereof, or complex of buildings containing at least three (3) or more dwelling units per building.

**DWELLING, SINGLE-FAMILY:** A building designed as one dwelling unit for use and occupancy by no more than one family. This also includes any group residences as defined by Idaho Code 67-6531.

**DWELLING, TWO-FAMILY:** A building designed with two (2) dwelling units for use and occupancy by no more than two (2) families.

**DWELLING UNIT:** One or more rooms designed for, or used as a residence for, not more than one family, including all necessary household employees of such family, and constituting a separate and independent housekeeping unit, with a single kitchen permanently installed. The term does not imply or include such type of occupancy as a lodging or boarding house, club, sorority, fraternity or hotel.

**ENGINEER, CITY:** The engineer who reviews permit applications for the City of Hayden, Idaho.

**FAMILY:** An individual or two (2) or more persons related by blood, marriage, or legal adoption, or a group of not more than five (5) unrelated persons, excluding servants; or any combination of related and unrelated persons producing an aggregate of no more than five (5) persons living together as a single housekeeping unit in a single dwelling unit.

**FARMING:** See definition of agriculture.

**FOSTER HOME; GROUP HOME; INSTITUTION FOR MINOR CHILDREN:** A place, home, building, or location providing care for nine (9) or more unrelated children as a member of the household for the purpose of providing substitute parental care.

**GARAGE, PRIVATE:** A building or portion thereof, except a public garage, used or designed to be used for the storage of motor vehicles.

**GROUND COVER:** Ground covers are low growing plants used in the landscape to cover large areas of ground. They are often used to create blankets of foliage in and around shrubs and trees to unify the landscape or as a filler between features such as stepping stones, shrubs and trees. In addition, they are for erosion control on slopes or banks, or as a lawn substitute in areas too shady to support the growth of turf grasses. This group of plants encompasses everything from vines to low growing perennials and shrubs, but does not generally include turf grasses. Heights range from one inch (1") to twenty four inches (24") tall. Some fast growing annuals can also be considered ground covers for large flowerbeds. Ground cover shall be of live plant material. Gravel, colored rock, walk on bark, and similar materials shall be used in combination with a living ground cover in all nonturf areas as a mulch to control weeds and conserve or retain water until a living ground cover has achieved the percentage of coverage required by this Code.

**GROUP HOME:** See definition of foster home; group home; institution for minor children.

## Hayden, ID Code of Ordinances

**HEALTH DISTRICT:** The Panhandle Health District (Region I).

**HIGHWAY DISTRICT:** The agencies which have jurisdiction over secondary roads in Kootenai County. Authority results from the powers vested by Idaho Code, title 40, chapter 6.

**HOME OCCUPATION:** A business activity which results in a product or service that is conducted as an accessory use by an immediate member of the family residing within the dwelling place, and which meets all of the conditions as required by this title.

**HOSPITAL:** An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of human patients for twenty four (24) hours or more. The term "hospital" does not include clinic, convalescent, nursing, or boarding homes, or any institution operating solely for the treatment of mentally ill persons, drug addicts, alcoholics, or other types of cases necessitating forcible confinement of patients.

**HOSPITAL, ANIMAL:** Any building or portion thereof designed or used for the care or treatment of cats, dogs or other animals. May include commercial grooming and boarding services.

**HOTEL:** A building containing six (6) or more bedrooms where transient lodging without individual cooking facilities is offered to the public for compensation, primarily for the accommodation of transient guests.

**INSTITUTION:** A building housing any facility, however named, whether operated for profit or not, operating for the treatment of mentally ill persons, drug addicts, alcoholics or other types of cases necessitating forcible confinement of patients.

**INSTITUTION FOR MINOR CHILDREN:** See definition of foster home; group home; institution for minor children.

**JUNKYARD:** See definition of auto wrecking yard, junkyard.

**KENNEL, COMMERCIAL:** Any premises, or portion thereof involved in the business of boarding, breeding, buying, letting for hire, or training for a fee, on which cats and/or dogs are maintained, harbored, possessed, fostered, boarded, bred or cared for and which may have commercial grooming and similar accessory uses.

**KENNEL, RESIDENTIAL:** Any premises, or portion thereof, at which cats, dogs and small household domestic animals, as outlined in subsections 4-3-6A1 and A2 of this Code, are maintained, harbored, fostered or cared for as part of a rescue operation without compensation. Also known as residential pet rescues. No more than five (5) live animals of each species and no more than fifteen (15) animals in total may be living and/or fostered on site at any one point in time, this includes resident animals and rescued animals in combination.

**LOT:** For purposes of this title, a "lot" is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. The act of the county assessor assigning a parcel number to land does not create a lot of record. Such lot shall conform to the provisions of section 11-11-5 of this title, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; or

## Hayden, ID Code of Ordinances

D. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this title.

LOT, CORNER: A lot which is bound on two (2) or more sides by street lines; where the angle of intersection does not exceed one hundred thirty five degrees (135°).

LOT COVERAGE: The area of a lot occupied by the principal building or buildings and accessory buildings.

LOT, INTERIOR: A lot other than a corner lot or reversed corner lot.

LOT, IRREGULAR: Nonrectangular lots, lots with three (3) sides or more than four (4) sides, and other nonstandard lots requiring special measurement techniques in order to achieve the purpose of setback requirements, i.e., the appropriate separation of structures from streets and other properties. Setbacks for irregular lots shall be determined by the community and economic development director and shall be in general conformance with the pattern of setbacks of the adjacent properties.

LOT LINE: The boundary property line encompassing a lot. The front lot line is the boundary line which abuts a public or private street. For a corner lot, the owner may select either street line as the front lot line. The rear lot line is the lot line or line most nearly parallel to and most remote from the front property line. All other lot lines are side lot lines. An interior lot line is a side line in common with another lot.

LOT MEASUREMENTS: A. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear; and

B. The width of a lot shall be the distance between the side lot lines and, at any point, shall not be less than the required continuous frontage for the zone in which the lot resides.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded. The act of the county assessor assigning a parcel number to land does not create a lot of record.

LOT, OUTDOOR SALES: An area, other than a street, used for the display and sale of more than two (2) new or used automobiles, trucks, trailers, mobile homes, boats, farm machinery or other machinery or equipment in operating condition in any thirty (30) day period and where no repair work is done except that necessary for completion of the sale. Said repair work shall be performed in a garage or an enclosed building.

LOT, PARKING: An open, graded and surfaced area, other than a street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free or as an accommodation to clients or customers. "Surfaced area" as used herein means hard surface including asphalt, concrete or similar material.

LOT, REVERSED CORNER: A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

LOT, THROUGH: A lot other than a corner lot having frontage on two (2) parallel or approximately parallel streets. On a through lot both street lines shall be deemed front lot lines.

LOT, WATERFRONT: A lot or parcel that adjoins or abuts the high water mark of a lake, river or stream.



## Hayden, ID Code of Ordinances

**MAJOR UTILITY INFRASTRUCTURE:** See definition in section 8-1-2 of this Code.

**MANUFACTURED BUILDING:** Any building or building components, other than a mobile home, which is constructed according to standards contained in the Building Code as adopted or amendments thereto, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

**MANUFACTURED HOME:** A structure constructed since June 15, 1976, that bears the seal of the U.S. Department of Housing and Urban Development (HUD) indicating it has met the manufactured home construction and safety standards of the U.S. Department of Housing and Urban Development or the Building Code and when erected on site is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements and which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 USC 5401 et seq.

**MANUFACTURING, LIGHT:** The processing, packaging, treatment or fabrication of goods and merchandise in a clean, quiet atmosphere, free of noise, odor, dust and smoke.

**MINISTORAGE:** See definition of self-service storage.

**MINOR UTILITY INFRASTRUCTURE:** See definition in section 8-1-2 of this Code.

**MIXED USE BUSINESS PARK:** A building or buildings, whether under separate or combined ownership, intended for multiple occupants with a blend of commercial and light industrial uses. This park may be composed of single or multiple lots, but cannot consist of portions of lots or buildings.

**MOBILE HOME:** A structure similar to a manufactured home, but built to a state Mobile Home Code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

**MOTEL:** A building, or group of buildings on the same premises whether detached or in connected rows, containing six (6) or more sleeping or dwelling units with garage space or parking space located on the premises and designed for, or occupied by, travelers. The term includes, but is not limited to, any buildings or building groups designated as motor lodges, tourist courts or by any other title or sign intended to identify them as providing lodging to motorists.

**NOISE:** The intensity, duration and character of sounds, from any and all sources.

**NONCONFORMING BUILDINGS:** A building, or portion thereof, which was lawfully erected or altered and maintained at the time this title was adopted, but which because of the application of this title to it, no longer conforms to the use, height, or area regulations of the zone in which it is located.

**NONCONFORMING USE:** A use which was lawfully established and maintained at the time this title was adopted, but which, because of the application of this title to it, no longer conforms to the use regulations of the zone in which it is located. A nonconforming building or nonconforming position of the building shall be deemed to constitute a nonconforming use of the land on which it is located.

## Hayden, ID Code of Ordinances

**NOXIOUS MATTER:** A material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well being of individuals.

**NUISANCE:** A use of property or course or conduct that interferes with the legal rights of others by causing damage, annoyance or inconvenience.

**NURSING HOME:** See definition of Assisted Living Facility.

**OPEN SPACE:** Any open area, including, but not limited to, the following: parks, yards, playgrounds, beaches, waterways, parkways, and streets.

**OUTDOOR ADVERTISING:** Must comply with the Hayden sign ordinance.

**OUTDOOR ADVERTISING STRUCTURE:** Must comply with the Hayden sign ordinance.

**PARCEL:** A unit of land of contiguous quantity in the ownership of one person and constituting a portion of a separate tract of land.

**PARK AND RECREATION FACILITIES, PRIVATE:** Indoor and/or outdoor facilities used for recreation and physical fitness such as gyms, athletic clubs and recreation centers, which may include accessory uses such as facility/ground rentals, events, food and beverage services such as restaurants, cafes, and coffee shops, and similar uses.

**PARK AND RECREATION FACILITIES, PUBLIC:** Indoor and/or outdoor facilities used for recreation and physical fitness such as gyms, athletic clubs and recreation centers owned by the city of Hayden which may include accessory uses such as facility/ground rentals, events, food and beverage services such as restaurants, cafes, and coffee shops, community centers, and similar uses.

**PARK, MOBILE HOME:** Any area, tract, plot or site of land, of at least five (5) acres in size, containing two (2) or more hook up and/or parking spaces with or without mobile homes, developed, located and maintained for dwelling purposes.

**PARK, RECREATIONAL VEHICLE:** Any tract, plot or site of land, of at least three (3) acres in size, whereupon, two (2) or more travel trailers, recreational vehicles, campers or motor homes are temporarily placed, located and maintained for dwelling purposes.

**PARKING SPACE:** An off street parking area for motor vehicles not less than nine by twenty feet (9 x 20') in area having access to a public street, alley or private driveway. In determining the gross area required for an off street parking lot requiring a specified number of parking spaces including driveways and aisles, three hundred fifty (350) square feet per parking space shall be used. Parking spaces for the handicapped shall be installed in accordance with the standards of Idaho Code 49-213.

**PARTICULATE MATTER:** Any material except uncombined water that exists in a finely divided form as a liquid or solid at standard conditions of temperature and pressure.

**PRESCHOOL:** See definition of Daycare Center.

**PUBLIC BUILDING OR COMPLEX:** A building or buildings owned or used by the federal, state, county or city government, or any political subdivision, agency or instrumentality thereof.

**RECREATIONAL EQUIPMENT:** Including boats and boat travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

**RECREATIONAL VEHICLE:** A motorized vehicle designed or used for human habitation on a temporary basis for recreational or other related activities.

## Hayden, ID Code of Ordinances

**REPAIR:** The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "repair" or "repairs" shall not apply to any other change in structure such as would be required by additions to or remodeling of such structure.

**REST HOME:** See definition of Assisted Living Facility.

**RESTAURANT:** Any land, building or part thereof, other than a boarding house, where meals are provided for compensation, including, among others, such uses as cafe, cafeteria, coffee shop, lunchroom and dining room.

**SCHOOL:** An institution conducting regular academic instruction at elementary, secondary and/or college levels.

**SCHOOL, TRADE OR INDUSTRIAL:** An institution for conducting instruction in the technical, commercial or trade skills such as business, beauticians, barbers, electronics, automotive and so forth.

**SELF-SERVICE STORAGE:** A building or group of buildings or portions thereof which are designed or used exclusively for storage of excess property of an individual, family or business. Buildings are divided into individually accessed units. This shall not be deemed to include the day to day operations of businesses of any kind.

**SETBACK:** The space on a lot required to be left open and unoccupied by buildings or structures, either by the front, side, or rear yard requirements of the zoning ordinance or by delineation on a record subdivision map.

**SEXUALLY ORIENTED BUSINESS; NONRETAIL:** An adult arcade, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

**SEXUALLY ORIENTED BUSINESS; RETAIL:** An adult book, novelty, or video store.

**SIGN:** A display bearing a specific written or symbolic message, which may include pictorial or graphic decoration, intended to inform the public, identify the location of a business or other entity, and/or advertise goods for sale.

**SIGN, GROSS AREA OF:** Must comply with the Hayden sign ordinance.

**SIGN, TEMPORARY:** Must comply with the Hayden sign ordinance.

**SPACE, OFF STREET LOADING AND UNLOADING:** Open off street hard surfaced area of land other than a street as a public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers to avoid undue interference with public streets and alleys.

**STORY:** Must conform to the definition and provisions therein of "story", as stated in the definitions and abbreviations chapter of the building code.

**STORY, FIRST:** Must conform to the definition and provisions therein of "story, first", as stated in the definitions and abbreviations chapter of the building code.

**STREET:** A public right of way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted by the city of Hayden. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place and other such terms and is further defined as follows:

A. Arterial: A street designated in the comprehensive plan for the purpose of carrying fast and/or heavy traffic into or out of the city with a minimum of delay.

## Hayden, ID Code of Ordinances

B. Collector: A street designated in the comprehensive plan for the purpose of carrying traffic from minor or private streets to other collector streets and/or arterial streets.

C. Minor: A street which has the primary purpose of providing access to abutting properties.

D. Alley: A minor street providing secondary access at the back or side of a property otherwise abutting a street.

STREET, PRIVATE: A privately owned and maintained right of way that provides vehicular and pedestrian access to three (3) or more lots. This definition does not include emergency access roads, driveways serving no more than two (2) lots, driveways to nonoccupiable utility infrastructure, internal circulation roads within multi-family dwelling complexes, aiseways within shared parking lots, alleys, and private streets in existence prior to the effective date hereof.

STRUCTURAL ALTERATIONS: See definition of Alterations, Structural.

STRUCTURE: An object constructed or erected which requires location on the ground or is attached to something having a location on the ground, including towers, smokestacks, overhead transmission lines, but not including fences or walls used as fences less than eight feet (8') in height.

SWAP MEET: Any event:

A. At which two (2) or more persons offer new or used personal property or merchandise for sale or exchange; and

B. At which the event is held more than six (6) times in any twelve (12) month period.

C. The term "swap meet" is interchangeable and applicable to "flea markets", "indoor swap meets", or their similar terms, regardless of whether these events are held inside a building or outside in the open. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business.

TAVERN: A building where alcoholic beverages are sold for consumption on the premises, not including restaurants where the principal business is serving food.

TOXIC MATERIALS: Those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

TRAILER HOME: A detached single-family dwelling unit, other than a manufactured home or manufactured building with all the following:

A. Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connection for attachment to outside;

B. Designed to be transported after fabrication on its own wheels or a flatbed or other trailers or detachable wheels; and

C. Arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connection to facilities and the like.

TRAILER, TRAVEL: A vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation uses.

TRUCK TRANSPORT FACILITY, COMMERCIAL: A facility used for the dispatch, parking, maintenance or repair of trucks that are owned by the business and that are

used to transport goods from one off site location to another off site location which is located on a lot that is no greater than five (5) acres in size. This is subject to the development standards of chapter 11 of this title.

TRUCK TRANSPORT FACILITY, INDUSTRIAL: A facility used for the dispatch, parking, maintenance or repair of trucks that are owned by the business and that are used to transport goods from one off site location to another off site location. If located on a lot that is greater than five (5) acres in size, a special use permit shall be required. This is subject to the development standards of chapter 11 of this title.

USE: The purpose for which land or a building thereon is designed, arranged or intended or for which it is occupied, maintained or leased.

USE, PERMITTED: An activity or use so designated in any given zone, and which may occur without special action by the Planning and Zoning Commission, subject to provisions of the zone in which it is located.

USE, PRINCIPAL: The main use of land or buildings as distinguished from a subordinate or accessory use.

USE, PROHIBITED: "Prohibited uses" in specific zones are those uses not specifically enumerated as permitted uses or special uses. "Prohibited uses" are listed in this title for purposes of clarity and emphasis only. "Prohibited uses" mentioned include, but are not limited to, enumerated prohibited uses.

USE, SPECIAL: A use listed among those classified in any given zone but permitted to locate only after review by the Planning and Zoning Commission and the granting of a "special use" permit imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and assure against imposing excessive demands upon public utilities and facilities.

VARIANCE: A modification of the requirements of the Zoning Ordinance as to the lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. Prior to granting a variance, notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration.

VEHICLE SALES: See definition of lot, outdoor sales.

VENDOR: Any person, partnership, organization or corporation who exchanges, sells, or offers for sale or exchange any personal property at a swap meet.

YARD: An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

YARD, FRONT: A yard extending along the full length of the front lot line between the side lot lines.

YARD, REAR: A yard extending along the full length of the rear lot line between the side lot lines.

YARD, SIDE: A yard extending along a side lot from the front yard to the rear yard.

ZONE: All land or water areas within a stated boundary. (Ord. 559, 7-12-2016; amd. Ord. 578, 1-9-2018; Ord. 596, 5-24-2019)

#### **11-1-4: DEVELOPMENT AGREEMENTS:**

## Hayden, ID Code of Ordinances

A. Purpose: The purpose and intent of this section is to encourage private participation in comprehensive planning and allow for zoning amendments that are designed to address the specific character of a parcel of property, the needs of the surrounding neighborhood and the public infrastructure needs, by placing conditions upon that zoning amendment that provide for mitigation of the impact of development upon the community.

B. Authority: In the event that a requested amendment to the zoning designation of a parcel of property will, in the opinion of the City Council, have a substantial impact on the public infrastructure or will require buffering between the subject parcel and adjacent neighborhood if the request were to be granted, the City Council is hereby authorized to condition approval of the zoning amendment upon a written development agreement providing for mitigation of the impact on the infrastructure and the property surrounding the subject parcel.

C. Form Of Agreement: The development agreement shall be in a form approved by the City Council. It shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, provisions for reservation or dedication of land for public purposes, buffering requirements and infrastructure improvement requirements that are necessary to mitigate the impact of the zone change. The development agreement may include conditions, terms, restrictions and requirements for discretionary actions, provided, that such conditions, terms, restrictions and requirements for discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement. The agreement may provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time.

D. Recording: All development agreements shall be recorded at the expense of the subject property owner and the terms of the agreement shall run with the land and be binding on subsequent property owners.

E. Modification And Termination: Development agreements may not be amended or terminated without the City first providing notice and holding a public hearing pursuant to the hearing procedures for adoption of the Comprehensive Plan under the Local Planning Act.

F. Enforcement: If the property owner fails to comply with the terms of the development agreement, the City Council may, following notice and public hearing, terminate the agreement and reverse the zoning designation. The City Council is also authorized to enforce the terms of the agreement through civil action for injunctive relief.

G. Periodic Review: Compliance with the development agreement may be reviewed on a periodic basis of not less than once every twelve (12) months from the effective date of the development agreement following the procedures set forth herein:

1. Written notice of the periodic review shall be given in writing to the property owner of the subject property at least fifteen (15) days in advance of the time at which the review will be conducted.

2. An investigation will be conducted as to whether or not there has been good faith compliance.

3. If the person who is authorized by the City to conduct the investigation finds that there has not been such compliance, written findings shall be

provided to the City Administrator together with a recommendation as to whether the development agreement should be terminated or modified or enforced as written.

4. Upon receipt of the findings and recommendation, the matter shall be placed on the Council agenda for public hearing pursuant to the notice and hearing procedures set out in the Local Planning Act for adoption of the comprehensive plan.

5. Nothing in this section is intended to preclude a review on a more frequent basis upon the receipt by the City of a complaint that the terms of the development agreement have been violated.

H. Discretionary Authority: Approval of a zoning amendment under this section is at the discretion of the City Council. The City Council may set fees to cover costs of processing the development of such an agreement. (Ord. 559, 7-12-2016)

## **CHAPTER 2**

### **ESTABLISHMENT OF ZONES; PROVISIONS FOR OFFICIAL ZONING DISTRICT MAP**

#### **SECTION:**

**11-2-1: Official Zoning District Map**

**11-2-2: Replacement Of Official Zoning District Map**

**11-2-3: Rules For Interpretation Of Zone Boundaries**

**11-2-4: Application Of Zone Regulations**

**11-2-5: New And Unlisted Uses; Procedure For Determination**

#### **11-2-1: OFFICIAL ZONING DISTRICT MAP:**

The City is hereby divided into zones, as shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this title.

If, in accordance with the provisions of this title, changes are made in zone boundaries or other matter portrayed on the official zoning district map, such changes shall be entered on the official zoning district map promptly after the amendment has been approved by the Council.

No changes of any nature shall be made in the official zoning district map or matter shown thereon except in conformity with the procedures set forth in this title. Any unauthorized changes of whatever kind by any person or persons shall be considered a violation of this title.

Regardless of the existence of purported copies of the official zoning district map which may from time to time be made or published, the official zoning district map which shall be located in the Office of the City Clerk shall be the final authority as to the current zoning status of land and water area, buildings and other structures in the City. (Ord. 542, 1-27-2015)

#### **11-2-2: REPLACEMENT OF OFFICIAL ZONING DISTRICT MAP:**

In the event that the official zoning district map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Council may by resolution adopt a new official zoning district map which shall supersede the prior official zoning district map. The new official zoning district map may

correct drafting or other errors or omissions in the prior official zoning district map, but no such corrections shall have the effect of amending the original official zoning district map or any subsequent amendment thereof. Map shall contain the following statement: "This is to verify that this Official Zoning District Map supersedes and replaces the Official Zoning District Map adopted (date of adoption of map being replaced)." Unless the prior official zoning district map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment. (Ord. 542, 1-27-2015)

**11-2-3: RULES FOR INTERPRETATION OF ZONE BOUNDARIES:**

When uncertainty exists as to the boundaries of a zone as shown on the official zoning district map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerlines;

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

C. Boundaries indicated as approximately following City limits shall be construed as following such City limits;

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

E. Boundaries indicated as following shorelines shall be construed to follow such shorelines and legally established meander lines, which may be referenced as ordinary high water marks (OHWM). In the event of change in the shoreline, it shall be construed as moving with the actual shoreline; boundaries indicated as approximately following centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;

F. Boundaries indicated as following section or township lines shall be construed as following such section or township lines;

G. Boundaries indicated as parallel to extensions of features indicated in subsections A through F of this section, shall be so construed. Distances not specifically indicated on the official zoning district map shall be determined by the scale of the map;

H. When physical or cultural features existing on the ground are at variance with those shown on the official zoning district map, or in the other circumstances not covered in subsections A through G of this section, the Council shall interpret the district or zone boundaries;

I. Where a zone boundary line divides a lot which was in single ownership at the time of passage hereof, the Council may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty feet (50') beyond the district or zone into the remaining portion of the lot. (Ord. 542, 1-27-2015)

**11-2-4: APPLICATION OF ZONE REGULATIONS:**

The following regulations set by this title within each zone shall be minimum regulations and shall apply uniformly to each class or kind of structure or land use:

A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed,



reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the zone in which it is located;

B. No building or other structure shall hereafter be erected or altered:

1. To exceed the height regulations;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area; and
4. To have narrower or smaller rear yards, front yards, side yards, or

other open space than herein required; or in any other manner contrary to the provisions of this title;

C. No part of a yard, or other open space, or off street parking or loading space required about or in connection with any building for the purpose of complying with this title, shall be included as part of a yard, open space, or off street parking or loading space similarly required for any other building, unless provided for herein;

D. No yard or lot existing at the time of the passage hereof shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date hereof shall meet at least the minimum requirements. (Ord. 542, 1-27-2015)

**11-2-5: NEW AND UNLISTED USES; PROCEDURE FOR DETERMINATION:**

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City of Hayden. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted use, or a use for which the Community and Economic Development Director cannot make a determination that it is similar to other uses, and therefore is a prohibited form of land use, shall be made as follows:

A. The question concerning any new or unlisted use shall be accompanied by a statement of facts listing the nature of the use, including, but not limited to, whether it involves dwelling activity, sales, processing, type of project, storage, enclosed or open storage, anticipated employment and the amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;

B. The Council shall consider the nature and describe the performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the type of zone within which such use should be permitted. (Ord. 578, 1-9-2018)

**CHAPTER 3  
NONCONFORMING USES**

**SECTION:**

**11-3-1: Purpose**

**11-3-2: Nonconforming Lots Of Record**

**11-3-3: Nonconforming Uses Of Land Or Land With Minor Structures Only**

**11-3-4: Nonconforming Structures**

**11-3-5: Nonconforming Uses Of Structures Or Of Structures And Premises In Combination**

**11-3-6: Nonconforming Uses Of Land - Manufactured Home Park**

**11-3-7: Repairs And Maintenance**

**11-3-1: PURPOSE:**

Within the district or zone established by this title or amendments that may later be adopted there exist:

- A. Lots;
- B. Structures;
- C. Uses of land and structures; and
- D. Characteristics of use;

which were lawful before this title was passed or amended, but which would be prohibited, regulated or restricted under the terms of this title or future amendment, it is the purpose of this title to permit these nonconformities to continue until they are removed. It is further the purpose of this title that nonconformities shall not be enlarged upon, expanded or extended, and not be used as grounds for adding other structures or uses prohibited elsewhere in the same zone or district.

Nonconforming uses are declared by this title to be incompatible with permitted uses in the zones or districts involved. A nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this title or its amendment by attachment on a building or premises, or by the addition of other uses, of a nature which would be prohibited generally in the zone or district involved.

To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the amendment of this title and upon which actual building construction has been carried on diligently. "Actual construction" is hereby defined to include the placing of construction materials in its permanent location, or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that work shall be carried on diligently. (Ord. 559, 7-12-2016)

**11-3-2: NONCONFORMING LOTS OF RECORD:**

In any zone or district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment hereof, notwithstanding limitations imposed by other provisions of this title. This provision shall apply even though such lot fails to meet the requirements for acres or width, or both that are generally applicable in the zone or district. Variances of yard or setback requirements shall be obtained only through action of the Council. (Ord. 559, 7-12-2016)

**11-3-3: NONCONFORMING USES OF LAND OR LAND WITH MINOR STRUCTURES ONLY:**

Where at the time of passage of this title, lawful use of land exists which would not be permitted by the regulations imposed by this title, and where such use involved no individual structure with a replacement cost exceeding one thousand dollars (\$1,000.00), the use shall be discontinued within five (5) years from the effective date hereof, amendments thereto, or, completely enclose the area with a sight obscuring fence approved by the Council within two (2) years. The following shall also apply:

A. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment hereof;

B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment hereof;

C. If any such nonconforming use of land ceases for any reason for a period of more than three (3) months, any subsequent use of such land shall conform to the regulations specified by this title for the zone or district in which such land is located;

D. No additional structure not conforming to the requirements of this title shall be erected in connection with such nonconforming use of land. (Ord. 559, 7-12-2016)

**11-3-4: NONCONFORMING STRUCTURES:**

Where a lawful structure exists at the effective date of adoption or amendment hereof that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards, its location on lot, or other requirements concerning the structure, the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in such a way which increases its nonconformity but any structure or portion thereof may be altered to decrease its nonconformity;

B. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this title; and

C. Should such a structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone or district in which it is located after it is moved.

D. Single-family residential dwellings lawfully permitted and constructed within a commercial zone district which have not converted to a conforming use may be maintained, repaired, or reconstructed regardless of the percent of damage provided the dwelling meets the height, setback and lot coverage requirements of the residential zone district. Additionally, accessory buildings which are allowed with single-family dwellings may be maintained, repaired, or reconstructed regardless of the percent of damage provided they meet the height, setback and lot coverage requirements of the residential zone district. (Ord. 559, 7-12-2016)

**11-3-5: NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION:**

If a lawful use involving individual structures with replacement costs of one thousand dollars (\$1,000.00) or more, and premises in combination, exists at the effective date of adoption or amendment hereof that would not be allowed in the zone or district under the terms of this title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this title in the zone or district in which it is located shall be enlarged, extended, constructed,

reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the zone or district in which it is located;

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment hereof, but no such use shall be extended to occupy any land outside such building;

C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the council, either by general rule or by making findings in the specific case shall find that the proposed use is equally appropriate or more appropriate to the zone or district than the existing nonconforming use. In permitting such change, the council may require appropriate conditions and safeguards in accordance with the provisions of this title;

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone or district, and the nonconforming use may not thereafter be resumed;

E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months and an owner or his authorized agent permits or allows an approved or unlawful intervening use of the owner's property, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the zone or district in which it is located; however, no rights or authority granted pursuant to this chapter shall be construed to empower the city to enact any ordinance or resolution which deprives an owner of the right to use improvements on private property for their designed purpose based solely on the nonuse of the improvements for their designed purpose for a period of ten (10) years or less; therefore, if the nonuse continues for a period of one year or longer, the City may, by written request, require that the owner declare his intention with respect to the continued nonuse of the improvements in writing within twenty eight (28) days of receipt of the request. If the owner elects to continue the nonuse, he shall notify the City in writing of his intention and shall post the property with notice of his intent to continue the nonuse of the improvements. He shall also publish notice of his intent to continue the nonuse in a newspaper of general circulation in the County where the property is located. If the property owner complies with the requirements of this subsection, his right to use such improvements in the future for their designed purpose shall continue, notwithstanding any change in the zoning of the property. The property owner may voluntarily elect to withdraw the use by filing with the Clerk of the City, as the case may be, an affidavit of withdrawn use. If the property is redesigned for a different use, the property owner shall be deemed to have abandoned any grandfather right to the prior use of the property. For purposes of this section, "designed purpose" means the use for which the improvements were originally intended, designed and approved pursuant to any applicable planning and zoning ordinances.

F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. "Destruction" for the purpose of this subsection is defined as damage

to an extent of more than fifty percent (50%) of the replacement cost at the time of destruction. (Ord. 559, 7-12-2016)

**11-3-6: NONCONFORMING USES OF LAND - MANUFACTURED HOME PARK:**

The following improvement and redevelopment standards apply to legal non-conforming manufactured home parks:

A. An existing manufactured home park shall not be enlarged or increased to occupy a greater area of land than was occupied at the effective date of the adoption or amendment hereof;

B. An existing manufactured home park shall not be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment hereof;

C. Replacement of existing manufactured homes:

1. If a manufactured home is removed for any period of time, any subsequent replacement shall be as follows:

The replacement structure shall be consistent with the definition of a manufactured home pursuant to section 11-11-14 of this title or shall be a single family dwelling unit meeting the requirements of the International Residential Code.

If the replacement structure is a manufactured home, it will meet the requirements of section 11-11-14 of this title.

If the replacement structure is a single family dwelling unit meeting the requirements of the International Residential Code, the replacement structure shall meet the requirements of subsections 11-11-14C1, C2 and C3 of this title in terms of minimum size, pitched roof slope and exterior siding and roofing standards.

Where interior lot lines are not present, replacement structures shall be located no closer than the distance allowed by the International Residential Code between structures. In areas where an existing structure is being replaced that is non-conforming to required setbacks or lot coverage, the replacement structure shall be sized and placed in a manner that is equally or less non-conforming relative to lot coverage and setback requirements.

So that no greater number of manufactured homes or residential units shall be allowed than lawfully exist in the park, permits for replacement structures shall only be authorized for a unit which is being replaced.

D. No additional structure not conforming to the requirements of this title shall be erected in connection with such nonconforming use of land. (Ord. 578, 1-9-2018)

**11-3-7: REPAIRS AND MAINTENANCE:**

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs such as walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reasons of physical condition, it shall not be thereafter restored, repaired, or rebuilt except in conformity with the regulations of the zone or district in which it is located. (Ord. 559, 7-12-2016; amd. Ord. 578, 1-9-2018)

## **CHAPTER 4 AGRICULTURAL ZONE (A)**

**SECTION:**

**11-4-1: Purpose**

**11-4-2: Restrictions**

**11-4-3: Site Area**

**11-4-4: Uses Permitted**

**11-4-5: Uses Prohibited**

**11-4-6: Building Setback Requirements**

**11-4-7: Special Uses**

**11-4-1: PURPOSE:**

The purpose of the Agricultural (A) Zone is to implement the Comprehensive Plan by protecting large, undeveloped lots or parcels of land primarily used for farming and agricultural pursuits, tree farms, and all uses that come under the title of forestry uses. (Ord. 559, 7-12-2016)

**11-4-2: RESTRICTIONS:**

In the Agricultural Zone, no building or premises shall be used, nor shall any building or structure hereafter be erected or altered (unless provided in this title), except for one or more of the following uses in accordance with the following standards; provided, however, that those standards shall not be in conflict with Idaho Code. (Ord. 559, 7-12-2016)

**11-4-3: SITE AREA:**

A. The following site area requirements apply in the Agricultural Zone except that where a lot has less area or frontage than required in this section as shown by any official plat on file in the Office of the County Clerk, or shown by the last conveyance of record, at the time of passage hereof; these regulations shall not prohibit one private dwelling and its accessory buildings on such lot, provided sixty five percent (65%) of the area of the site be left in open space free from all structures; (Ord. 559, 7-12-2016)

B. After the effective date hereof, the minimum lot size requirements in the Agricultural Zone shall be five (5) acres and a minimum of twenty feet (20') of frontage on a public or private street. If a lot fronts on the bulb end of a cul-de-sac, the minimum frontage for that lot shall be twenty six feet (26') measured at curb line with a minimum forty feet (40') of width at front yard setback line; (Ord. 578, 1-9-2018)

C. The maximum height of principal buildings shall not exceed two (2) stories or thirty five feet (35') except that nondwelling structures may exceed this height by special use permit. The maximum height of accessory buildings shall not exceed twenty feet (20'). (Ord. 559, 7-12-2016)

**11-4-4: USES PERMITTED:**

The following uses and ones similar in nature, as determined by the City, are permitted: Accessory living units meeting the standards of section 11-11-2 of this title for accessory living units.

"Farming" as defined by this title.

Hayden, ID Code of Ordinances

Home daycares.

Home occupations Class A, as established in section 11-11-18 of this title.

Major and minor utility infrastructure.

One single-family dwelling with the usual accessory buildings, such as tool houses and private garages.

Parks and recreation facilities, public.

Roadside stands of not more than three hundred (300) square feet used for sale of agricultural products produced on the premises.

Temporary sales, development offices, or storage facilities for subdivision or building sites.

Development and use standards for this zoning district are established in chapter 11 of this title. (Ord. 559, 7-12-2016; amd. Ord. 596, 5-24-2019)

**11-4-5: USES PROHIBITED:**

Any use not explicitly permitted in this zoning district, unless determined to be similar by the city, is prohibited. (Ord. 559, 7-12-2016)

**11-4-6: BUILDING SETBACK REQUIREMENTS:**

	Principal Structures	Detached Accessory Building <sup>2</sup>
Front yard	15 feet <sup>1</sup> single-family dwelling 25 feet all other structures	35 feet
Side yard	10 feet	10 feet
Flanking street	15 feet	15 feet
Rear yard	25 feet	10 feet

Notes:

1. The required minimum setback to the face of the attached garage is 25 feet. No additional intrusion of features such as canopies, decks, chimneys, cornices, and the like are allowed into the 15 foot front yard setback.

2. Accessory buildings that are attached to the principal structure shall meet the required setbacks of the principal structure. When detached, an accessory structure shall be a minimum of 5 feet from the principal structure. (Ord. 559, 7-12-2016)

**11-4-7: SPECIAL USES:**

The following uses and ones similar in nature, as determined by the city, are permitted if authorized by approval of a special use permit:

Cemeteries provided that they meet all the standards of the Idaho Code and are approved by the Panhandle health district. Limited to lots greater than five (5) acres.

Churches.

Community assembly halls.

Dairy products manufacturing.

Daycare center and preschools.

Home occupations class B, as established in section 11-11-18 of this title.

Kennels, commercial.

Kennels, residential.

Nurseries, wholesale or retail.

Parks and recreation facilities, private.

Processing plants, feed mills, packing plants and warehouses for the purpose of processing packing and storage of agricultural products, employing regularly not more than ten (10) persons, but excluding slaughterhouses and commercial fertilizer manufacturing. Limited to lots greater than five (5) acres.

Public buildings or complexes.

Roadside stands of more than three hundred (300) square feet used for sale of agricultural products produced on the premises.

Schools.

Temporary hardship use for dependent relative. (Ord. 559, 7-12-2016)

## **CHAPTER 5**

### **RESIDENTIAL - SUBURBAN ZONE (R-S)**

#### **SECTION:**

**11-5-1: Purpose**

**11-5-2: Restrictions**

**11-5-3: Site Area**

**11-5-4: Uses Permitted**

**11-5-5: Uses Prohibited**

**11-5-6: Building Setback Requirements**

**11-5-7: Special Uses**

#### **11-5-1: PURPOSE:**

The Residential - Suburban (R-S) Zone is a land use classification suitable for single-family dwelling units on larger lots and agricultural uses only. (Ord. 559, 7-12-2016)

#### **11-5-2: RESTRICTIONS:**

In the Residential - Suburban (R-S) Zone, no building or premises shall be used, nor shall any building or structure hereafter be erected or altered (unless provided in this title) except for one or more of the following uses in accordance with the following standards. (Ord. 559, 7-12-2016)

#### **11-5-3: SITE AREA:**

The following site area requirements apply in the R-S Zone:

A. On any parcel of land or lot of whatever size a minimum of sixty five percent (65%) of the area of the site shall be left in open space free from all structures, with the exception of any parcel of land or lot of not less than five (5) acres platted prior to December 20, 1977, as shown on the official plat on file in the Office of the County Clerk.

B. The maximum height of buildings shall not exceed two (2) stories or thirty five feet (35') except that nondwelling structures may exceed this height by special use



permit. The maximum height of accessory buildings shall not exceed twenty feet (20'). (Ord. 559, 7-12-2016)

C. The minimum lot size is one-half ( $\frac{1}{2}$ ) an acre and each lot requires a minimum frontage of twenty feet (20') on a public or private street. If a lot fronts on the bulb end of a cul-de-sac, the minimum frontage for that lot shall be twenty six feet (26') measured at curb line with a minimum forty feet (40') of width at front yard setback line. (Ord. 578, 1-9-2018)

**11-5-4: USES PERMITTED:**

The following uses and ones similar in nature, as determined by the City, are permitted: Accessory living units meeting the standards of section 11-11-2 of this title.

Home daycares.

Home occupations Class A, as established in section 11-11-18 of this title.

Major and minor utility infrastructure.

One single-family dwelling with the usual accessory buildings (not to exceed 1,500 square feet), such as tool houses and private garages which are not to exceed one thousand five hundred (1,500) square feet.

Parks and recreation facilities, public.

Roadside stands of not more than three hundred (300) square feet used for sale of agricultural products produced on the premises.

Temporary hardship use for dependent relatives.

Temporary sales, development offices or storage facilities for subdivision or building sites.

Development and use standards for this zoning district are established in chapter 11 of this title. (Ord. 559, 7-12-2016; amd. Ord. 596, 5-24-2019)

**11-5-5: USES PROHIBITED:**

Any use not explicitly permitted, unless determined to be similar by the City, in this zoning district is prohibited. (Ord. 559, 7-12-2016)

**11-5-6: BUILDING SETBACK REQUIREMENTS:**

	Principal Structures	Detached Accessory Building <sup>2</sup>
Front yard	15 feet <sup>1</sup> single-family dwelling 25 feet all other structures	35 feet
Side yard	10 feet	10 feet
Flanking street	15 feet	15 feet
Rear yard	25 feet	10 feet

Notes:

1. The required minimum setback to the face of the attached garage is 25 feet. No additional intrusion of features such as canopies, decks, chimneys, cornices, and the like are allowed into the 15 foot front yard setback.

2. Accessory buildings that are attached to the principal structure shall meet the required setbacks of the principal structure. When detached, an accessory structure shall be a minimum of 5 feet from the principal structure.

(Ord. 559, 7-12-2016)

**11-5-7: SPECIAL USES:**

The following uses and ones similar in nature, as determined by the city are permitted if authorized by approval of a special use permit:

Accessory buildings in excess of one thousand five hundred (1,500) square feet but no greater than two thousand (2,000) square feet.

Assisted living facilities.

Bed and breakfast facility.

Cemeteries, provided that they meet all standards of the Idaho Code and are approved by the Panhandle health district.

Churches.

Community assembly halls.

Daycare centers and preschools.

Foster home, group home, institution for minor children.

Home occupations class B, as established in section 11-11-18 of this title.

Kennel, residential.

Parks and recreational facilities, private.

Public buildings or complexes.

Schools.

Wholesale greenhouse. (Ord. 559, 7-12-2016)

**CHAPTER 6  
RESIDENTIAL ZONE (R-1)**

**SECTION:**

**11-6-1: Purpose**

**11-6-2: Restrictions**

**11-6-3: Site Area**

**11-6-4: Uses Permitted**

**11-6-5: Uses Prohibited**

**11-6-6: Building Setback Requirements**

**11-6-7: Special Uses**

**11-6-1: PURPOSE:**

The Residential (R-1) Zone is established to protect stable neighborhoods of single-family dwellings on smaller lots. (Ord. 559, 7-12-2016)

**11-6-2: RESTRICTIONS:**

In the Residential (R-1) Zone, no building or premises shall be used, nor shall any building or structure hereafter be erected or altered (unless provided in this title) except for one or more of the following uses in accordance with the following standards. (Ord. 559, 7-12-2016)

**11-6-3: SITE AREA:**

The following site area requirements apply in the R-1 Zone:

A. On any parcel of land or lot of whatever size a minimum of fifty five percent (55%) of the area of the site shall be left in open space free from all structures; and

B. The maximum height of buildings shall not exceed two (2) stories or thirty five feet (35') except that nondwelling structures may exceed this height by special use permit. The maximum height of accessory buildings shall not exceed twenty feet (20'). (Ord. 559, 7-12-2016)

C. The minimum lot size is eight thousand two hundred fifty (8,250) square feet and each lot requires a minimum frontage of twenty feet (20') on a public or private street. If a lot fronts on the bulb end of a cul-de-sac, the minimum frontage for that lot shall be twenty six feet (26') measured at curb line with a minimum forty feet (40') of width at front yard setback line. (Ord. 578, 1-9-2018)

**11-6-4: USES PERMITTED:**

The following uses and ones similar in nature, as determined by the City, are permitted: Accessory living units meeting the standards of section 11-11-2 of this title for accessory living units.

Home daycares.

Home occupations Class A, as established in section 11-11-18 of this title.

Major and minor utility infrastructure.

One single-family dwelling per lot with the usual accessory buildings and private garages. Accessory buildings and private garages shall not exceed one thousand five hundred (1,500) square feet.

Parks and recreation facilities, public.

Temporary sales, development offices, or storage facilities for subdivision or building sites.

Development and use standards for this zoning district are established in chapter 11 of this title. (Ord. 559, 7-12-2016; amd. Ord. 596, 5-24-2019)

**11-6-5: USES PROHIBITED:**

Any use not explicitly permitted, unless determined to be similar by the City, in this zoning district is prohibited. (Ord. 559, 7-12-2016)

**11-6-6: BUILDING SETBACK REQUIREMENTS:**

	<b>Principal Structures</b>	<b>Detached Accessory Building<sup>2</sup></b>
Front yard	15 feet <sup>1</sup> <b>single-family dwelling</b> 25 feet all other structures	35 feet
Side yard	10 feet	5 feet
Flanking street	15 feet	15 feet
Rear yard	25 feet	5 feet

Notes:

1. The required minimum setback to the face of the attached garage is 25 feet. No additional intrusion of features such as canopies, decks, chimneys, cornices, and the like are allowed into the 15 foot front yard setback.
2. Accessory buildings that are attached to the principal structure shall meet the required setbacks of the principal structure. When detached, an accessory structure shall be a minimum of 5 feet from the principal structure.  
(Ord. 559, 7-12-2016)

**11-6-7: SPECIAL USES:**

The following uses and ones similar in nature, as determined by the City, are permitted if authorized by approval of a special use permit.

Accessory buildings in excess of one thousand five hundred (1,500) square feet but no greater than two thousand one (2,001) square feet.

Assisted living facilities.

Bed and breakfast facilities.

Churches.

Community assembly halls.

Daycare centers and preschools.

Foster homes, group homes, institutions for minor children.

Funeral homes (existing only, may be expanded).

Home occupations Class B, as established in section 11-11-18 of this title.

Kennels, residential.

Parks and recreational facilities, private.

Public buildings or complexes.

Schools.

Temporary hardship use for dependent relatives.

Two-family dwelling. (Ord. 559, 7-12-2016)

**CHAPTER 7**  
**RESIDENTIAL MULTI-FAMILY ZONE (R-M/F)**

SECTION:

**11-7-1: Purpose**

**11-7-2: Restrictions**

**11-7-3: Site Area**

**11-7-4: Uses Permitted**

**11-7-5: Uses Prohibited**

**11-7-6: Building Setback Requirements**

**11-7-7: Special Uses**

**11-7-1: PURPOSE:**

The Residential Multi-Family (R-M/F) Zone is established to provide higher density residential housing areas served by collector and arterial streets. This zone shall be characterized by buildings or groups of buildings containing multi-family dwelling units.  
(Ord. 559, 7-12-2016)

**11-7-2: RESTRICTIONS:**

In the Residential Multi-Family (R-M/F) Zone, no building or premises shall be used, nor shall any building or structure hereafter be erected or altered (unless provided in this title) except for one or more of the following uses in accordance with the following standards. (Ord. 559, 7-12-2016)

**11-7-3: SITE AREA:**

The following site area requirements apply in the R-M/F Zone:

A. On any parcel of land or lot of whatever size a minimum of sixty five percent (65%) of the area of the site shall be left in open space free from all structures; and

B. The maximum height of buildings shall not exceed thirty five feet (35') except that nondwelling structures may exceed this height by special use permit. The maximum height of accessory buildings shall not exceed twenty feet (20'). (Ord. 559, 7-12-2016)

C. The minimum lot size for a single family residential dwelling is eight thousand two hundred fifty (8,250) square feet and each lot requires a minimum frontage of twenty feet (20') on a public or private street. If a lot fronts on the bulb end of a cul-de-sac, the minimum frontage for that lot shall be twenty six feet (26') measured at curb line with a minimum forty feet (40') of width at front yard setback line.

D. The minimum lot size for a two family residential dwelling is nine thousand nine hundred (9,900) square feet and each lot requires a minimum frontage of twenty feet (20') on a public or private street. If a lot fronts on the bulb end of a cul-de-sac, the minimum frontage for that lot shall be twenty six feet (26') measured at curb line with a minimum forty feet (40') of width at front yard setback line.

E. The minimum lot size for a three family residential dwelling unit or more is fifteen thousand (15,000) square feet and each lot requires a minimum frontage of thirty feet (30') on a public or private street. If a lot fronts on the bulb end of a cul-de-sac, the minimum frontage for that lot shall be thirty feet (30') measured at curb line with a minimum forty feet (40') of width at front yard setback line. (Ord. 578, 1-9-2018)

**11-7-4: USES PERMITTED:**

The following uses and ones similar in nature, as determined by the City, are permitted: For single-family residences, an accessory living unit meeting the standards of section 11-11-2 of this title for accessory living units.

Home daycares.

Home occupations Class A, as established in section 11-11-18 of this title. Limited to single-family dwellings only.

Major and minor utility infrastructure.

One multi-family residential dwelling per lot consisting of not more than four (4) dwelling units with the usual accessory buildings and private garages. Accessory buildings and private garages shall not exceed one thousand five hundred (1,500) square feet.

One single family residential dwelling per lot with the usual accessory buildings and private garages provided that the minimum lot size, frontage, site areas, building setback and off street parking requirements are met for the R Zone under which that particular R use would be classified.

Hayden, ID Code of Ordinances

One (1) two-family dwelling per lot with the usual accessory buildings and private garages. Accessory buildings and private garages shall not exceed one thousand five hundred (1,500) square feet.

Temporary sales, development offices or storage facilities for subdivision or building sites.

Development and use standards for this zoning district are established in chapter 11 of this title. (Ord. 578, 1-9-2018; amd. Ord. 596, 5-24-2019)

**11-7-5: USES PROHIBITED:**

Any use not explicitly permitted, unless determined to be similar by the City, in this zoning district is prohibited. (Ord. 559, 7-12-2016)

**11-7-6: BUILDING SETBACK REQUIREMENTS:**

	<b>Principal Structures</b>	<b>Detached Accessory Building<sup>2</sup></b>
Front yard	15 feet <sup>1</sup> <b>single-family dwelling</b> 25 feet all other structures	35 feet
Side yard	10 feet	5 feet
Flanking street	15 feet	15 feet
Rear yard	25 feet	5 feet

Notes:

1. The required minimum setback to the face of the attached garage is 25 feet. No additional intrusion of features such as canopies, decks, chimneys, cornices, and the like are allowed into the 15 foot front yard setback.

2. Accessory buildings that are attached to the principal structure shall meet the required setbacks of the principal structure. When detached, an accessory structure shall be a minimum of 5 feet from the principal structure. (Ord. 559, 7-12-2016)

**11-7-7: SPECIAL USES:**

The following uses and ones similar in nature, as determined by the City, are permitted if authorized by approval of a special use permit:

Accessory buildings in excess of one thousand five hundred (1,500) square feet but no greater than two thousand one (2,001) square feet.

Assisted living facilities.

Bed and breakfast facilities.

Churches.

Community assembly halls.

Daycare centers and preschools.

Foster homes, group homes, institutions for minor children.

Home occupations Class B, as established in section 11-11-18 of this title. Limited to single-family dwellings only.

Multi-family dwellings, five (5) or more units.

Parks and recreational facilities, private.  
Public buildings or complexes.  
Schools.

Temporary hardship use for dependent relatives - allowed only as an accessory to single-family residences. (Ord. 559, 7-12-2016)

## **CHAPTER 8 COMMERCIAL ZONE (C)**

### **SECTION:**

#### **11-8-1: Purpose**

#### **11-8-2: Restrictions**

#### **11-8-3: Site Area**

#### **11-8-4: Uses Permitted**

#### **11-8-5: Uses Prohibited**

#### **11-8-6: Building Setback Requirements**

#### **11-8-7: Special Uses**

#### **11-8-1: PURPOSE:**

The Commercial (C) Zone is a land use classification for a district suitable for wholesale and retail sales and service. (Ord. 559, 7-12-2016)

#### **11-8-2: RESTRICTIONS:**

In the Commercial (C) Zone, no building or premises shall be used, nor shall any building or structure hereafter be erected or altered (unless provided in this title) except for one or more of the following uses in accordance with the following standards. (Ord. 559, 7-12-2016)

#### **11-8-3: SITE AREA:**

The following site area requirements apply in the Commercial Zone:

- A. The maximum height of buildings shall not exceed forty five feet (45'); and
- B. All lots as defined by this title shall have a minimum frontage of thirty feet (30') on a public or private street. (Ord. 559, 7-12-2016)

#### **11-8-4: USES PERMITTED:**

The following uses and ones similar in nature, as determined by the City, are permitted:  
Amusement parks, movie theaters, bowling and entertainment facilities.

Animal clinics and hospitals, excludes large animals.

Assisted living facilities.

Churches.

Clinics.

Community assembly halls.

Contractor's office without outdoor storage.

Daycare centers and preschools.

Financial institutions and banks.

Home occupations Class A, as established in section 11-11-18 of this title. Limited to single-family dwellings legally constructed prior to 2002.

Hayden, ID Code of Ordinances

Hospitals, skilled care facilities and residential institutions, less than thirty thousand (30,000) square feet.

Hotels and motels.

Light manufacturing (limited) - meeting the definition of "assemblage" in this title and in compliance with chapter 9 of this title.

Major and minor utility infrastructure.

Office buildings and complexes.

Parks and recreation facilities, private.

Parks and recreation facilities, public.

Public buildings or complexes.

Residential use in the upper floors and/or rear of the principal structure, provided that not more than twenty five percent (25%) of the ground floor may be devoted to residential use and that all ground floor residential is located in the rear of the structure.

Restaurants and drinking establishments.

Retail and wholesale sales and services of under twenty thousand (20,000) square feet (excluding warehouse/storage/freight handling and wholesale sales and shipping operations).

Schools located on a collector or arterial street.

Schools, trade or industrial.

Sexually oriented business, retail.

Single-family dwellings legally constructed prior to 2002 not changed to another use.

Any modifications or additions to the dwelling must meet the minimum setback requirements allowed for a single-family dwelling in the Residential Zone District.

Small accessory commercial activities and operations (including drive-through food and beverage stands of less than 1,500 square feet) as an accessory use.

Small engine and similar types of repair.

Storage, accessory to a permitted principal use.

Temporary sales, development offices or storage facilities for subdivision or building sites.

Truck transport facility, commercial (5 acres or less).

Vehicle cleaning, servicing, repair, and customization.

Vehicle rentals and sales.

Wineries, breweries, and distilleries with retail component such as tasting room and limited food service.

Development and use standards for this zoning district are established in chapter 11 of this title. (Ord. 572, 6-13-2017; amd. Ord. 596, 5-24-2019)

**11-8-5: USES PROHIBITED:**

Any use not explicitly permitted, unless determined to be similar by the City, in this zoning district is prohibited. (Ord. 559, 7-12-2016)

**11-8-6: BUILDING SETBACK REQUIREMENTS:**

Site Area	All Buildings
Front yard	40 feet <sup>1</sup>
Side yard	None <sup>2</sup>
Flanking street	15 feet



Hayden, ID Code of Ordinances

Site Area	All Buildings
Rear yard	None <sup>2</sup>
Rear or side on alley	10 feet

Notes:

1. If parking is provided in an area other than in the front of the building, a setback of 20 feet is permitted.
2. Zero lot lines are permitted only for those buildings whose construction meets at least the minimum fire standards of the Building Code and Fire Protection Code.  
(Ord. 559, 7-12-2016)

**11-8-7: SPECIAL USES:**

The following uses and ones similar in nature, as determined by the City, are permitted if authorized by approval of a special use permit:

Animal clinics and hospitals, including large animals.

Call centers.

Cellular phone, radio, and television towers.

Contractor's office with outdoor storage.

Funeral homes and crematoriums.

Home occupations Class B, as established in section 11-11-18 of this title. Limited to single-family dwellings legally constructed prior to 2002.

Hospitals, skilled care facilities, and residential institutions, more than thirty thousand (30,000) square feet.

Kennel, residential, limited to single-family dwellings legally constructed prior to 2002.

Manufacturing, light. Limited to activities not involving outside noise, odor, soot, smoke, and not requiring or generating shipping and receiving trips via commercial freight carrier more than three (3) times per week.

Mixed use business parks.

Multi-family dwelling building(s), more than three (3) units.

Radio, television or FM broadcasting station.

Railroad transportation lines or spurs; railroad classification yards.

Retail and wholesale sales and services of twenty thousand (20,000) square feet and larger (excluding warehouse/storage/freight handling and wholesale sales and shipping operations).

Schools on a street that is not a collector or arterial.

Swap meets and farmers' markets.

Temporary hardship use for dependent relatives. Limited to single-family dwellings legally constructed prior to 2002.

Towing company.

Wineries, breweries, and distilleries, production only. (Ord. 572, 6-13-2017; amd. Ord. 596, 5-24-2019)

## **CHAPTER 9**

### **LIGHT INDUSTRIAL ZONE (L-I)**

**SECTION:**

**11-9-1: Purpose**

**11-9-2: Restrictions**

**11-9-3: Site Area**

**11-9-4: Uses Permitted**

**11-9-5: Uses Prohibited**

**11-9-6: Building Setback Requirements**

**11-9-7: Special Uses**

**11-9-1: PURPOSE:**

The "Light Industrial (L-I) Zone" is a land use classification for a district suitable for manufacturing, processing, fabrication, assemblage, freight handling, or similar operations of a nonnuisance character. The purpose of the Light Industrial Zone is to encourage the development of manufacturing and wholesale businesses that are clean, quiet, and free of noise, odor, dust and smoke. (Ord. 559, 7-12-2016)

**11-9-2: RESTRICTIONS:**

In the Light Industrial (L-I) Zone, no building or premises shall be used, nor shall any building or structure hereafter be erected or altered (unless provided in this title) except for one or more of the following uses in accordance with the following standards: Welding equipment and other sources of intense light or glare shall be shielded from the view of neighboring properties or public ways by enclosure in a building, location on the property, or construction of a fence or wall. (Ord. 559, 7-12-2016)

**11-9-3: SITE AREA:**

The following site area requirements apply in the L-I Zone:

- A. No building hereafter created or structurally altered shall exceed a maximum height of sixty feet (60').
- B. No building hereafter created or structurally altered that is located within three hundred feet (300') of the runway edges shall exceed the height of any building on the airport property.
- C. When the building is located within three hundred feet (300') of a Residential Zoning District or is within the Airport Runway Protection Zone established in the Coeur d'Alene Airport master plan the maximum building height shall be forty five feet (45').
- D. All lots as defined by this title shall have a minimum frontage of thirty feet (30') on a public or private street. (Ord. 559, 7-12-2016)

**11-9-4: USES PERMITTED:**

The following uses and ones similar in nature, as determined by the City, are permitted:  
Animal clinics and hospitals, excludes large animals.

Assemblage.

Contractor's office and storage.

Equipment and small engine repairs.

Hayden, ID Code of Ordinances

Fabrication/machine shop.  
 Funeral homes and crematoriums.  
 Home occupations Class A, as established in section 11-11-18 of this title. Limited to single-family dwellings legally constructed prior to 2002.  
 Hotels and motels.  
 Laundry and building maintenance service.  
 Light manufacturing.  
 Major and minor utility infrastructure.  
 Mixed use business parks.  
 Office buildings or complexes.  
 Parks and recreation facilities, private.  
 Parks and recreation facilities, public.  
 Public buildings or complexes.  
 Restaurants and drinking establishments.  
 Retail sales directly related to the onsite light manufacturing.  
 Schools, trade or industrial.  
 Self-storage.  
 Sexually oriented businesses, nonretail.  
 Single-family dwellings legally constructed prior to 2002 and continuously maintained as a single-family dwelling. Any modifications or additions to the dwelling must meet the minimum setback requirements allowed for a single-family dwelling in the most restrictive Residential Zoning District.  
 Temporary sales, development offices, or storage facilities for subdivision or building sites.  
 Truck transport facility, industrial (5 acres or less).  
 Vehicle cleaning, servicing, repair and customization.  
 Vehicle rentals and sales.  
 Warehouse/storage/freight handling up to fifty thousand (50,000) square feet.  
 Wholesale sales and shipping operations up to fifty thousand (50,000) square feet.  
 Wineries, breweries and distilleries, retail and/or production. (Ord. 572, 6-13-2017; amd. Ord. 596, 5-24-2019)

**11-9-5: USES PROHIBITED:**

Any use not explicitly permitted, unless determined to be similar by the City, in this zoning district is prohibited. (Ord. 559, 7-12-2016)

**11-9-6: BUILDING SETBACK REQUIREMENTS:**

The following minimum setback requirements shall be met:

Site Area	All Buildings
Front yard	35 feet <sup>1</sup>
Side yard	None <sup>2</sup>
Flanking street	15 feet
Rear yard	None <sup>2</sup>
Rear or side on alley	10 feet

Notes:

1. If parking is provided in an area other than in the front of the building, a setback of 20 feet is permitted.
2. Zero lot lines are permitted only for those buildings whose construction meets at least the minimum fire standards of the Building Code and Fire Protection Code.  
(Ord. 559, 7-12-2016)

**11-9-7: SPECIAL USES:**

The following uses and ones similar in nature, as determined by the City, are permitted if authorized by approval of a special use permit:

Aboveground bulk storage of over twenty thousand (20,000) gallons of petroleum products.

Animal clinics and hospitals, including large animals.

Auto wrecking yard, junkyard.

Cellular phone, radio and television towers.

Cement, gypsum, or asphalt plant.

Churches.

Community assembly halls.

Explosives - storage and manufacturing.

Home occupations Class B, as established in section 11-11-18 of this title. Limited to single-family dwellings legally constructed prior to 2002.

Kennels, commercial.

Kennels, residential. Limited to single-family dwellings legally constructed prior to 2002.

Railroad transportation lines or spurs; railroad classification yards.

Swap meets and farmers' markets.

Temporary hardship use for dependent relative. Limited to single-family dwellings legally constructed prior to 2002.

Towing company.

Truck transport facility, industrial (larger than 5 acres).

Warehouse/storage/freight handling operations over fifty thousand (50,000) square feet.

Wholesale sales and shipping operations over fifty thousand (50,000) square feet. (Ord. 572, 6-13-2017; amd. Ord. 596, 5-24-2019)

**CHAPTER 10  
SCHEDULE OF DISTRICT REGULATIONS**

(Rep. by Ord. 531, 11-26-2013)

**CHAPTER 11  
DEVELOPMENT STANDARDS**

SECTION:

- 11-11-1: Purpose**
- 11-11-2: Accessory Living Units**
- 11-11-3: Automotive Wrecking And Junk Yards**
- 11-11-4: Exceptions To Height Regulations**
- 11-11-5: Structure To Have Access**
- 11-11-6: Parking, Storage Or Use Of Major Recreational Equipment**
- 11-11-7: Fences, Walls And Hedges**
- 11-11-8: Development On Streets With Less Than The Designated Right-Of-Way Of The Transportation Plan As Set Forth In The Comprehensive Plan**
- 11-11-9: Vibration, Noise And Dust Control**
- 11-11-10: Storage**
- 11-11-11: Landscaping And Screening; Visibility Obstructions**
- 11-11-12: Zone Regulation Application**
- 11-11-13: Use Standards; Purpose**
- 11-11-14: Manufactured Home**
- 11-11-15: Multi-Family Dwelling Structures**
- 11-11-16: Two-Family Dwellings**
- 11-11-17: Bed And Breakfast Facility**
- 11-11-18: Home Occupation**
- 11-11-19: Temporary Hardship Use For Dependent Relatives**
- 11-11-20: Swap Meet**
- 11-11-21: Animal Clinics And Hospitals**
- 11-11-22: Radio, Cellular, Television Or FM Broadcasting Station (Rep. by Ord. 596, 5-24-2019)**
- 11-11-23: Truck Transport Facility, Industrial**
- 11-11-24: Truck Transport Facility, Commercial**
- 11-11-25: Mixed Use Business Parks**

**11-11-1: PURPOSE:**

The purpose of this chapter is to establish the standards that apply to specified uses without regard to zone and specific sites without regard to use. Site plans, narratives and other materials which demonstrate compliance with the following development standards shall be required to be submitted by the applicant for the review and administrative approval of City Community and Economic Development staff. Administrative decisions made pursuant to this chapter may be appealed to the City Council. (Ord. 542, 1-27-2015)

**11-11-2: ACCESSORY LIVING UNITS:**

Accessory living units shall comply with the following criteria:

- A. An accessory living unit shall only be allowed with a principal single-family residential structure;
- B. The accessory living unit shall not exceed eight hundred (800) square feet. When it is within the same structure and exceeds eight hundred (800) square feet the structure is classified as a duplex and is only allowed pursuant to the district regulations of the zone that it is located in;
- C. Only one accessory living unit is allowed per lot;
- D. No new or separate approach from a public or private road shall be permitted. Existing driveways used by the principal dwelling or existing structure (if it is

to be converted to an accessory living unit) shall also serve as the approach for the accessory living unit;

E. Open space and setback requirements of the underlying zone shall be met, excepting that the accessory living unit shall be set back a minimum of thirty feet (30') from the front property line or behind the front of the principal residence if the house is set back farther than twenty five feet (25'), and ten feet (10') from the side and rear property line. The accessory living unit may be attached to the principal dwelling, may be a stand alone structure, or may be constructed within an accessory structure. In all cases, it must have an entrance that is separate from that of the principal dwelling;

F. Home occupation Class A is permitted within an accessory living unit;

G. The accessory living unit shall be considered a single-family dwelling separate from the principal dwelling for the purpose of calculating sewer usage and capitalization fees;

H. Water and sewer utilities shall be connected to the utilities of the principal residence; and

I. Compliance with the City parking standards is required; however, a minimum of only one parking space shall be required for the accessory living unit. (Ord. 559, 7-12-2016)

**11-11-3: AUTOMOTIVE WRECKING AND JUNK YARDS:**

A. Standards: Shall have a type I landscape buffer installed on all property boundaries. A type I alternate shall not be allowed. (Ord. 542, 1-27-2015)

**11-11-4: EXCEPTIONS TO HEIGHT REGULATIONS:**

The height limitations contained in the schedule of district regulations do not apply to spires, belfries, cupolas, ventilator, chimneys, sports netting, or other structures or appurtenances usually required to be placed above the roof level and not intended for human occupancy. (Ord. 596, 5-24-2019)

**11-11-5: STRUCTURE TO HAVE ACCESS:**

Every building hereafter erected or moved shall be on lots adjacent to a public street or with access to an approved private street or driveway, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off street parking. (Ord. 572, 6-13-2017)

**11-11-6: PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT:**

For purposes of these regulations, "major recreational equipment" is defined as including boats and boat travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any public way to exceed twenty four (24) hours. (Ord. 542, 1-27-2015)

**11-11-7: FENCES, WALLS AND HEDGES:**

A. Fences, walls, and hedges shall be permitted in required yards in accordance with the following regulations:

1. All fences and walls greater than six feet (6') in height shall conform to the currently adopted Building Code and other applicable provisions of this Code.

2. No fence, wall or hedge shall be erected within the vision triangle pursuant to subsection 6-1-4A of this Code.

3. For residential land uses, with the exception of fences used to enclose large livestock, no electric, barbed or razor wire fencing shall be allowed. Barbed or razor wire fences are permitted in Commercial and Industrial Zones only as the top section of a security fence and shall be located a minimum of seventy two inches (72") and maximum of ninety six inches (96") above grade.

B. For residential uses in all zoning districts, the following shall apply:

1. Fences, walls, and hedges not greater than six feet (6') in height shall be permitted on or within all rear and side yard property lines and on or within all front yard setback lines.

2. Fences, walls, and hedges not greater than four feet (4') in height shall be permitted in any required front yard. However, wire or rail type fences used to enclose large livestock, i.e., horses, cows, etc., may be five feet (5') high as a permitted use. Livestock fencing shall be marked in a manner that is clearly visible to the public.

C. For nonresidential uses in Nonresidential Zoning Districts, the following shall apply:

1. Fences, walls, and hedges not greater than four feet (4') in height shall be permitted in any required front yard.

2. Fences, walls, and hedges on or within the rear or side yard property lines shall have no height restriction except where abutting a residential use, then the maximum height is six feet (6'). Provided, however, that fences, walls and hedges may be constructed not greater than ten feet (10') in height pursuant to the special use permit procedures set forth in chapter 13 of this title where the abutting property is used for residential uses.

D. Exceptions to these height and material standards may be considered as a special use permit. (Ord. 578, 1-9-2018)

**11-11-8: DEVELOPMENT ON STREETS WITH LESS THAN THE DESIGNATED RIGHT-OF-WAY OF THE TRANSPORTATION PLAN AS SET FORTH IN THE COMPREHENSIVE PLAN:**

All principal structures located on streets having less than a required right-of-way shall be required to have a setback plus the needed distance to equal the required right-of-way. For example, on a minor arterial with a forty foot (40') right-of-way, an additional sixty feet (60') (or 30 feet on each side of the minor arterial) shall be required. (Ord. 542, 1-27-2015)

**11-11-9: VIBRATION, NOISE AND DUST CONTROL:**

A. Vibration: Any use creating intense earthshaking vibrations or noise such as are created by heavy drop forges or heavy hydraulic surges, shall be set back at least three hundred feet (300') from an abutting residential or commercial zoning district or at least one hundred fifty feet (150') from an abutting manufacturing zoning district, unless such operation is controlled to prevent transmission beyond the lot lines of earthshaking vibrations perceptible to a person of normal sensitivities; and

B. Noise: No person may make or permit any unnecessary or unusual noise to the annoyance of others between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M. on a weekday and between six o'clock (6:00) P.M. and seven o'clock (7:00)

A.M. on a weekend, except as otherwise authorized by the City Council for utility construction or service emergencies. No person may make or permit, in the operation of a machine, in the harboring of an animal or otherwise, any noise to the annoyance of any other person of ordinary sensibilities between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M. on a weekday and between six o'clock (6:00) P.M. and seven o'clock (7:00) A.M. on a weekend, except as otherwise authorized by the City Council for utility construction or service emergencies; and

C. Dust Control:

1. No development shall generate dust, smoke, odors, or other airborne pollutants that travel beyond its property line, except as permitted by State and Federal air quality standards.

2. It shall be unlawful for any person to cause or permit particulate matter to be handled, transported or stored without taking reasonable precautions to prevent the particulate matter from becoming airborne.

3. It shall be unlawful for any person to cause or permit a building or its appendages or a road to be constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne.

4. It shall be unlawful for any person, including the owner or person in control of real property to cause or allow particulate matter to be deposited upon a paved roadway open to the public without taking every reasonable precaution to minimize deposition. Reasonable precautions shall include, but are not limited to, the removal of particulate matter from equipment prior to movement on paved streets and the prompt removal of any particulate matter deposited on paved streets.

5. The City may attach conditions to a permit requiring mitigation for dust control. (Ord. 542, 1-27-2015)

**11-11-10: STORAGE:**

All storage, with the exception of section 11-11-6 of this chapter, shall comply with the following requirements:

A. No property, or part thereof, shall be used as a storage area for any purpose other than storage of materials used in connection with the normal operation of the permitted uses in the applicable zone, except that property may be used for the storage of materials used in the construction of the individual building on the property.

B. All storage, unless allowed outright pursuant to this Code, shall be accessory to the permitted use on the site.

1. In a planned unit development, storage is allowed as a primary use on a lot so long as the storage site is only utilized by internal property owners and not external customers. Storage sheds and equipment storage within a PUD may span across lot boundaries so long as those lots are located within a designated storage area that meets all other standards of this Code.

C. All storage shall be wholly within a building or shall be entirely screened from view from surrounding properties with a six foot (6') tall sight obscuring fence, hedge, and/or shrubs.

D. All storage areas must conform to the minimum building setback regulations of the applicable zone. (Ord. 559, 7-12-2016)

E. The storage of inoperable or not currently licensed vehicles shall not be allowed on a property for longer than twenty eight (28) days after which, the vehicle



must be stored within a six foot (6') sight obscuring fence, hedge, or shrubs, or within a completely enclosed building, including doors. (Ord. 572, 6-13-2017)

F. The storage of inoperable railroad cars and inoperable truck trailers used for storage may be permitted only under special use permit.

G. In outdoor sales areas, those items displayed shall only be those items offered for sales and marketing purposes and shall be allowed without screening as follows:

1. Items shall be in working order.
2. Items shall be displayed in a neat and orderly manner.
3. Items shall be removed from boxes and clearly displayed.
4. Items must be placed on a hard, compacted surface such as asphalt, concrete, or gravel.
5. Items cannot be placed in required parking, circulation, and stormwater facilities, though they may be placed in overflow parking areas.
6. Items may be placed in an area(s) which alone or collectively does not exceed ten percent (10%) of the gross area of the property.
  - a. The sales areas of garden centers, nurseries, vehicle sales lots, farmers' markets, swap meets and similar outdoor uses are not subject to this limit on area. (Ord. 559, 7-12-2016)

H. Refuse and garbage collection areas shall:

1. Be paved with asphalt or concrete;
2. Be screened from view by a minimum six foot (6') tall sight obscuring fence or landscaping. This fencing or landscaping can be installed either around the perimeter of the collection area or the perimeter of the property;
3. Not attract rodents or other vermin;
4. Not generate odors or liquid runoff beyond the property line; and
5. Not permit blowing of paper and other lightweight waste. (Ord. 559, 7-12-2016; amd. Ord. 572, 6-13-2017)

#### **11-11-11: LANDSCAPING AND SCREENING; VISIBILITY OBSTRUCTIONS:**

A. Purpose: The purpose of this section is to: 1) provide a visual buffer and physical separation between land uses of varying intensities; 2) reduce unwanted light, glare, and noise; 3) enhance the visual appeal of Hayden; 4) retain existing natural vegetation; and 5) implement the goals and policies of the Comprehensive Plan.

B. Definitions: For the purposes of this section, the following definitions shall apply:

**BERM:** An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

**BUFFER, BUFFERING:** A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

**CALIPER:** The diameter of a tree or shrub trunk measured six inches (6") above grade.

**DECIDUOUS:** A plant with foliage that is shed annually.

**EVERGREEN:** Any broadleaf or coniferous tree, shrub, or ground cover that holds foliage year round.

## Hayden, ID Code of Ordinances

**GRASSY SWALE:** A shallow, grassed, linear depression with gently sloping sides used as percolation areas to treat stormwater runoff in conjunction with dry wells.

**GROUND COVER:** See definition of ground cover in section 11-1-3 of this title.

**PLANTING AREA:** An area of land to be planted such that it will be fully utilized under the conditions of this section.

**SCREEN:** A method of reducing the impact of noise and unsightly intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or an appropriate combination thereof.

**SHRUB:** A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground, may be deciduous or evergreen.

C. **Applicability:** This section applies to all uses developed in the City excluding single-family dwelling units, individual manufactured homes, and agricultural uses of land as defined in this title. The requirements of this section shall be imposed under the following circumstances:

1. New development;
2. Expansions of or alterations to existing uses;
3. Change of use. When the use of a building or lot changes to a use

which this title requires to provide additional landscaping, the new use shall provide landscaping in accordance with the requirements of this section;

4. Difference of standards. Where there is a difference of standards listed in this section and the specific requirements listed in individual zones, the more substantial requirements shall be required.

D. **Landscaping Plan Review:** Prior to issuance of a building permit, a landscape site plan shall be submitted to the building/planning department for review and approval by the City engineer. The site plan may be combined with the parking plan. Said plan shall be drawn to scale and contain the following:

1. Identification of existing fences, property lines, and abutting streets, alleys and other rights-of-way;

2. Parking and vehicle use areas, driveways and walkways (existing and proposed);

3. Buildings or structures (existing and proposed);

4. Location, general type, and quality of existing vegetation;

5. Existing vegetation to be saved;

6. Landscaping: a) location and size of planting areas; b) location, quantity, size, spacing, and names (both botanical and common) of proposed plants, trees and/or other vegetation. Drawings shall reflect the ultimate size of plant materials; and

7. Location and description of other landscape improvements, such as earth berms, walls, and decorative rocks.

E. **Performance Assurance:** To ensure that the proposed landscape plans are carried out, one (1) of the following shall be executed:

1. All proposed landscape planting shall be completed before the issuance of an occupancy permit; or

2. A bond or cash deposit of sufficient value to complete the proposed landscape planting may be posted. If a bond or cash deposit is utilized, the City engineer shall set a date to allow for the completion of the proposed landscape planting.

## Hayden, ID Code of Ordinances

The bond or cash deposit shall either be returned upon approval of the completed landscape planting, or forfeited if the proposed landscape planting has not been concluded by the completion date previously set by the City engineer.

If, due to seasonal weather conditions, it is not feasible to install required landscaping, a temporary occupancy permit may be issued after a bond or cash deposit, sufficient to complete the proposed landscape planting, is posted, to be relinquished upon approval of completed landscaping.

F. Maintenance: The continuing maintenance of any improvement required for compliance with any development or use standard of this title shall be required. This provision applies to:

1. Off street parking and loading areas;
2. Improvements required for on site stormwater treatment systems (grass swales);
3. Landscaped areas, including any required buffers; and
4. Any other improvement required for compliance with this title.
5. The maintenance of landscaped areas includes irrigation, maintenance of the irrigation system, and weed and pest control.

Any trees and shrubs used in the landscaping and screening of a zone or use shall be maintained in a healthy growing condition. The owner of the property shall bear primary responsibility for maintenance of landscaping. Dead or dying trees and shrubs shall be replaced within six (6) months and the planting area shall be maintained reasonably free of weeds and trash.

If stormwater treatment areas (grass swales) are used in part to fulfill the requirements of this section, the property owner shall bear primary responsibility for maintenance. All grassed areas shall be kept trim and maintained reasonably free of weeds and trash. Dead or dying grass shall be replaced within thirty (30) days.

The City of Hayden is authorized to notify the owner or the owner's agent if any installed landscaping as required in this section is not being adequately maintained, and the specific nature of the failure to maintain. The City shall send the property owner or the respective agent two (2) written notices, each with a fifteen (15) day response period. The notices shall specify the date by which the said maintenance must be accomplished and shall be addressed to the property owner or agent's last known address. No response from the property owner or the respective agent shall constitute a violation of this title and City Council may take appropriate action. (Ord. 559, 7-12-2016)

G. General Requirements:

1. Sight Distance Triangle Adjacent To Public Rights-Of-Way And Points Of Access: No landscaping, structures, or other items shall impair vision at a corner as required by section 6-1-4 of this Code or a point of access. In these areas, all landscaping shall be planted and maintained at a height no greater than three feet (3') above the centerline street grade. Trees may be permitted if the trunks are kept free of branches below ten feet (10') above the centerline street grade. (Ord. 572, 6-13-2017)
2. Preservation Of Existing Trees: All trees on a site shall be retained to the maximum extent possible. Credit may be given for incorporating existing trees into the design if it meets the intent of this section, survives through the first year, and is continually maintained in a healthy condition. Exceptions:

Hayden, ID Code of Ordinances

- a. When the tree(s) will be hazardous or may otherwise damage the structure, streets, or sewer, water or utility lines.
  - b. When the tree(s) will not likely survive the impacts of the construction due to its condition, age, disease, increased or decreased exposure, or location outside of a natural grouping. (Ord. 559, 7-12-2016)
- H. Minimum Landscape Area Requirements: The following table sets forth the type of required landscaping to be installed by the proposed use:

Zoning/Use Of Proposed Site	Abutting Land Zoned As	Landscaping
R-S	All zones	Type III
R-M/F	R-1	Type III - 3 and 4 unit dwellings
		Type II - 5 dwelling units or more
		Type II - all other uses
Planned unit development	All zones	Type II
C	R-1	Type I
C	R-M/F	Type II
L-I	All R Zones	Type I
L-I	All other zones except for L-I and R Zones	Type II
Public street frontage	All zones	Type II - SF
All parking lots - 4 spaces or more - perimeter buffer	All zones	Type III

Note: Buffer requirements do not apply to one- and two-family residential dwelling units; related accessory units; or uses occurring within a single- or two-family residential dwelling unit such as home occupations, bed and breakfasts, in-home daycares, etc. Buffering can be phased with the approval of a phased site plan. Abutting land is described as land touching the subject property at some point. (Ord. 578, 1-9-2018)

- I. Landscape Types: The following landscape standards shall exist within the City of Hayden:
  - 1. Type I sight barrier buffers: Buffers between incompatible uses that create a noise and sight obscuring barrier that shall consist of the following:
    - a. A minimum twenty foot (20') wide strip planted with evergreen trees. Trees must be a minimum height of six feet (6') at the time of planting and should be spaced to grow together in three (3) years; and
    - b. Evergreen shrubs spaced and sized to augment desired screening for a type I buffer and ground cover to provide seventy five percent (75%) coverage of designated area within two (2) years from planting; or

## Hayden, ID Code of Ordinances

### 2. Type I alternate:

a. A minimum ten foot (10') wide planting strip may be substituted when planted with a continuous row of evergreen trees in combination with either a continuous six foot (6') high sight obscuring wood or metal fence, or a brick masonry, or textured concrete wall. Evergreen trees are to be at a minimum of six feet (6') at time of planting and spaced to grow together in three (3) years; and

b. Evergreen shrubs spaced and sized to augment desired screening for a type IA buffer and ground cover to provide seventy five percent (75%) coverage of designated area within two (2) years from planting.

3. Type II Visual Separation Buffers: Buffers to create a visual separation between similar uses shall consist of the following:

a. A minimum ten foot (10') wide strip planted with trees, of which a maximum of fifty percent (50%) may be deciduous. One (1) tree shall be provided for each twenty (20) linear feet of landscaped area and may be spaced irregularly or clustered rather than uniformly spaced; and

b. Evergreen shrubs spaced and sized to achieve desired screening for a Type II buffer and ground cover to provide seventy five percent (75%) coverage of designated area within two (2) years from planting.

4. Type II Street Frontage Buffers: Buffers to create a visual separation between the property and the adjacent street shall consist of the following:

a. A minimum ten foot (10') wide strip planted with trees which are one hundred percent (100%) deciduous and are spaced uniformly.

(1) For existing lots in residential zones or with residential uses, one (1) tree shall be required for each lot line that is adjacent to a public right-of-way. For new residential subdivisions (major or minor), one (1) tree shall be required for each lot line that is adjacent to a public right-of-way. If a perimeter tract is created, where lots no longer have adjacency to the public right-of-way, one (1) tree shall be required for every fifty feet (50') of perimeter tract frontage.

(2) For existing or newly created lots in commercial or industrial zones or with commercial or industrial uses, one (1) tree shall be provided for each fifty (50) linear feet of frontage. If a perimeter tract is created, where lots no longer have adjacency to the public right-of-way, one (1) tree shall be required for every fifty feet (50') of perimeter tract frontage.

(3) The calculation of linear feet may exclude those areas used for access and those areas that are located within the sight triangles. All numeric calculations shall be rounded up to the nearest increment.

5. Type III Visual Relief Buffers: Transparent buffers to provide visual relief between compatible uses and to soften the appearance of parking areas shall consist of the following:

a. A minimum five foot (5') wide strip planted with trees, of which a maximum of seventy percent (70%) may be deciduous. One (1) tree shall be provided for each forty (40) linear feet of landscaped area and may be spaced irregularly or clustered rather than uniformly spaced; and

b. Evergreen shrubs spaced and sized to achieve desired screening for a Type III buffer and ground cover to provide seventy five percent (75%) coverage of designated area within two (2) years from planting.

Hayden, ID Code of Ordinances

J. Buffer Width Reduction: The width requirements of each landscape type may be reduced when a berm is included in the buffer. The width reduction may be up to twice the height of the berm, but with a maximum permitted width reduction of ten feet (10') and the berm cannot be narrower than five feet (5') in width as measured at the base. The combined maximum height of the berm and fence or wall shall not exceed six feet (6'), under any circumstances.

K. Minimum Plant Sizes For Installation:

Type	Minimum Plant Size
Deciduous trees	2 inch caliper
Multistemmed trees, e.g., vine maple	6 feet height
Evergreen trees	6 feet height
Small shrubs	12 inches height
Medium and tall shrubs	18 inches height

L. Maximum Spacing For Shrubs:

Type	Maximum Spacing
Small shrubs	3 feet on center
Medium shrubs	4 feet on center
Large shrubs	5 feet on center

M. Ground Covers: Ground covers required in all planting areas shall provide seventy five percent (75%) coverage within two (2) years and fifty percent (50%) coverage at the time of planting, or spaced as follows:

Size	Maximum Spacing
1 gallon pots	18 inches on center
4 inch pots	15 inches on center
2 <sup>1</sup> / <sub>4</sub> inch pots	12 inches on center

N. Consolidation Of Landscaping And Stormwater Swales: To reduce the overall land requirements for green space, combining stormwater infiltration areas (grass swales), with landscape areas, as required by this section, may be permitted in compliance with the provisions of Best Management Practices (BMPs) adopted pursuant to this title. Applications for exception and modifications from the standards of this chapter may be applied for using the process and standards established in subsection 11-18-3B2 of this title. (Ord. 559, 7-12-2016)

**11-11-12: ZONE REGULATION APPLICATION:**

In any zone when several combined land uses exist, or are proposed, the more restrictive requirements shall apply, i.e., a "residential" use in a "commercial" zone shall be held to the standards of the residential zone. (Ord. 542, 1-27-2015)

**11-11-13: USE STANDARDS; PURPOSE:**

Use standards are standards applicable to particular uses or developments that have the potential to adversely affect surrounding property or the public health, safety or welfare if not developed and operated in accordance with strict standards, or are allowed by or require a special use permit. (Ord. 542, 1-27-2015)

**11-11-14: MANUFACTURED HOME:**

A. Definitions: "Manufactured home" means a structure constructed since June 15, 1976, that bears the seal of U.S. Department of Housing and Development (HUD) indicating it has met the manufactured home construction and safety standards of the U.S. Department of Housing and Development or the Building Code and when erected on site is on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements and which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the established standards.

B. Site Area: Site area shall apply to the applicable zone. (Ord. 542, 1-27-2015)

C. Development Standards For Manufactured Home On Individual Lot:

1. Shall be multisectional and enclose a space of not less than one thousand (1,000) square feet;

2. Shall have a pitched roof with a slope no less than three feet (3') in height for each twelve feet (12') in width;

3. Shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director; (Ord. 572, 6-13-2017)

4. Shall obtain a building permit from the City of Hayden. The home shall be permanently affixed with the running gear and towing hitch removed, and set upon a foundation approved as required by Idaho Code, and having an anchoring system that is totally concealed under the structure;

5. Shall have a poured concrete or mortared masonry enclosure, or approved all weather wood enclosure, as approved by the Hayden City building inspector, which surrounds the entire perimeter of the structure and completely encloses the crawl space and ventilation space;

6. Shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve inches (12") above grade;

7. Used manufactured homes will be permitted if they meet the requirements of subsection A of this section;

8. Shall be, upon completed setup, assessed as real property and taxed as such on the required records;

9. Shall comply with State of Idaho manufactured home installation standards. (Ord. 542, 1-27-2015)

D. Development Standards For Manufactured Home Within An Existing Manufactured Home Park:

1. Shall be one or more sections and enclose a space of not less than four hundred (400) square feet in size.
2. Shall meet the requirements of subsections C2 through C9 of this section. (Ord. 590, 12-11-2018)

**11-11-15: MULTI-FAMILY DWELLING STRUCTURES:**

- A. Standards:
1. On any parcel of land or lot of whatever size a minimum of sixty five percent (65%) of the area of the site shall be left in open space and free from all structures;
  2. The off street parking and landscaping and screening requirements of this title shall be met;
  3. Curbs, sidewalks and driveways shall be in and paved before an occupancy permit is issued;
  4. Refuse and garbage collection areas used by more than two (2) families shall be within a minimum six foot (6') high sight obscuring fence; see subsection 11-11-10H of this chapter;
  5. The setback requirements of the R-M/F Zone shall be met; and
  6. A minimum of thirty feet (30') of frontage on a public or private street shall be met. (Ord. 572, 6-13-2017)

**11-11-16: TWO-FAMILY DWELLINGS:**

- A. Standards For Two-Family Dwellings:
1. The minimum lot size shall be at least nine thousand nine hundred (9,900) square feet with twenty feet (20') of continuous frontage on a public or private street or private driveway, as specified in section 11-1-3 of this title; (Ord. 572, 6-13-2017)
  2. The off street parking and landscaping and screening requirements of this title shall be met; and
  3. All other standards and requirements of the underlying zone (e.g., setbacks and special requirements) shall be met. (Ord. 542, 1-27-2015; amd. Ord. 572, 6-13-2017)

**11-11-17: BED AND BREAKFAST FACILITY:**

- A. Standards For Bed And Breakfast Facilities:
1. Maximum of five (5) sleeping rooms for the lodging of paying guests but in no case shall more than forty percent (40%) of the gross floor area of the residence be used for guestrooms. "Guestrooms" shall be defined as sleeping and bath rooms used exclusively for paying guests;
  2. Additional criteria that must be met:
    - a. That sufficient off street parking is available for the entire facility in accordance with this Code;
    - b. That the provision of the required off street parking, including paving and lighting, is compatible with the character of the neighborhood;
    - c. That the proposed uses will not have an adverse effect on the residential activities in the area with regard to traffic generation, parking and noise levels;



## Hayden, ID Code of Ordinances

3. Bed and breakfast facilities shall be required to provide a minimum of two (2) off street parking spaces for the occupant or caretaker and one space for each guestroom;
4. Permitted accessory uses or facilities may be added to the residential facility;
5. Signage shall comply with the Hayden City Sign Ordinance;
6. There shall be no excessive or unsightly outside storage;
7. No sales of any products unless they are clearly incidental to the services provided or the products are produced on the premises; and
8. All other standards and requirements of the underlying zone (e.g., setbacks and special requirements) shall be met. (Ord. 542, 1-27-2015; amd. Ord. 572, 6-13-2017)

### **11-11-18: HOME OCCUPATION:**

A. Home occupations are divided into two (2) categories, as follows: (Ord. 572, 6-13-2017)

1. Home Occupation Class A: "Home occupation Class A" means a home occupation that meets all of the home occupation minimum standards of this section, and has no nonresident worker. In addition, no customers visit the business unless an appointment is prescheduled and there is only one (1) customer visiting at a time. At the discretion of the Director, a Class A home occupation may be required to obtain a special use permit through the public hearing process. If there is more than one (1) Class A home occupation proposed on the parcel, a special use permit is required. In an accessory living unit, only Class A home occupations are permitted.

2. Home Occupation Class B: "Home occupation Class B" means a home occupation that meets all of the home occupation minimum standards of this section. A Class B home occupation is characterized by any of the following: a maximum of one (1) nonresident worker; multiple customers visiting the business at the same time; or nonscheduled customers visiting the business in a manner where there could be an overlap of vehicle traffic. Class B home occupations require a special use permit and are subject to conditions as required by the Planning and Zoning Commission to mitigate impacts. (Ord. 559, 7-12-2016; amd. Ord. 572, 6-13-2017)

B. All home occupations shall comply with the following standards: (Ord. 572, 6-13-2017)

1. A home occupation may only be conducted by the occupants of the residence. One (1) additional nonresident on site employee is permitted.

2. The home occupation shall be secondary to the residential use of the property.

3. No more than one (1) Class A home occupation and one (1) Class B may be permitted on the parcel, provided the total effect of all occupations shall not exceed the standards for home occupations. Each home occupation shall be licensed separately.

4. Not more than twenty five percent (25%) of the gross floor area of the actual dwelling unit may be dedicated to the conduct of the home occupation.

5. A home occupation conducted on the premises must be fully enclosed within the residence or accessory building.

## Hayden, ID Code of Ordinances

6. No outside storage of goods, equipment, materials or other instruments of production or packaging of any kind related to the home occupation shall be permitted.

7. No home occupation shall create a need for additional parking or traffic beyond that required for the primary single-family residential use other than delivery traffic which is allowed so long as it is limited to two (2) deliveries per week and the delivery vehicle does not exceed a commercial Class 3 carrier weight (10,000 - 14,000 GVWR). Small parcel (containing 1 or multiple units and not exceeding 25 inches on any side and no more than 50 pounds) and document delivery service is allowed daily.

8. There shall be no change in appearance of the dwelling structure that would alter the residential character of the premises.

9. All signage shall comply with the provisions of chapter 22 of this title.

10. Excepting activities conducted exclusively indoors with no external consequences, operation of a permitted home occupation shall not be conducted prior to six o'clock (6:00) A.M. or after nine o'clock (9:00) P.M.

11. The home occupation and associated storage shall not occupy garage space required for off street parking for the residence.

12. Vehicles used in the operations of the home occupation that are rated by the manufacturer for a maximum gross weight in excess of ten thousand (10,000) pounds' gross weight shall not be operated out of the premises or park on the property or adjacent street.

13. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials in excess of those levels allowed by the current edition of the Fire Code in effect in the City of Hayden shall be used or stored on the site.

14. Uses of the following type or with the following characteristics are expressly prohibited as home occupations:

a. Repair and/or servicing, storing or painting of automobiles, trucks, boats, recreational vehicles, snowmobiles, motorcycles, trailers and ATVs.

b. Any use requiring sewage pretreatment in accordance with title 8, chapter 4 of this Code.

c. Any business creating external noise, odors, vibrations, or other potential nuisance factors including levels of customer traffic that could have the effect of disrupting peaceful occupancy of neighboring dwellings. (Ord. 559, 7-12-2016; amd. Ord. 572, 6-13-2017)

### **11-11-19: TEMPORARY HARDSHIP USE FOR DEPENDENT RELATIVES:**

A. Definitions: A "dependent relative", for the purpose of this section, shall be defined as: one who is related by direct bloodline, marriage, adoption, unmarried partner relationship or court ordered guardianship; and has been determined by a licensed physician to be physically or mentally incapable of caring for themselves and/or their property. Dependency shall be determined by the City prior to issuance of a building permit.

B. General Requirements: A temporary hardship use for dependent relatives will be treated as a special use and be heard by the Planning and Zoning Commission.

## Hayden, ID Code of Ordinances

One "manufactured home" as defined in section 11-1-3 of this title shall be permitted as a temporary hardship use for dependent relative(s), as defined in subsection A of this section provided that:

1. The temporary hardship use shall be placed on a lot, inclusive of the primary dwelling site, having a minimum size of eight thousand two hundred fifty (8,250) square feet;
2. Only one temporary hardship use shall be permitted on a lot having a minimum size of eight thousand two hundred fifty (8,250) square feet;
3. The living quarters of the temporary hardship use shall be occupied by either the dependent relative(s) or by the person(s)/family providing care;
4. The owner of the real property on which the temporary hardship use is located shall be the sponsor when making a request for a manufactured home permit;
5. A written statement shall be provided by the sponsor from a licensed physician stating that the person(s) in question is physically or mentally incapable of caring for themselves and/or their property;
6. It shall be the responsibility of the sponsor to record a notice with the City Clerk stating that the temporary hardship use, which is located on the property of the sponsor:
  - a. Is temporary, and is to be removed upon termination of occupancy of either the dependent relative(s) or person(s)/family providing care;
  - b. Is temporary, and is to be removed upon sale or lease of property of the sponsor;
  - c. Provides living quarters for the dependent relative(s) or person(s)/family providing care, who is named in the permit; and
  - d. Is not considered a use which is to be transferred with the property of the sponsor when said property of the sponsor is sold or leased;A copy of the recorded notice shall be submitted upon request by the applicant before the permit is issued;
7. It shall be the responsibility of the sponsor to submit a statement stating that the location of the temporary hardship use is not in conflict with any recorded, restrictive covenant or plat dedications upon request for a permit;
8. Before issuance of the permit, it shall be the responsibility of the sponsor to show proof of approval by Panhandle Health District of a wastewater disposal system for the temporary hardship use;
9. The temporary hardship use shall be in compliance with all frontage and setback requirements of the Residential Zone(s);
10. The permit for the temporary hardship use shall be renewed every year by the sponsor. Compliance with the provisions of this section and the manufactured home permit shall be certified by the sponsor at the time of renewal. Failure to renew the permit or permits within the stated time period shall constitute a violation of this title;
11. It shall be the responsibility of the sponsor to file a release of the notice required by subsection B6 of this section, signifying that the temporary hardship use has been concluded. The sponsor shall remove the temporary hardship use from the property within forty five (45) days; and

12. The care provider may be administratively changed upon written application to and approval by the City Clerk. Any change in dependent relative(s) requires processing of a new temporary hardship use permit. (Ord. 542, 1-27-2015)

**11-11-20: SWAP MEET:**

A. Definitions:

1. For the purpose of this title, "swap meet" shall be defined as any event:

- a. At which two (2) or more persons offer new or used personal property or merchandise for sale or exchange; and
- b. At which the event is held more than six (6) times in any twelve (12) month period.
- c. The term "swap meet" is interchangeable and applicable to "flea markets", "indoor swap meets", or their similar terms, regardless of whether these events are held inside a building or outside in the open. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business.

2. For the purpose of this title, "vendor", shall be defined as any person, partnership, organization or corporation who exchanges, sells, or offers for sale or exchange any personal property at a swap meet.

B. Exemptions: The provisions of this section shall not apply to:

- 1. An event held not more than two (2) times per calendar year which is organized and operated for religious, educational, hospital, or charitable purposes;
- 2. An event held not more than two (2) times per calendar year which is operated out of a residential dwelling including, but not limited to, garage, yard, moving and estate sales and private auctions; and
- 3. "Vehicle sales" as defined in this title.

C. Where Permitted:

- 1. Swap meets may be permitted under special use permit in the following zones: C and L-I.
- 2. Swap meets are allowable only on private property and with the property owner's or the owner's agent's written consent.
- 3. Swap meets shall not be located on any public ways or in the clear sight triangle provided in the City of Hayden's ordinances.

D. Application Requirements: Every vendor shall submit the following information to the City Clerk or designated representative for review and approval:

- 1. Name, address, and telephone number of vendor;
- 2. A description of the personal property offered for sale or exchange;

and

- 3. Written consent from the property owner or owner's agent on which the swap meet will be located.
- 4. If the vendor is an agent of an individual, company, partnership or corporation, the name, business address and telephone number of the principal.

E. General Requirements:

- 1. Off street parking shall be provided in accordance with this Code. In addition, one (1) vehicle shall be permitted for each selling space;

## Hayden, ID Code of Ordinances

- this title;
2. Landscaping and screening shall be installed in accordance with this title;
  3. Operating hours shall begin no earlier than seven o'clock (7:00) A.M.;
  4. Prepared food and beverages for sale shall comply with Panhandle Health District regulations;
  5. Signage shall comply with the Hayden City Sign Ordinance. (Ord. 542, 1-27-2015)

### **11-11-21: ANIMAL CLINICS AND HOSPITALS:**

A. Standards For Boarding Kennels If Located With Animal Clinics Or Hospitals: The following shall apply: (Ord. 572, 6-13-2017)

1. All animals will be housed in permanent structures which can be physically enclosed during nighttime hours;
2. All buildings and fenced running areas will be located at least three hundred feet (300') from any residence including motels and hotels, except for an owner's residence. Lesser requirements may be needed if the animals are completely housed in soundproof structures that completely screen them from view of the abutting residential property; and
3. Will comply with all State and local regulations relative to such an operation, and maintain adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor. (Ord. 542, 1-27-2015; amd. Ord. 572, 6-13-2017)

### **11-11-22: RADIO, CELLULAR, TELEVISION OR FM BROADCASTING STATION:** (Rep. by Ord. 596, 5-24-2019)

### **11-11-23: TRUCK TRANSPORT FACILITY, INDUSTRIAL:**

- A. Standards For Industrial Truck Transport Facilities:
1. If located on a parcel of land that is larger than five (5) acres in size a special use permit shall be required. If five (5) acres or less, this use is allowed outright.
  2. May include indoor and outdoor warehousing which must meet all development standards for storage in this chapter.
  3. No more than five (5) trucks are allowed per acre.
  4. The facility must have direct access and travel within those portions of the City road system having the Federal functional classification of principal arterial, minor arterial, or collector. If any vehicle from the facility travels through a residential neighborhood, no more than two (2) trucks per hour shall be allowed to or from the facility between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. (Ord. 542, 1-27-2015; amd. Ord. 572, 6-13-2017)

### **11-11-24: TRUCK TRANSPORT FACILITY, COMMERCIAL:**

- A. Standards For Commercial Truck Transport Facilities:
1. Allowed only on property having a Comprehensive Plan land use designation of industrial or light industrial/commercial.
  2. Must be located on a parcel of land that is five (5) acres or less in size.

3. May include indoor and outdoor warehousing which must meet all development standards for storage in this chapter.
4. No more than five (5) trucks are allowed per acre.
5. The facility must have direct access and travel within those portions of the City road system having the Federal functional classification of principal arterial, minor arterial, or collector. If any vehicle from the facility travels through a residential neighborhood, no more than two (2) trucks per hour shall be allowed to travel to or from the facility between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. (Ord. 542, 1-27-2015; amd. Ord. 572, 6-13-2017)

**11-11-25: MIXED USE BUSINESS PARKS:**

A. Standards For Mixed Use Business Parks:

1. A type II perimeter buffer is required. Additional buffering may be required as a condition of the special use permit process for a MUBP. On lots with a preexisting structure, a reduction or elimination of the buffer requirement may be granted as an administrative exception. (Ord. 542, 1-27-2015; amd. Ord. 572, 6-13-2017)
2. Uses allowed are limited to the following:
  - Animal clinics and hospitals, excludes large animals.
  - Assemblage.
  - Clinics.
  - Contractor's office and storage.
  - Equipment and small engine repairs.
  - Fabrication/machine shop.
  - Funeral homes and crematoriums.
  - Laundry and building maintenance service.
  - Major and minor utility infrastructure.
  - Manufacturing, light. Limited to activities not involving outside noise, odor, soot, smoke and not requiring or generating shipping and receiving trips via commercial freight carrier more than three (3) times per week.
  - Office buildings or complexes.
  - Parks and recreation facilities, private.
  - Parks and recreation facilities, public.
  - Public buildings or complexes.
  - Retail and wholesale sales and services under thirty thousand (30,000) square feet.
  - Retail sales directly related to the on site light manufacturing.
  - Schools, trade or industrial.
  - Self-storage.
  - Small accessory commercial activities and operations (including drive-through food and beverage stands of less than 1,500 square feet as an accessory use).
  - Storage, accessory to a permitted principal use.
  - Temporary sales, development offices or storage facilities for subdivision or building sites.
  - Vehicle cleaning, servicing, repair and customization. (Ord. 542, 1-27-2015; amd. Ord. 572, 6-13-2017; Ord. 596, 5-24-2019)

## **CHAPTER 12**

### **ADMINISTRATIVE PROCEDURES**

**SECTION:**

**11-12-1: Interpretation**

**11-12-2: Application**

**11-12-3: Schedule Of Fees, Charges And Expenses**

**11-12-4: Hearing Notices**

**11-12-1: INTERPRETATION:**

In the interpretation and application of the provisions of this title the requirements will be held to be minimum requirements. This title is adopted in compliance with the Idaho Code for the purpose of promoting the health, safety, and general welfare of the citizens of the City of Hayden and the State of Idaho.

When this title imposes a greater restriction upon the use of buildings or premises or requires larger spaces than are imposed by other codes, resolutions, rules and regulations, or covenants, the provisions of this title shall control. The provisions of this title shall be so interpreted as shown on the official zoning map on file in the City Clerk's Office, in compliance with this title as adopted and the City of Hayden Comprehensive Plan. (Ord. 316, 5-13-2002)

**11-12-2: APPLICATION:**

Application forms shall be available at the Community and Economic Development Office. These forms will request sufficient and detailed information to assist the staff and other decision-making bodies with determining if the application is consistent with the standards of approval for the related action. All applications shall be filed with this department unless otherwise specified. All applications shall be signed by the property owner or their duly authorized agent, so signified by filing an affidavit of representation. The application shall be accompanied by a certificate of a title insurance company licensed under the laws of the State of Idaho dated no later than thirty (30) days prior to the date of application. (Ord. 572, 6-13-2017)

**11-12-3: SCHEDULE OF FEES, CHARGES AND EXPENSES:**

The Council shall establish by resolution a schedule of fees, charges and expenses and a collection procedure for zoning permits, amendments, appeals, variances, special use permits, plan approvals and other matters pertaining to the administration and enforcement of this title requiring investigations, inspections and reporting, application processing and reviews, meetings, legal advertising, postage, staff reports, hearings, written decisions, legal assistance, and other expenses. The schedule of fees shall be retained in the Office of the City Clerk and may be altered or amended only by the Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal. The cost of the title reports, postage, mailings and other items as specified in the adopted fee schedule shall be the sole responsibility of the applicant. (Ord. 572, 6-13-2017)

**11-12-4: HEARING NOTICES:**

## Hayden, ID Code of Ordinances

A. Written Notices: All required written notices under this title shall provide at a minimum the following information:

1. The address of the property, or another general description by which the public can identify the property;
2. The present land use of the property;
3. A description of the proposed action; and
4. The date, time and place of the public hearing (if applicable).

B. Notice Signs: It shall be the responsibility of the applicant to install a sign furnished by the City that meets the following specifications:

1. The sign shall contain the following information:
  - a. The first line shall read "NOTICE OF PUBLIC HEARING";
  - b. A description of the proposed action; and
  - c. The date, time and place of the public hearing.

The lettering shall be of sufficient size to be easily readable to the motoring public;

2. The sign shall be installed on the property adjacent to the most heavily traveled public way;
3. The sign shall be of sufficient size and location to be easily readable by the motoring public;
4. The sign shall be posted and maintained on-site by the applicant for the time period specified in this Code for the related application; and
5. The applicant shall remove the sign no later than seven (7) days following the public hearing and return the sign to the City. (Ord. 572, 6-13-2017)

## CHAPTER 13 SPECIAL USE PERMITS

### SECTION:

**11-13-1: Purpose**

**11-13-2: Contents Of Application For Special Use Permit**

**11-13-3: General Standards Applicable To All Special Uses**

**11-13-4: Public Sites And Open Spaces**

**11-13-5: Supplementary Conditions And Safeguards**

**11-13-6: Public Hearing By Planning And Zoning Commission**

**11-13-7: Action By The Commission**

**11-13-8: Notification To Applicant**

**11-13-9: Appeal**

**11-13-10: Certificate Of Ownership Required**

**11-13-11: Failure To Comply**

### **11-13-1: PURPOSE:**

A. The special use permit procedure is intended to provide uses that are not permitted by right in any district;

1. It is recognized that an increasing number or new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, and/or facilities that each specific use must be considered individually;



2. The planning and zoning commission shall hold a public hearing on each special use permit application as specified in this title. The commission may approve, conditionally approve or deny a special use permit under the conditions as herein specified and considering such additional safeguards as will uphold the intent of this title. (Ord. 559, 7-12-2016)

**11-13-2: CONTENTS OF APPLICATION FOR SPECIAL USE PERMIT:**

A. An application for special use permit shall be filed with the clerk by at least one owner or lessee of property for which such special use is proposed. At a minimum, the application shall contain the following information:

1. Name, address and telephone number of applicant;
2. Legal description of property;
3. Description of existing use;
4. Zoning district;
5. A plan of the proposed site for a special use, drawn to a readable scale, showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the commission may require to determine if the proposed special use meets with the intent and requirements of this title; and

6. An objective narrative statement evaluation of the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan. (Ord. 559, 7-12-2016)

**11-13-3: GENERAL STANDARDS APPLICABLE TO ALL SPECIAL USES:**

A. The planning and zoning commission shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Will, in fact, constitute a special use as established in this title for the zoning district involved;
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or the zoning ordinance;
3. Will be served adequately by essential public facilities and services such as highway, streets, police and fire protection, drainage structures, refuse disposal, water, sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
4. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
5. Will not create excessive additional requirements as to public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic and surrounding public thoroughfares; and

8. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance. (Ord. 559, 7-12-2016)

**11-13-4: PUBLIC SITES AND OPEN SPACES:**

A. Public sites and open spaces shall conform to the following:

1. Public Uses: Where it is determined that a proposed park, playground, school or other public use as shown on the future acquisition map, as authorized in section 67-6517, Idaho Code is located in whole or in part within the proposed development the commission shall notify the appropriate public agency concerning the land proposed to be acquired. Within thirty (30) days of the date of notice, the public agency may request the governing body to suspend consideration of the permit for sixty (60) days from the date of the request; however, if an agreement between the property owner and the public agency is not reached within sixty (60) days the commission shall resume consideration of the special use application;

2. Natural Features: Existing natural features which add to residential development and enhance the attractiveness of the community (such as trees, watercourse, historic spots and similar irreplaceable assets) shall be preserved in the design of the development; and

3. Special Developments: In the case of large development, the commission may require sufficient park or open space facilities of acceptable size, location and site characteristics that may be suitable for the proposed development. (Ord. 559, 7-12-2016)

**11-13-5: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:**

In granting any special use, the commission may prescribe appropriate conditions, bonds, and safeguards in conformity with this title. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the special use is granted, shall be deemed a violation of this title. (Ord. 559, 7-12-2016)

**11-13-6: PUBLIC HEARING BY PLANNING AND ZONING COMMISSION:**

As soon as is practical following the filing of the application and prior to granting a special use permit, at least one public hearing in which interested persons shall have an opportunity to be heard shall be held by the planning and zoning commission. At least fifteen (15) days prior to the hearing, notice of the proposal, in compliance with section 11-12-4 of this title, shall be published in the official newspaper of the city. Notice by first class mail, fifteen (15) days prior to the hearing shall also be provided to property owners and purchasers within three hundred feet (300') beyond, excluding streets and alleys, or the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the commission. When notice is required to two hundred (200) or more property owners or purchasers of record, notice may be given through a display advertisement at least four

inches (4") by two (2) columns in size in the official newspaper of the city at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site, in lieu of mailed notice. The applicant shall bear the responsibility and cost of all legal publications and the public notice. (Ord. 559, 7-12-2016)

**11-13-7: ACTION BY THE COMMISSION:**

A. After the public hearing, the commission shall either approve, conditionally approve or disapprove the application as presented. If the application is approved or approved with modifications, the commission shall issue a special use permit listing the specific conditions specified by the commission for approval;

B. Upon granting of a special use permit, conditions may be attached to a special use permit, including, but not limited to, those:

1. Minimizing adverse impact on the other development;
2. Controlling the sequence and timing of development;
3. Controlling the duration of development;
4. Assuring that development is maintained properly;
5. Designating the exact location and nature of development;
6. Requiring the provisions for on site or off site public facilities or services; and
7. Requiring more restrictive standards than those generally required in an ordinance;

C. Prior to granting a special use permit, the commission may request studies from the planning staff of public agencies concerning social, economic, and/or environmental effects of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferable from one parcel of land to another;

D. Upon granting or denying an application, the commission shall specify in writing:

1. The ordinance and standards used in evaluating the application;
  2. The reasons for approval or denial; and
  3. The actions, if any, that the applicant could take to obtain a permit.
- (Ord. 559, 7-12-2016)

**11-13-8: NOTIFICATION TO APPLICANT:**

Within ten (10) days after a decision has been rendered, the clerk shall provide the applicant with written notice of the action on the request. (Ord. 559, 7-12-2016)

**11-13-9: APPEAL:**

An affected person aggrieved by a decision of the commission may, after all remedies have been exhausted under local ordinance, seek judicial review. (Ord. 559, 7-12-2016)

**11-13-10: CERTIFICATE OF OWNERSHIP REQUIRED:**

There shall accompany any application process under this section a certificate of a reputable title insurance company licensed under the laws of the state of Idaho, listing the names and addresses of the record owners or contract purchasers as shown by the records of the office of the county recorder, all persons to whom the property is assessed upon the tax rolls of the county assessor of Kootenai County within three

hundred feet (300') of the external boundaries of the land being considered. The cost of the title report shall be the sole responsibility of the applicant. (Ord. 559, 7-12-2016)

**11-13-11: FAILURE TO COMPLY:**

The approval of a special use permit is valid for two (2) years from the date of approval of the written decision authorizing such use, unless some other time period is approved by the planning and zoning commission. The development for which the permit was issued must complete construction and be fully operational prior to the expiration of this two (2) year period. If any of the conditions to this use or development are not maintained, if the nature of the use changes, or if the use for which the special use permit has been issued is discontinued or abandoned for one year then the special use permit shall be considered null and void. Continued operation of a use requiring a special use permit after such special use permit expires or is in noncompliance with any condition of a special use permit, shall constitute a violation of the zoning ordinance. (Ord. 559, 7-12-2016)

**CHAPTER 14  
VARIANCE PERMIT**

**SECTION:**

**11-14-1: Purpose**

**11-14-2: Application And Standards For Variances**

**11-14-3: Supplementary Conditions And Safeguards**

**11-14-4: Public Hearing By Planning And Zoning Commission**

**11-14-5: Action By The Planning And Zoning Commission**

**11-14-6: Notification To Applicant**

**11-14-7: Appeal**

**11-14-8: Certificate Of Ownership Required**

**11-14-1: PURPOSE:**

The planning and zoning commission may authorize in specific cases such variance from the terms of this title as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship because of the characteristics of the site. No nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit but only where strict application of the provisions of this title would result in unnecessary hardship. (Ord. 316, 5-13-2002)

**11-14-2: APPLICATION AND STANDARDS FOR VARIANCES:**

A. A variance from the terms of this title shall not be granted by the planning and zoning commission unless and until a written application for a variance is submitted to the clerk and the commission, containing:

1. Name, address and telephone number of applicant(s);
2. Legal description of the property;
3. Description of nature of variance requested:

## Hayden, ID Code of Ordinances

- a. That special conditions and circumstances exist which are peculiar to the land, are not applicable to other lands, structures or buildings in the same district;
  - b. That a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title;
  - c. That special conditions and circumstances do not result from actions of the applicant; and
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district;
4. A site plan/plot plan, drawn to a readable scale, containing and showing the following information:
    - a. Dimensions of all property, under review;
    - b. Location of the present building on the subject property (applicants) with the dimensions of the front, side and rear yards;
    - c. Dimensions of all other buildings or structures on subject property;
    - d. Location of any proposed building or structures on the proposed extension, expansion or relocation of a building or structure on the property;
    - e. Location of the buildings on adjacent lots, giving the depth of the front, rear and side yards showing all dimensions;
    - f. The existing use of each building or structure and the proposed use of the existing or new building;
    - g. The name and location of all streets and alleys;
    - h. The location and arrangement of all parking facilities;
    - i. Show on the site plan how the project will be landscaped, placement of trees, shrubs, lawns, and other ground cover;
    - j. Location of fencing, garages, driveways, sidewalks, water lines, sewer lines and other utility improvements.
  - B. A variance shall not be granted unless the commission makes specific written findings of fact based directly on the particular evidence presented to it which supports conclusions that the above mentioned standards and conditions have been met by the applicant. (Ord. 316, 5-13-2002)

### **11-14-3: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:**

Under no circumstances shall the commission grant a variance to allow a use not permissible under the terms of this title in the district involved, or any use expressly or by implication prohibited by the terms of this title in said district. In granting any variance, the commission may prescribe appropriate conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted shall be deemed a violation of this title. (Ord. 316, 5-13-2002)

### **11-14-4: PUBLIC HEARING BY PLANNING AND ZONING COMMISSION:**

As soon as is practical following the filing of the application and prior to granting a variance, at least one public hearing in which interested persons shall have an

opportunity to be heard shall be held by the planning and zoning commission. At least fifteen (15) days prior to the hearing notice of the proposal, in compliance with section 11-12-4 of this title, shall be published in the official newspaper of the city. Notice by first class mail, fifteen (15) days prior to the hearing shall also be provided to property owners and purchasers within three hundred feet (300') beyond, excluding streets and alleys, or the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the commission. When notice is required to two hundred (200) or more property owners or purchasers of record, notice may be given through a display advertisement at least four inches (4") by two (2) columns in size in the official newspaper of the city at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site, in lieu of mailed notice. The applicant shall bear the responsibility and cost of all legal publications and the public notice. (Ord. 316, 5-13-2002)

**11-14-5: ACTION BY THE PLANNING AND ZONING COMMISSION:**

A. After the public hearing the commission shall either grant or deny the request for variance.

B. Upon granting or denying an application, the commission shall specify in writing:

1. The ordinance and standards used in evaluating the application;
2. The reasons for granting or denying the application; and
3. The actions, if any, the applicant could take to obtain a permit.

(Ord. 316, 5-13-2002)

**11-14-6: NOTIFICATION TO APPLICANT:**

Within ten (10) days after a decision has been rendered, the clerk shall provide the applicant with written notice of action on the request. (Ord. 316, 5-13-2002)

**11-14-7: APPEAL:**

An affected person aggrieved by a decision of the commission may, after all remedies have been exhausted under local ordinance, seek judicial review. (Ord. 316, 5-13-2002)

**11-14-8: CERTIFICATE OF OWNERSHIP REQUIRED:**

There shall accompany any application processed under this section a certificate of a reputable title insurance company licensed under the laws of the state of Idaho, listing the names and addresses of the record owners or contract purchaser as shown by the records of the office of the county recorder, and all persons to whom the property is assessed upon the tax rolls of the county assessor of Kootenai County within the land being considered and within three hundred feet (300') of the external boundaries of said land. The cost of the title report shall be the sole responsibility of the applicant. (Ord. 316, 5-13-2002)

**CHAPTER 15**  
**ENFORCEMENT AND PENALTIES**

SECTION:

**11-15-1: Enforcement**

**11-15-2: Violations**

**11-15-1: ENFORCEMENT:**

All departments, officials and employees of the city of Hayden vested with the duty of authority to issue permits shall conform to the provisions of this title; and any such permit or any business license issued in conflict with the provisions of this title shall be null and void. It shall be the duty of the director of the building department of the city, or his authorized agent, to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration, addition, location or use of any building or structure. (Ord. 316, 5-13-2002)

**11-15-2: VIOLATIONS:**

Any persons, firm or corporation violating any of the provisions of this title shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this title is committed, continued, or permitted. (Ord. 316, 5-13-2002)

**CHAPTER 16  
AMENDMENTS**

**SECTION:**

**11-16-1: Ordinance And Map May Be Amended**

**11-16-2: Amendment To Text Of Zoning Ordinance**

**11-16-3: Amendment To Zoning Map**

**11-16-4: Application For Zoning Map Change**

**11-16-5: Amendment Procedures**

**11-16-6: Action By City Council**

**11-16-1: ORDINANCE AND MAP MAY BE AMENDED:**

Whenever the public necessity, convenience, and general welfare or good zoning practices require, the city council may, by ordinance and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property. (Ord. 559, 7-12-2016)

**11-16-2: AMENDMENT TO TEXT OF ZONING ORDINANCE:**

An amendment to the text of the zoning ordinance may be initiated by the city council, or an application to amend the text may be made by filing an application and petition in writing filed with the city clerk as specified herein. The council may hold a public hearing on any such amendment. Application fees, advertisement and notice costs shall be paid by the petitioner. (Ord. 559, 7-12-2016)

**11-16-3: AMENDMENT TO ZONING MAP:**

An amendment to change the zoning map may be initiated by the council, or an application to amend the zoning map may be made by the owner or contract buyer of the subject property by filing an application and a petition in writing with the city clerk as

specified herein. Application fees, advertisement and notice costs shall be paid by the applicant. (Ord. 559, 7-12-2016)

**11-16-4: APPLICATION FOR ZONING MAP CHANGE:**

Application for amendments to the official zoning map shall contain at least the following information:

- A. Name, address and telephone number of applicant;
- B. Present land use;
- C. Present zoning district;
- D. Proposed land use;
- E. Proposed zoning district;
- F. A vicinity map (drawn to a readable scale) showing property lines, thoroughfares, linear feet measurements for all parcels of land within three hundred feet (300') beyond, excluding streets and alleys, of the external boundaries of the land being considered, and the existing zoning district for each parcel;
- G. A list of all property owners and purchasers and their mailing addresses who are within three hundred feet (300') of the external boundaries, streets and alleys excluded, of the land being considered and keyed to the vicinity map;
- H. A certificate of a reputable title insurance company licensed under the laws of the state of Idaho, listing the names and addresses of the record owners or contract purchasers as shown by the records of the office of the county recorder, and all persons to whom the property is assessed upon the tax rolls of the county assessor of Kootenai County within the land being considered. The cost of the title report shall be the sole responsibility of the applicant.
- I. A statement on how the proposed amendment meets the standards of approval specified in subsection 11-16-5C of this chapter. (Ord. 559, 7-12-2016)

**11-16-5: AMENDMENT PROCEDURES:**

Amendments to the text of the zoning ordinance and map shall be made in the following manner:

- A. City Council Public Hearing: As soon as is practical following the filing of the application, the city council shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing notice of the amendment, in compliance with section 11-12-4 of this title, shall be published in the official newspaper of the city of Hayden, and additional notice by first class mail shall be provided to property owners and purchasers within three hundred feet (300'), excluding streets and alleys, of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the council. When notice is required to two hundred (200) or more property owners or purchasers of record, notice may be given through a display advertisement at least four inches (4") by two (2) columns in size in the official newspaper of the city at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site, in lieu of mailed notice.
- B. Additional Public Hearing: Following the city council's hearing, if the city council makes a material change from what was presented at the public hearing, further notice and an additional public hearing shall be provided before the city council makes a final decision.



C. Standards Of Approval: If the request meets the following standards of approval, the city council may adopt the ordinance amendment:

1. Is the rezoning or amendment consistent with adopted plans?
2. Does the rezoning or amendment further public health, safety and welfare?
3. Is the infrastructure present or can it be available within two (2) years to support the development that the rezone or amendment will allow for?
4. Are there circumstances that justify the rezoning or amendment?
5. Is the rezoning or amendment consistent with the neighborhood context?
6. Does the rezoning or amendment align with the zone district's purpose and intent?
7. Would it result in consistent regulations for each property with the same zoning designation citywide?

D. Amendment To Comprehensive Plan: If the request is not in accordance with the adopted comprehensive plan, the city council may adopt or reject an amendment to the comprehensive plan under the notice and hearing procedures provided in section 67-6509, Idaho Code. After the comprehensive plan has been amended as hereinafter provided for, the city council shall hold a public hearing and make a decision on the proposed zoning amendment. (Ord. 559, 7-12-2016)

**11-16-6: ACTION BY CITY COUNCIL:**

A. The city council, prior to adopting, revising, or rejecting the amendment to the zoning ordinance or map, and after holding its public hearing and having made no material change from what was presented at the public hearing, shall make a decision.

B. Upon granting or denying an application to amend the text of the zoning ordinance or the zoning map, the city council shall specify in writing:

1. The ordinance and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain a permit.

C. In the event the city council shall approve an amendment, such amendment shall thereafter be made a part of this title upon the preparation and passage of an ordinance and the city zoning map duly amended. (Ord. 559, 7-12-2016)

**CHAPTER 17**  
**ADMINISTRATIVE REVIEW**

SECTION:

**11-17-1: Administrative Review**

**11-17-2: Process Of Appeal**

**11-17-1: ADMINISTRATIVE REVIEW:**

A. General Provisions:

1. The council shall hear and decide appeals where it is alleged there is error in any order, requirement, recommendation or determination made by department officials and employees in the enforcement of this title;

2. Appeals to the council concerning interpretation or administration of this title may be taken by any person aggrieved.

B. Procedures:

1. Appeals shall be filed within a reasonable period of time, not to exceed sixty five (65) days, by filing with the council through the city clerk a notice of appeal specifying the grounds thereof;

2. The council shall fix a reasonable time, for the hearing of the appeal, give legal public notice to the parties in interest, and decide the same within a reasonable time following the hearing. At the hearing, any affected party may appear in person, by agent or attorney.

C. Appeal Stays Proceedings: An appeal stays all proceedings in furtherance of the action appealed from, unless the council, after the notice of appeal is filed with it, that by reason of facts stated in the appeal, a stay would, in their opinion cause imminent peril to life and property. In such cases, proceedings shall not be stayed other than by a restraining order which may be granted by the courts after having due cause shown. (Ord. 316, 5-13-2002)

**11-17-2: PROCESS OF APPEAL:**

It is the intent of this title that all appeals involving interpretation and enforcement shall first be presented to the council of the city of Hayden and that recourse from the decision of the council shall be to the courts as provided by law. (Ord. 316, 5-13-2002)

**CHAPTER 18**  
**OFF STREET PARKING AND LOADING AND ACCESS**  
**STANDARDS**

SECTION:

**11-18-1: Purpose**

**11-18-2: Applicability**

**11-18-3: General Requirements**

**11-18-4: Required Off Street Parking Spaces**

**11-18-5: Design Standards**

**11-18-1: PURPOSE:**

A. To require the provision of off street parking and loading facilities at the time of construction, reconstruction, expansion, and/or change in use, for all land use types within the City of Hayden;

B. To specify the minimum off street parking and loading facility requirements for each of the permitted uses;

C. To mitigate traffic congestion on public streets;

D. To reduce the practice of using public streets for the purpose of loading and unloading goods; and

E. To provide design standards for storage and display lots.

F. To provide design standards which allow for parking organization, weed and dust control, and related measures. (Ord. 559, 7-12-2016)

**11-18-2: APPLICABILITY:**

At the time of construction, reconstruction (excluding remodeling), expansion of any structure or use, the change in use or increase in intensity of use, or at the time of site improvement, off street parking, loading spaces, storage and display lots shall be provided in accordance with the applicable provisions of the zoning ordinance and this chapter. Land uses in existence prior to the effective date hereof may be continued as a nonconforming use subject to other provisions of this chapter concerning provision of off street parking. (Ord. 559, 7-12-2016)

**11-18-3: GENERAL REQUIREMENTS:**

A. Off Street Parking And Loading Requirements:

1. New Construction, Reconstruction, Expansions And Change In Use: For all new constructions, reconstructions, expansions, and changes in use within the City of Hayden, off street parking and loading spaces meeting the standards detailed in this chapter shall be required. The number of required off street parking and loading spaces shall be determined based upon parking ratios detailed in section 11-18-4 of this chapter, or as determined by the Community and Economic Development Director or his/her designee, as provided in this section and may exclude:

a. Any space occupied by central mechanical and/or electrical equipment, elevator, escalator, public access stairways, lifts, chutes, trash disposal units and fuel storage spaces;

b. For multi-tenant structures, shared public lobbies, hallways and entries, arcades, and similar enclosed spaces open to the general public.

2. Parking Requirements Prorated: When several uses are encompassed within a single structure, parking requirements shall be prorated as based upon the relative proportion of gross floor space attributable to each use encompassed.

3. Parking Spaces Based On The Number Of Employees: The table in section 11-18-4 of this chapter indicates that the number of spaces is based on the number of employees; the parking requirements shall represent the largest shift during the peak season.

4. Fractional Space: Whenever the resulting number of spaces includes a fractional space, the closest whole number shall be used.

5. ADA Accessible Parking Spaces: Where off street parking spaces are required by this title there shall also be required parking spaces for persons with disabilities as provided in the Americans With Disabilities Act. The required number of accessible parking spaces shall be in addition to the required number of spaces determined by facility use.

B. Determination By Community And Economic Development Director Or His/Her Designee:

1. Regulations And Standards Required: If any of the provisions, regulations or standards of this chapter do not specifically pertain to a particular use, or if they are not clearly stated for a particular use or uses, the Community and Economic Development Director or his/her designee shall determine the regulations and standards to be required. In making such a determination, the following shall be considered:

a. Parking generation, giving particular attention to attendance potential at any facility.

b. Location of the facility and the peak hours of operation.

## Hayden, ID Code of Ordinances

- c. Extent and frequency of loading/unloading operations.
  - d. The number of employees and patrons during peak period(s).
  - e. If shared use parking is proposed:
    - (1) The hours and days of operation of the respective uses.
    - (2) The combined projected traffic generated by each use.
    - (3) The required number of spaces for each use.
    - (4) The average distance of the parking area to the entrance of the facility being served.
  - f. Any other factors that would affect parking and loading requirements.
2. Exceptions And Minor Modifications:
- a. Application for an exception from a particular provision, regulation, or standard of this chapter may be made in writing to the Community and Economic Development Director or his/her designee. Application fees for administrative exceptions are as per the current fee schedule adopted by the City Council.
  - b. Modifications that are considered to be minor in nature, as determined by the Community and Economic Development Director or his/her designee shall not require application or payment of fees.
  - c. Exceptions may be considered for the number and/or type of required parking spaces and loading spaces, the location of the parking area with respect to the facility being served, and/or design standards for driveways, parking, loading or storage areas. Exception requests for more than thirty five percent (35%) of the required standard for parking spaces, paving, or aisleway/driveways shall be subject to an open public meeting before the Planning and Zoning Commission. Exception requests for more than fifty percent (50%) of the required standard for parking spaces, paving, or aisleway/driveways shall be subject to a public hearing process as follows: At least fifteen (15) days prior to the hearing, notice of the proposal, in compliance with section 11-12-4 of this title, shall be published in the official newspaper of the City. Notice by first class mail, fifteen (15) days prior to the hearing shall also be provided to property owners and purchasers within three hundred feet (300') beyond, excluding streets and alleys, or the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the commission. When notice is required to two hundred (200) or more property owners or purchasers of record, notice may be given through a display advertisement at least four inches (4") by two (2) columns in size in the official newspaper of the City at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site, in lieu of mailed notice. The applicant shall bear the responsibility and cost of all legal publications and the public notice.
  - d. Exceptions and minor modifications may only be granted based upon the following findings:
    - (1) The requested exception or minor modification is based upon a unique character or feature of the property or use, which does not

## Hayden, ID Code of Ordinances

generally apply to other properties or similar uses subject to the requirement from which an exception is sought;

(2) The requested exception or minor modification will not be injurious to the public safety and welfare;

(3) If approved, the requested exception or minor modification will be equally protective of the public interest, and will otherwise achieve the identified purposes of this chapter; and

(4) If a reduction in required parking is requested, the applicant has provided sufficient evidence to demonstrate that the off street parking proposed will be adequate to meet the needs of the present use, and likely future uses; such evidence may include, but is not limited to, a consideration of on street parking available to serve the subject property.

e. Decisions of the Community and Economic Development Director or his/her designee or Planning and Zoning Commission may be appealed to City Council as provided for in this title.

C. Change In Use Or Increase In Intensity Of Use: Parking spaces meeting the requirements of this chapter shall be provided whenever the use of a facility is changed such that the intensity of the parking demand for that facility is increased.

D. Street Parking Excluded: No portion of any public right-of-way shall be used in satisfying the minimum parking requirements established by this chapter, except as provided in subsection B of this section.

E. Reduction To Existing Parking And Loading: Neither the number, size, location nor maintenance of existing parking and loading spaces shall be altered or reduced below the requirements specified for the use in this chapter except if authorized with the approval of an exception request.

F. Parking Spaces Must Be Available: Required off street parking areas shall not be used for any purpose that would at any time prevent their intended use as parking spaces by occupants and patrons of the facility being served. No required parking area may be used for both parking and loading.

G. Tandem Parking And Loading Prohibited: Except for single- family dwelling units, the design and development of tandem parking and loading spaces shall not be allowed in meeting the minimum space requirements of this chapter. A required space shall not be blocked by another space such that a vehicle will be able to enter and leave the space at any time without having to cross another required space and without having to make unreasonable turning movements.

H. Off Site Parking And Loading Requirements: Whenever any required parking or loading areas are located on a site which is not within the property limits of the facility being served, or is within the public right-of-way, the owners of the facility and the land providing the off site space shall prepare and execute an agreement for approval by the Community and Economic Development Director or his/her designee and filing with the County Recorder.

1. The agreement shall be acceptable to the City Attorney and shall guarantee the maintenance and reservation of the off site areas for the duration of the use of the facility being served.

2. The agreement between the parties sharing use shall include a legal easement and the agreement shall run with the land. The agreement shall not be

Hayden, ID Code of Ordinances

terminable without notice to the Community and Economic Development Director or his/her designee.

3. Termination of the agreement, or any change in use or increase in use during the term of the agreement, shall require reevaluation of parking requirements for the subject properties.

4. Agreements involving the use of the public right-of-way shall require the approval of the City Council and shall be considered under at least one of the following circumstances:

- a. When there is a City Council approved street corridor plan;
- b. Within the geographic boundaries of the Government Way reconstruction project; or
- c. When there is a special agreement such as a master development agreement, deferred improvement agreement or similar instrument that authorizes such use.

I. Maintenance Of All Parking And Loading Areas Required: All paved areas intended for use by the owners, employees, and the general public and required by this chapter shall be maintained on a regular basis. Regular maintenance shall include, but not be limited to, pavement repair and seal coating; pavement marking and striping; removal of dust, leaves and litter; removal of snow and ice; maintaining landscaped areas; and maintaining signs, fences, wheel stops, curbs, walks, drainage facilities and any other appurtenances pertinent to the requirements of this chapter and the zoning ordinance. (Ord. 578, 1-9-2018)

**11-18-4: REQUIRED OFF STREET PARKING SPACES:**

A. Residential Uses: The following number of paved off street parking spaces shall be required as specified for each residential use, in accordance with the provisions of subsection 11-18-3A of this chapter:

Residential Uses	Required Spaces
Cluster housing	2 per dwelling unit
Condominiums and multi-family units	2 per dwelling unit
Detached housing, group	1 per sleeping room
Detached housing, single-family	2 spaces
Duplex housing	2 per dwelling unit
Home occupation, as per residential use	2 per dwelling unit
Other	Per Community and Economic Development Director or designee

B. Civic Uses (Except In The Central Business District): The following number of paved off street parking spaces shall be required as specified for each civic use, in accordance with the provisions of subsection 11-18-3A of this chapter:

Civic Uses	Required Spaces
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Hayden, ID Code of Ordinances

Civic Uses	Required Spaces
Administrative	4 per 1,000 square feet
Childcare or nursery	3.5 per 1,000 square feet
Community assembly	10 per 1,000 square feet
Community center	4 per 1,000 square feet
Community organization	4 per 1,000 square feet
Elementary school	3 per 1,000 square feet
High school	3 per 1,000 square feet
Hospitals/healthcare	3.5 per bed
Library	3.5 per 1,000 square feet
Middle or junior high school	1.5 per 1,000 square feet
Museum or art gallery	2 per 1,000 square feet
Nursing and convalescent facilities	1.5 per 1,000 square feet
Open space area, including parks	Per Community and Economic Development Director or designee
Religious assembly	8 per 1,000 square feet
Other	Per Community and Economic Development Director or designee

C. Commercial, Recreational And Industrial Uses (Except In Central Business District): The following number of paved off street parking spaces shall be required as specified for each commercial/recreational/industrial use in accordance with the provisions of subsection 11-18-3A of this chapter:

<b>Commercial/Recreational/Industrial Uses</b>	<b>Required Spaces</b>
Automotive fleet storage, attendant parking, rental vehicles	1 per employee and 1 per vehicle
Banks/financial services	5 spaces per 1,000 square feet and 5 queuing spaces (with drive-through)
Bowling alleys	5 spaces per alley
Childcare center	3.5 spaces per 1,000 square feet
Dry cleaners	1.5 spaces per 1,000 square feet
Fast food restaurant with drive-through	10 per 1,000 square feet and 5 queuing spaces

Hayden, ID Code of Ordinances

<b>Commercial/Recreational/ Industrial Uses</b>	<b>Required Spaces</b>
Fast food restaurant without drive- through	12.5 per 1,000 square feet
Gasoline sales	1 parking space per pump and 2 queuing spaces per pump per side
General/professional office	5 per 1,000 square feet
Golf course	8 per hole and as required per accessory uses
Health/fitness facility	5 per 1,000 square feet
Hotel/motel	1.2 spaces per unit and as required per accessory uses
Manufacturing	2 per 1,000 square feet operations and 5 per 1,000 square feet for office
Medical/dental/healthcare practitioner office	1 space per 200 square feet
Ministorage/self-storage	Minimum of 1 space per 100 storage units and 1 per 200 square feet for office
Mixed use business park	3 per 1,000 square feet
Retail sales	5 per 1,000 square feet
Service establishments (including automotive/vehicular repair service)	5 spaces per 1,000 square feet
Sit down restaurant	1 per 100 square feet or 1 per every 2 seats, whichever is greater (including any outdoor seating)
Skating rink	5 spaces per 1,000 square feet
Storage	1 per 2,000 square feet and over 20,000 square feet is 1 per 3,000 square feet and 5 per 1,000 square feet for office
Supermarket	4 per 1,000 square feet
Tavern/bar	15 per 1,000 square feet (includes any outdoor seating)
Tennis, handball and racquetball courts	3.5 spaces per court
Theaters, auditoriums, and stadiums	1 space per 4 seats



Hayden, ID Code of Ordinances

<b>Commercial/Recreational/ Industrial Uses</b>	<b>Required Spaces</b>
Vehicular cleaning and quick vehicle servicing and repair	3 spaces per bay, and 5 queuing spaces
Veterinary office	1 space per 150 square feet
Warehousing	1 per 1,000 square feet warehouse and 5 per 1,000 square feet for office
Other	Per Community and Economic Development Director or designee

(Ord. 578, 1-9-2018)

D. Nonresidential Uses In The Central Business District:

1. Required On Site Parking Spaces For Nonresidential Uses: Based on the pedestrian oriented character of the Central Business District, the required number of on site parking spaces within the district shall be reduced to seventy five percent (75%) of parking space requirements for all nonresidential uses, as detailed in the tables in subsections B and C of this section.

2. Reduction Of Required On Site Parking Spaces: Required parking for nonresidential uses in the Central Business District may be further reduced by an additional twenty five percent (25%), if parking lot layout incorporates a shared approach with a joint access and parking agreement between adjacent commercial lots.

3. Additional Reduction Of Required On Site Parking Spaces: Required parking for nonresidential uses in the Central Business District may be further reduced by an additional ten percent (10%) if the subject property is located within one thousand feet (1,000') of a public or commercial parking lot open for use by the general public. (Ord. 559, 7-12-2016)

**11-18-5: DESIGN STANDARDS:**

A. Off Street Parking, Loading Berth, Storage And Display Lot Design Standards: The layout and design of off street parking, bicycle parking, loading berths, storage and display lot areas shall meet the requirements of this section. (Ord. 559, 7-12-2016)

B. Paving Requirements:

1. Residential Uses:

a. New single-family, duplexes, accessory structures, and additions of fifty percent (50%) or greater of the existing gross floor area of a structure (including the gross floor area of the garage), shall be served by a paved driveway, paved approach, and paved parking spaces as required.

b. New accessory structures constructed within a residential zoning district with an eight foot (8') wide or larger door or opening with a depth of fifteen feet (15') or greater (as measured opposite of the door/opening) shall be served by a paved or concrete approach from the edge of the developed public or private right-of-way to the property line; and a paved or gravel driveway from the edge of the approach to a point aligned with the rear wall of the dwelling, said paved or graveled

driveway is not required to exceed sixty feet (60') as measured from the property line. The Community and Economic Development Director or such designee may consider and administratively approve modified standards and specifications as per subsection 11-18-3B2 of this chapter. (Ord. 578, 1-9-2018)

2. Paving Of Driveways, Approaches, Parking, Loading And Maneuvering Areas: All driveways, approaches, parking, loading and maneuvering areas required of this chapter shall be paved with asphalt, concrete, or material providing similar wear and durability as approved by the City.

3. Paving Of Outdoor Storage And Display Lots: Outdoor storage and display lots shall be paved, as herein provided:

a. All storage and display lots including, but not limited to, those used for the purpose of storage, sale, lease or rental of cars, trucks, boats, manufactured homes, mobile homes, lumber and building supplies and materials, recreational vehicles, or trailers shall be paved according to the requirements of this chapter, except as provided below.

b. Storage and display lots used for landscaping sales and those lots where heavy mobile equipment (including, but not limited to, farming implements, logging equipment and/or construction equipment, tracked equipment, skid-steer loaders and forklifts) is displayed, stored, or used for the movement of materials:

(1) The actual area used for the storage, display, or use of the heavy equipment may be surfaced with compacted crushed aggregate, provided that the unpaved area is maintained in a neat, dustless and weedless condition. The gravel shall meet the City regulations for three-fourths inch ( $3/4$ " ) minus crushed aggregate and shall be spread and compacted to a uniform layer having a minimum depth of four inches (4") after all topsoil and other unsuitable material have been removed.

(2) Said lots shall be served by paved approaches, driveways, vehicular maneuvering areas and parking spaces meeting the requirements of this chapter.

C. Parking Lot Grades And Drainage: All off street parking shall be paved such that no surface shall exceed five percent (5%) and no longitudinal drainage gradient shall be flatter than one-half percent (0.5%). Approach grades shall be safe and convenient and shall be designed in accordance with the Idaho Standards for Public Works Construction (as amended) for driveway grade standards; however, the City Engineer may allow exceptions from this standard based on site specific circumstances. Parking spaces for persons with disabilities shall be as level as possible but in no case shall the parking space, adjacent aisle, driveway or designated pathways exceed a gradient of two percent (2%) in any direction. All parking and loading areas shall provide for proper drainage of surface water to approved drainage areas or structures. Surface drainage shall be retained on site to the extent that site runoff shall not exceed runoff from the site in its undeveloped condition. (Ord. 559, 7-12-2016)

D. Parking Lot Location Requirements; Proximity To Use: The distance between parking areas and the use being served shall meet the following requirements:

1. Residential (except in the Central Business District): Required parking shall be located on site for residential uses.

## Hayden, ID Code of Ordinances

2. Residential within the Central Business District: Required on site parking within the CBD may be reduced by up to fifty percent (50%) if the developer provides dedicated off site parking within five hundred feet (500') of the subject use, with such dedicated off site parking being equal to the reduction in the number of on site parking spaces being proposed.

3. All other uses (except in the Central Business District): Required parking shall be located not farther than three hundred feet (300') from the entrance to the facility being served, unless continuous parking is provided.

4. All other uses in the Central Business District: On site parking requirements may be waived, if the developer provides dedicated off site parking spaces equal to the number of required parking spaces within one thousand feet (1,000') of the subject property.

5. Loading berths for an activity shall be located on the same lot as the activity served, or on a contiguous lot within the same zoning district. Property within the right-of-way shall not be used to meet the need for a loading berth except for with the express written authorization of the City Council who shall take into account safety concerns, traffic congestion, other loading demands on the road system, pedestrian-vehicle conflicts, and the like in their decision-making and if the authorization is granted, the City Council may apply conditions as deemed necessary to the approval. Loading berths and service areas shall be allowed to be located at the front of buildings in an area visible from the roadway only by administrative authorization of the Community and Economic Development Director or his/her designee who is authorized to place conditions on the approval to mitigate the visual impacts such as requiring the use of fences, hedges, and other screening mechanisms.

6. Whenever a required off street parking or loading spaces is located on a lot other than the lot containing the use served, the owner or owners of both lots shall prepare and execute, to the satisfaction of the City, an agreement. This agreement shall be subject to approval by the City Council and recorded with the County Recorder and shall contain provisions guaranteeing that such parking and/or loading spaces will be maintained and reserved for the use(s) served for the duration of said use(s). In the event said agreement is a lease agreement, it shall be acceptable to the City with such additional terms as the City may deem necessary between the owner(s) of the lot containing the use served and the lot containing the off site spaces. Upon expiration of the lease or any extended term approved by the City, the owner shall provide adequate off street parking. If the use served has not ceased or changed such that off street parking is no longer required, then the owner(s) shall provide alternative off street parking spaces equal to the amount then required by City ordinances when the lease expires. (Ord. 578, 1-9-2018)

### E. Parking Space Requirements:

1. Standard Dimensions: Off street parking spaces shall meet the minimum dimensions for the following types of spaces and conditions:

a. Standard nonparallel parking spaces shall be nine feet (9') wide by twenty feet (20') long. A stall of nine feet by eighteen feet (9' x 18') may be installed in those areas where a two foot (2') vehicle overhang can be implemented that does not interfere with safe passage of pedestrians and vehicles and which does not interfere with other required features of site plan approval, such as the need to

Hayden, ID Code of Ordinances

accommodate trees, bushes, lighting and the like; though such features may be spaced so as to allow for the overhang. A compact stall meeting these or other administratively approved dimensions may also be installed for overflow parking when the required number of spaces has been provided.

b. Parallel parking spaces shall be eight feet (8') wide by twenty three feet (23') long for all vehicles.

c. Where a side of a parking area abuts a building or other obstruction, an additional width of two feet (2') shall be added to the adjacent parking. (Ord. 559, 7-12-2016)

2. ADA Accessible Parking Spaces:

a. Requirements: The required number of ADA accessible parking spaces shall be determined based upon the total parking in the lot, as detailed in the table below (unless ADA requirements are found to be more restrictive):

Total Parking In Lot	Required Minimum Number Of Accessible Spaces (Additional)
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100 over 1,000

b. Van Accessible Parking Spaces: One out of every eight (8) required accessible parking spaces shall comply with van accessibility requirements; in no case, however, shall there be provided less than one van accessible space.

c. Access Aisles: Every designated accessible space requires an adjacent access aisle. This aisle must be on either side of each space and can be shared by two (2) designated accessible spaces. Access aisles shall be a minimum of sixty inches (60") wide, and run parallel to the length of the designated accessible parking space. The van accessible space shall be a one hundred thirty two inch (132") wide stall with a sixty inch (60") wide access aisle. Alternatively, a van accessible parking space may be ninety six inches (96") wide with a minimum aisle width of ninety six inches (96").

d. Location: The spaces for persons with disabilities shall be located as near as practical to a primary accessible entrance.

## Hayden, ID Code of Ordinances

e. Signage: All designated accessible spaces shall be signed in accordance with the City's Design Standards Manual, as may be adopted by the Hayden City Council. (Ord. 578, 1-9-2018)

F. Aisleways And Driveways:

1. Access Requirements And Standards: All required off street parking areas shall be located, designed, constructed and maintained to provide access at all times. Driveway approaches shall be located, designed and constructed according to the City's current standards and policies.

a. Access to a public street shall require an encroachment permit and a guarantee for work to be performed in a public right-of-way, as detailed in title 7, chapter 2 of this Code.

b. The number of approaches serving an individual lot or parcel may be restricted to a single two-way approach, and in some cases, joint use approaches serving two (2) or more lots may be required.

c. The width of an approach shall be determined according to the City standards, and shall meet the requirements of the local fire protection district.

d. The location and design of approaches shall be approved by the City engineer or his/her designee.

2. Dimensions And Turning Radii: All dimensional requirements detailed herein shall be considered to be minimum standards. All off street parking areas shall be reviewed and approved by the local Fire Department, which may require wider driveways and parking aisles and larger vehicular turning radii as prescribed by the Fire Code.

a. Driveway And Approach Widths: The minimum driveway and approach widths shall be determined from the operating speed and the classification of the street providing access, the volume of traffic being generated, the potential for truck use, and fire protection requirements.

(1) Parking aisle widths shall vary with the angle of vehicular turning required to access the required space on one-way aisles, but shall be a minimum of twenty four feet (24') wide on two-way aisles.

(2) In circulation areas without parking stalls on either side, this two-way circulation aisle may be reduced to twenty feet (20') wide.

(3) In circulation areas without parking stalls on either side, a one-way circulation aisle may be no less than fourteen feet (14') in width, so long as the ingress/egress points to said one-way aisle are also a minimum of fourteen feet (14') in width.

(4) All aisle widths are subject to the review and approval of the Fire Marshal, who can require a more restrictive standard than that required herein.

(5) The maximum two-way approach and driveway width shall be sixty feet (60') as measured at the throat of the approach, where it can be demonstrated that generated traffic warrants a separate left turn lane for exiting vehicles, and where heavy truck use prevails. (Ord. 559, 7-12-2016)

b. Exiting Vehicle Space: There shall be at least twenty four feet (24') separating a parking aisle from the edge of the adjacent street to provide space for one (1) exiting vehicle. Backing directly into a public or private road shall not

## Hayden, ID Code of Ordinances

be allowed unless approved by the City engineer who shall make a determination that there is no other viable alternative. (Ord. 572, 6-13-2017)

c. Queuing Lane Standards: Where queuing is required, the following standards shall apply:

(1) Queuing lane width shall be a minimum of twelve feet (12'), with said lane width required to be clear of any physical obstructions;

(2) Each required queuing space shall be a minimum length of twenty feet (20');

(3) Required queuing shall not obstruct driveway approaches providing ingress/egress to the site, nor shall such queuing obstruct ingress/egress to any required parking spaces.

G. Pavement Markings And Striping: Each parking space shall be delineated with four inch (4") wide pavement striping. Other pavement markings for spaces for persons with disabilities, pathways, crosswalks, stop bars, delineations, turning arrows, bicycles, etc., may be required. (Ord. 559, 7-12-2016)

H. Bicycle Parking Requirements:

1. Permanently installed bicycle racks shall be required in the Central Business District and Commercial Zone Districts for all retail, hospitality, medical, dental, and restaurant uses. This shall apply only if those uses are required by Code to have fifteen (15) or more parking spaces.

2. Bike racks shall be provided with the number of bike spaces totaling ten percent (10%) of the required off-street vehicle parking spaces rounded to the nearest even number, or a minimum of two (2) bike spaces, whichever is greater, up to a maximum requirement of eight (8) bike spaces. All bike racks shall be placed in locations that facilitate use by customers and employees riding bikes, and may be incorporated into the site's hardscape design.

3. A single bicycle rack element shall be designed to meet the following criteria:

a. Support the bicycle in an upright position by its frame in two (2) places, without the use of a kickstand.

b. Prevent the wheels of the bicycle from tipping over, tilting, or twisting.

c. Enable the frame and one (1) or both wheels to be secured.

d. Allow either "front in" or "back in" parking where a "U-lock" or cable can secure either the front wheel and down tube or the rear wheel and seat tube of an upright bicycle.

e. Provide for all types and sizes of bicycles, including various types and sizes of frames, wheels, and tire widths.

4. The use of creative designs for three-dimensional bicycle parking racks (functional art) may be permitted. Proposed alternatives shall be submitted for evaluation and approval by City prior to installation.

5. Bicycle racks shall be installed in a manner and location that does not interfere with required access, pedestrian and vehicle circulation or create a public safety concern, acceptable to the City.

## Hayden, ID Code of Ordinances

6. Bicycle racks shall not be located within the public right-of-way, nor on private sidewalks/walkways with a width of less than ten feet (10'). (Ord. 572, 6-13-2017)

I. Parking Lot Landscaping Requirements:

1. Landscaping: All parking areas shall include a five foot (5') perimeter buffer landscaping. Buffer landscaping must meet the standards for Type III landscaping, as detailed in this title. If this is an addition to an existing parking lot, the perimeter landscaping shall apply only to the expanded area of the addition. If this is a parking lot reconstruction of more than forty percent (40%) (not including surface overlays) the perimeter landscaping requirement shall apply to the entire parking lot.

2. Irrigation: All landscaped areas including buffer strips and drainage infiltration facilities shall be provided with an automated irrigation system.

3. Interior Parking Lot Landscaping: Required interior parking lot landscaping shall incorporate shade trees, consisting of broad canopied Class II or Class III meeting the current ANSI Z60.1 standards for nursery stock unless overhead utilities indicate a Class I tree. Columnar Class II or Class III trees shall not be used for interior parking lot plantings. Alternate tree types may be used where it is demonstrated by the applicant and determined by the City that at full growth, the alternate will not result in safety concerns. A minimum of one (1) tree shall be required for every one thousand (1,000) square feet of paved parking surface area. This is calculated using the area of the parking spaces only and does not include the area dedicated to circulation aisles and the like. Interior parking lot landscaping shall be required when a parking area contains forty (40) spaces or more. If the project is an addition to an existing lot which brings the total spaces to forty (40) or more, the interior landscaping shall apply only to the expanded area. If this is a reconstruction of more than forty percent (40%) of the existing lot (not including surface overlays), the interior landscaping requirements shall apply to the entire parking lot.

4. Tree Planters: The minimum tree planter surface area shall be eighty (80) square feet, with a minimum width of eight feet (8') inside curb to inside curb. Planter locations must be incorporated into the overall parking lot design. Tree planters may serve a dual purpose and also be designed as a component of the stormwater system.

5. Soil In Planters: Soil in planters shall be scarified to undisturbed native soil, or four feet (4'), whichever occurs first.

J. Parking Lot Lighting Requirements: The illumination of off street parking and loading areas and display lots shall be designed such that lighting is directed away from the street and adjacent properties and toward the interior of the property. All such lighting shall be fully shielded, and all lighting shall be contained on the lot. A minimum illumination of 0.2 foot-candle per square foot is required. When parking lot lighting is proposed, a photometric plan shall be submitted which demonstrates compliance with these standards.

"Fully shielded" lighting shall be defined as lighting that is constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below horizontal. (Ord. 559, 7-12-2016)

## **CHAPTER 19**

### **PLANNED UNIT DEVELOPMENT**

**SECTION:**

**11-19-1: Intent**

**11-19-2: Purpose And Goals**

**11-19-3: Effect Of Other Ordinance Provisions**

**11-19-4: General Requirements**

**11-19-5: Procedure For Approval Of PUD**

**11-19-6: Condominium Platting Procedures Within A PUD**

**11-19-1: INTENT:**

The intent of the planned unit development (PUD) is to provide greater flexibility in land use and encourage greater design creativity than is generally allowed under conventional standards and development approaches, in order to create a better overall development pattern and design. Such a planned unit may incorporate a variety of residential and land use types, and contain both individual building sites and common property which are planned and developed as a functional unit or neighborhood, which taken as whole, is consistent with the general goals and policies of the city's comprehensive plan, and the overall intent of the city's zoning ordinance. Performance standards will be based upon the general standards of the underlying zone, and the approved PUD master plan shall be processed in accordance with the procedures for a special use permit. (Ord. 599, 7-12-2016)

**11-19-2: PURPOSE AND GOALS:**

A PUD may be approved, if it is determined that it creates an overall design that is consistent with the goals and policies of the city's comprehensive plan, fulfills the general intent and purpose of the zoning ordinance, is compatible with the standards and character of the underlying zone and the comprehensive plan future land use designation for surrounding properties, and achieves one or more of the following objectives:

- A. Allows a variety of housing choices and building types, and permits an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements, balanced by the provision of open space and common areas;
- B. A more useful pattern of open space and recreation areas is achieved, with more convenience in the location of accessory commercial uses, industrial uses, and services, if applicable;
- C. The development pattern preserves and utilizes natural topography and geologic features, scenic vistas, waterways, trees and other vegetation and prevents the disruption of natural drainage patterns;
- D. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and/or
- E. A more energy efficient development, the minimization of stormwater runoff or one with more open space and concentrated density, thematic architectural design, or more beneficial community design and patterns of land use and development



will be possible than through the strict application of the zoning ordinance. (Ord. 599, 7-12-2016)

**11-19-3: EFFECT OF OTHER ORDINANCE PROVISIONS:**

A. Whenever there is a conflict or difference between the provisions of this chapter and those of other requirements of this code, the provisions of this chapter shall prevail. Subjects not covered by this chapter shall be governed by the respective provisions found elsewhere in this code.

B. In addition to the requirements of this chapter, PUDs shall also be subject to the requirements set forth in title 8, "Utilities", title 12, "Subdivision Regulations", of this code; and, all other ordinances, regulations, and policies of the city of Hayden not specifically addressed herein. (Ord. 599, 7-12-2016)

**11-19-4: GENERAL REQUIREMENTS:**

A. Ownership Requirements:

1. An application for approval of a PUD may be filed by a property owner or a person having a documented equitable interest in the property.

2. Before approval is granted to the final development plan, the entire project shall be under single ownership or control, and evidence of legal title must be documented with the final development plan.

3. An approved PUD plan shall be binding on all present and future property owners.

B. Location Of Planned Unit Developments: A PUD may be established in any residential, commercial, or industrial zone of the city, where the applicant can demonstrate that the proposed development will meet the standards and requirements of this chapter, and is consistent with the goals and policies of the city's comprehensive plan.

C. Uses Permitted: All uses allowed within the underlying zoning district are permitted within a PUD. A mix of residential, commercial, industrial or combinations of these land uses may also be permitted within a PUD, subject to the following provisions:

1. Residential Uses:

a. Residential developments may include single-family and multi-family dwelling units such as townhouses, garden apartments, common wall single-family, other cluster housing and multi-family dwellings, as separately deeded lots, condominium ownership, or as lease or rental housing. In addition, up to ten percent (10%) of the gross land area of a residential PUD may be directed to other commercial, industrial, public and quasi-public uses that are not allowed within the zoning district. More than one land use is allowed on each lot or common area as approved in the PUD master plan. The PUD approval shall consider and approve such nonresidential secondary uses, provided there is a favorable finding that:

(1) The uses are appropriate and compatible with the residential uses within the PUD, and the comprehensive plan future land use designation for surrounding properties;

(2) The uses are intended to serve principally the owners, residents, or occupants of the PUD;

(3) The uses are planned as an integral part of the PUD;

## Hayden, ID Code of Ordinances

(4) The uses are located and so designed as to provide suitable access to a collector or arterial street without creating congestion or traffic hazards; and

(5) A proposed timetable for development of the various uses is specified, and shall be approved provided that each phase of development is consistent with the above standards, and the overall standards of approval for the planned unit development.

### 2. Commercial Uses:

a. When a PUD includes commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points.

b. Side yard and rear yard setbacks of twenty five feet (25'), and planting screens and visual landscaping buffers, as required in chapter 11 of this title, shall be required if the commercial building is located adjacent to an abutting residential use, unless part of a mixed use building. Setbacks and landscaping requirements may be reduced, however, if the applicant can demonstrate an alternate design or building configuration that will provide a comparable level of buffering.

c. The plan of the project shall provide for adequate and properly arranged facilities for internal traffic circulation, adequate landscaping and buffering, drainage features, and other such features and facilities as may be necessary to make the project attractive and efficient from the standpoint of adjoining and surrounding noncommercial uses within the PUD.

d. All areas designed for future expansion or not intended for immediate development shall be landscaped or otherwise maintained in a neat and orderly manner, free of weeds, debris, or screened by fencing.

e. Up to ten percent (10%) of the gross land area of a commercial PUD may be directed to residential, industrial, public and quasi-public uses that are not allowed within the zoning district. More than one land use is allowed on each lot or common area as approved in the PUD master plan. The PUD approval shall consider and approve such secondary uses, provided there is a favorable finding that:

(1) The proposed uses are appropriate and compatible with each other, and the comprehensive plan future land use designation for surrounding properties;

(2) The uses are planned as an integral part of the PUD;

(3) The location and design of surrounding land use, infrastructure and amenities within the PUD are adequate, appropriate, and compatible with the proposed secondary use;

(4) A proposed timetable for development of the various uses is specified, and shall be approved provided that each phase of development is consistent with the above standards, and the overall standards of approval for the planned unit development.

### 3. Industrial Uses:

a. Residential and commercial PUDs may include industrial uses if it is demonstrated that the industrial use is integral to the design of the development and results in a more efficient and desirable use of land.

## Hayden, ID Code of Ordinances

b. Industrial uses and parcels shall be developed utilizing landscaping, and existing woodlands if applicable, as buffers to screen lighting, parking areas, loading areas or docks and/or outdoor storage of materials or products.

c. A planned industrial area shall provide for integrated and planned design of buildings in compact groupings, suitable access and traffic distribution, and be designed to minimize through traffic.

d. In addition to visual landscaping buffers, as required in chapter 11 of this title on the perimeter of industrial areas abutting residential uses and districts, all intervening spaces between the right-of-way line and project building line, and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and planting, excluding drainage areas, and unimproved phases or fenced areas.

e. Side yard and rear yard setbacks of twenty five feet (25'), and planting screens and visual landscaping buffers, as required in chapter 11 of this title, shall be required if the industrial building is located adjacent to an abutting residential use, unless part of a mixed use building. Setbacks and landscaping requirements may be reduced, however, if the applicant can demonstrate an alternate design or building configuration that will provide a comparable level of buffering.

#### 4. Mixed Use Buildings:

a. Mixed use buildings are allowed in PUDs. The approval of the PUD shall consider and approve such mixed use proposals, provided there is a favorable finding that:

(1) The buildings are designed to minimize adverse impacts and accommodate the needs of all differing uses, and comply with all Building Code and Fire Code requirements for all uses encompassed;

(2) The proposed uses are appropriate and compatible with each other;

(3) The uses are planned as an integral part of the PUD; and

(4) The location and design of surrounding land use, infrastructure and amenities within the PUD are adequate, appropriate, and compatible with the various uses within the mixed use building.

b. For the purpose of calculating the gross land area of the secondary use, the category of use for a parcel containing a mixed use building shall be based upon the use encompassing the greatest percentage of gross floor space within the building.

D. Minimum Area: A PUD for the following principal uses shall contain an area of not less than:

1. Residential uses: No minimum size.

2. Commercial uses: No minimum size.

3. Industrial uses: No minimum size. (Ord. 559, 7-12-2016)

#### E. Common Open Space:

1. Required Open Space: A minimum of ten percent (10%) of the gross land area in any PUD project shall be reserved for consolidated areas of common open space to be used for park lands and recreational facilities for the occupants of the area being developed. Land dedicated for public rights-of-way, private streets,

stormwater management, utility purposes, required landscape buffers, setback areas, greenbelts, and/or common parking areas shall not be considered open space for the purpose of this requirement unless the PUD is less than five (5) acres in size in which case the ten percent (10%) open space can be combined with required landscape buffers, the perimeter setback area, and greenbelts. In commercial and industrial PUDs, common landscaped areas, walking paths not otherwise required by the subdivision ordinance, and other features that contribute to a "campus like effect", may be counted as open space. (Ord. 578, 1-9-2018)

2. Dedication Of Land For Public Use: The required amount of common open space land reserved under a PUD shall be deeded to the owners' association by developers of the project for the use of each owner who buys property within the development, and/or the general public. All common open space properties and facilities shall be preserved for their intended purpose, as identified in the approved development plan. Proposed changes in use for designated open space will require an amendment to the final plan for the PUD, which shall be subject to the review and approval of the City Council.

3. Management And Maintenance: The developer shall provide for the establishment of an owners' association for all owners of property within the planned unit development.

a. The association shall own and be responsible for the maintenance of all commonly owned properties, open space, private streets facilities, and other such improvements.

b. The owners' association shall be created at the time of final approval, with association documents to be recorded with the final PUD plan.

F. Density Of Development:

1. Minimum Lot Size: In a PUD, the minimum lot size provisions of the underlying zone may be waived, except that the minimum lot size requirements of the underlying zone shall serve as the minimum PUD size.

2. Density Of Residential Development: Where minimum lot sizes for the underlying zone are waived, the average density of development for the PUD shall be equal to the base density of the underlying zone:

a. Average Density Calculations: The gross land area of the property to be developed, minus proposed public or private rights-of-way and areas designated for commercial or industrial use, multiplied by the maximum number of units per acre that would be allowed in the underlying zone (as calculated from the minimum lot size for the use proposed), to determine the total number of allowable residential units within the PUD.

3. Density Bonuses: To provide an incentive for quality PUDs, a density bonus of up to twenty percent (20%) of the allowable number of dwelling units may be permitted. Character, identity, architectural style and variation, creative physical design, community and recreational facilities, and variety of housing choices, beyond the minimum requirements of this chapter, may be considered cause for density increases, provided that the applicant demonstrates that these factors make a substantial contribution to the overall quality of the development and objectives of the PUD, as follows:

## Hayden, ID Code of Ordinances

a. Landscaping and common area design features, in excess of the minimum required by this Code, including incorporation of community art in common areas, design of plazas and public meeting areas, provision of green space interconnected with adjacent developments, and preservation of significant existing older growth trees, and unique natural features (10 percent maximum density bonus);

b. Design features, beyond those required in this Code, including unique street sections, quality of development, and architectural styles and themes, and harmonious use of materials (5 percent maximum density bonus);

c. Housing that addresses special needs populations, which accounts for not less than ten percent (10%) of the total number of housing units within the development. In order to qualify for this density bonus, the qualifying housing units must be specifically designed to meet ADA standards for handicapped accessible housing (ADA compliant), or designed to meet a specific design standard addressing a specific special needs population (10 percent density bonus);

d. Dedicated, affordable workforce housing, which accounts for not less than ten percent (10%) of the total number of residential dwelling units proposed within the PUD. In order to qualify for this density bonus, the applicant must: 1) demonstrate that the proposed housing type(s) meet(s) the definitions contained herein; and 2) identify a mechanism by which the applicant will ensure provision of the qualifying category of housing for which the density bonus may be granted. "Affordable workforce housing", for this purpose, shall be defined as housing, for which the initial sales price and any subsequent sales prices, when financed through a conventional residential mortgage program, can be demonstrated to require total annual principal and interest payments not in excess of thirty percent (30%) of one hundred forty percent (140%) of Kootenai County's median household income for that year, as estimated and reported by the U.S. Bureau of the Census (20 percent density bonus); or

e. Provision of significant recreational area improvements beyond the minimum required by ordinance, including improved recreational facilities such as community ball fields with such enhanced features as dugouts, bleachers, fencing and backstops; indoor and outdoor pools; and/or community centers (5 percent maximum density bonus). (Ord. 559, 7-12-2016)

#### 4. Setbacks And Side Yard Requirements:

a. Setbacks from the exterior boundary line of the PUD area shall be consistent with those of the underlying zone. In no event shall the setback from the exterior boundary be less than twenty five feet (25').

b. Zero lot line development, with each unit or a portion of the original lot independently owned, having lot lines along common walls may be permitted in a PUD, providing that:

(1) All applicable City, State, and Federal building regulations and Fire Codes pertaining to common wall and zero lot line construction shall be complied with;

(2) Common walls shall be adequately soundproofed in accordance with International Building Code requirements;

(3) Electric, domestic water supply, sewer, heating and air conditioning systems, and all other incorporated utility systems shall be appropriately designed for each unit of occupancy;

## Hayden, ID Code of Ordinances

(4) Deeds or covenants pertaining to buildings shall contain appropriate provisions regarding maintenance of individually or commonly owned indoor or outdoor walls, common areas, and outdoor yard areas.

(5) Maintenance or encroachment easements shall be recorded as necessary for individual owners to assure access to all commonly and individually owned yard areas and outdoor walls.

(6) The development otherwise complies with all requirements of Idaho Code, title 55, chapter 15, and section 11-19-6, "Condominium Platting Procedures Within A PUD", of this chapter, and all other applicable City ordinances and codes.

c. Standard setback requirements may be reduced or waived with said setbacks established for each lot within the PUD approval process. Where multiple structures exist on a lot, the developer shall identify the location of all structures with the submission of the first building permit for said lot as part of a separate site plan approval for that lot and shall construct in accordance with this site plan unless a modification to this is approved by the City who will need to determine that it is generally consistent with the general concept approved in the final PUD plan. For the purpose of this section, cornices, canopies, eaves or other similar architectural design features not providing additional floor space within the building may extend into the required separations or setback, provided that they encroach by no more than two feet (2'). (Ord. 578, 1-9-2018)

G. Private Streets: Private streets may be permitted in PUDs, provided they meet all standards and requirements as set forth in the City of Hayden private street ordinance.

H. Underground Utilities: Electric, gas and cable, and communication utilities service connections shall be installed underground, whenever possible. (Ord. 559, 7-12-2016)

### **11-19-5: PROCEDURE FOR APPROVAL OF PUD:**

The granting of a permit for a PUD shall require a preapplication meeting, the submission of a preliminary development plan, and approval of a final development plan as specified within this section. When the PUD also qualifies as a subdivision, the processing of the final development plan for the PUD and the subdivision application shall occur simultaneously.

A. Preapplication Meeting: The developer shall meet with City staff prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss informally the purpose and effect of this chapter and the criteria and standards herein, and to familiarize the developer with the Comprehensive Plan, zoning title, subdivision title and such other Code requirements, standards and policies as may be applicable.

B. Preliminary Development Plan:

1. Application For Preliminary PUD Plan Review: An application for preliminary plan review shall be filed with the City by a property owner or persons having an ownership interest in the property for the proposed PUD. The application shall be accompanied by a written statement by the developer setting forth the reasons that the PUD would be in the public interest. At a minimum, the application shall contain the following information:

## Hayden, ID Code of Ordinances

- a. Name, address and phone number of the applicant;
  - b. Name, address, and phone number of registered surveyor, registered engineer, consultant, and/or urban planner assisting in the preparation of the preliminary plan;
  - c. Legal description of the property;
  - d. Description of existing use;
  - e. The zoning district or districts of the project site;
  - f. A vicinity map at a readable scale, showing property lines, streets, existing and proposed zoning, and other such requirements as the city may deem necessary to demonstrate the project's applicability to the standards of approval and show the relationship of the proposed PUD to the comprehensive plan and to existing schools and other community facilities and services;
  - g. A preliminary development plan, at a scale approved by the city, showing:
    - (1) Topography at two foot (2') intervals;
    - (2) Location and type of residential, commercial, and industrial land uses;
    - (3) Layout, dimensions and names of existing and proposed streets;
    - (4) Existing and proposed rights of way;
    - (5) Utility easements;
    - (6) Common open space, parks, pedestrian pathways, recreational facilities and other community spaces; and
    - (7) Preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas, and other such characteristics as the planner deems necessary;
  - h. Proposed schedule for development of the site, including a phasing plan, if applicable;
  - i. Documentation that the applicant has a sufficient ownership interest in the land to initiate the proposed development plan within one year.
2. Public Notice: The same provision for public hearing and legal notification as required for special use permits, as set forth in chapter 13 of this title, shall apply.
  3. Approval In Principle Of Preliminary Development Plan: After the public hearing, the planning and zoning commission shall review the preliminary development plan and make a recommendation in principle to city council. City council shall consider the recommendations of the planning commission, and may grant an approval in principle for the preliminary development plan based on the following findings:
    - a. The proposed PUD is consistent with the intent and purpose of this chapter;
    - b. The proposed development advances the general welfare of the community;
    - c. The benefits, combinations of land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard zoning district regulations; and

## Hayden, ID Code of Ordinances

d. The proposed development at the proposed location meets the standards for approval of a special use permit as set forth in section 11-13-3 of this title.

4. Approval Duration: Failure to submit a final PUD and preliminary subdivision application within one year after city council granting of an approval in principle of the preliminary development plan shall cause all approvals of said preliminary PUD plan to be null and void, unless an extension of one year has been applied for by the developer, and approved by the city council for good cause. Any reapplications will be reviewed under the ordinances in effect at the time of the reapplication.

### C. Final Development Plan:

1. Application For Approval: Upon approval in principle of the preliminary development plan, an application for approval of the final development plan shall be filed with the city by the property owner(s). If the proposed PUD involves a subdivision as provided for in title 12 of this code, an application for a preliminary plat, meeting the submittal requirements as required by code, shall be submitted concurrently with the final development plan application, and the same provision for legal notification and public hearing requirements for subdivision, as provided for in title 12, chapter 3 of this code. If condominiums are proposed within the PUD, condominium platting procedures, as detailed in section 11-19-6 of this chapter, shall apply. At a minimum, the application for final plan approval shall contain the following information:

a. A survey of the proposed development site showing the dimensions and bearings of the property lines, area in acres, topography and existing features of the development site, including major wooded areas, structures, streets, easements, and utility lines;

b. All information required on the preliminary development plan, the location and sizes of lots, location and proposed density of dwelling units, and nonresidential building design;

c. A development schedule for all phases, including building and common area improvements; tabulation of the number of acres in the proposed project for various uses; the number of housing units proposed by type; requirements for height, open space, building density, parking areas; development density; design principles and streetscapes, if applicable; and public improvements proposed for each phase of the development; and other such information to support the basis for proposed deviations from the underlying zoning district regulations or other ordinances governing development;

d. Site plan, showing building footprints, various functional use areas and their relationship, and circulation plans and patterns;

e. Preliminary building plans, including floor plans and exterior elevations, when the applicant has proposed an exception from the standard zoning district regulations or other ordinances governing development;

f. Landscaping plans; and

g. Deed restrictions, protective covenants and other legal documents used to control the use, development, maintenance of the land and improvements thereon, including those areas commonly owned and maintained.



## Hayden, ID Code of Ordinances

2. Recommendation By Planning Commission: After review of the final plan by the planning and zoning commission, the commission shall make a recommendation to city council to approve the final plan and PUD, approve with conditions, or deny. The commission will transmit the record of its review and deliberations, its findings, and recommendations.

3. Action By City Council: After review of the final plan and recommendations by the planning and zoning commission, city council shall approve the final plan and PUD, approve or modify it with conditions, or deny it, based on its evaluation of the proposal against the standards for approval, and its findings.

D. Standards For Approval Of The Final Development Plan For A PUD: An approval of the final development plan for the PUD may be granted by city council, if city council makes the following findings:

1. The proposed development can be initiated within two (2) years of the date of approval;

2. The development is consistent with the goals and purposes of a planned unit development, as defined in section 11-19-2 of this chapter, and all standards and requirements of this chapter;

3. If a phased development is proposed, each individual phase of the development, as well as the total development, meets the standards and requirements of this chapter;

4. The development, and its proposed uses will not be detrimental to the public interest, will be compatible with the comprehensive plan future land use designation for surrounding properties, and will have a beneficial effect which would not be achieved under standard district regulation;

5. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;

6. Any proposed secondary uses not otherwise allowed in the underlying zone can be justified at the locations proposed;

7. Exceptions from standard zone requirements are warranted by the design and other amenities incorporated in the final plan, in accordance with the PUD and the adopted policy of City Council;

8. The PUD is in general conformance with the Comprehensive Plan;  
and

9. The existing and proposed utility services are adequate for the residential densities and nonresidential uses proposed.

If a preliminary plat is filed with the final development plan for the PUD, the approval may be granted if the City Council makes those findings required for subdivision approvals.

E. Approval Duration: The approval of a final development plan for a PUD shall continue after recording of the PUD for as long as the improvements exist. Failure to file the final development plan for a PUD and the associated final plat application within two (2) years after the date of City Council approval of the master development agreement which approved the PUD and associated preliminary plat shall cause all approvals of said PUD and preliminary plat to be null and void, unless an extension of one year has been applied for by the developer and approved by the City Council,

except if a phased subdivision as provided for in subsection 12-3-413 of this Code. After the two (2) years have elapsed, the developer may apply for and receive additional extensions for good cause of time if actual work has been commenced and is continuing on the installation of the improvements up to a maximum of five (5) years, after which the PUD and preliminary plat approval shall be null and void and reapplication for a new PUD and preliminary plat application shall be required. (Ord. 559, 7-12-2016)

**11-19-6: CONDOMINIUM PLATTING PROCEDURES WITHIN A PUD:**

A. General Requirements:

1. The approved final PUD development plan shall reflect the general footprint of all structures and associated land proposed to be divided into condominium units, and the number of condominium units to be created within each distinct building site with associated lands.

2. For purposes of subdivision, condominium plats within a PUD shall be treated as a phased subdivision.

3. Initial phase(s) of the subdivision shall create individual lots for each condominium structure proposed.

4. No building permits shall be issued for proposed structures until approval and recordation of a final plat for the initial phase creating the distinct individual building lots upon which each condominium structure is proposed to be constructed.

5. At any time after the issuance of the building permit for a condominium structure and the installation of footings for the permitted structure, a preliminary condominium plat for the permitted structure may be submitted to the City for review.

6. No certificates of occupancy shall be issued for any condominium structure until the final condominium plat has been approved by the City and recorded with Kootenai County.

7. Condominium plats within a planned unit development shall be subject to application fees as established by City Council.

B. Application For Preliminary Condominium Plat:

1. Applications for condominium plat pursuant to this title shall include:  
a. All applicable fees, as established by City Council.  
b. Diagrammatic floor plans of the building, as approved, and any associated lands, in sufficient detail to identify:

(1) The exact dimensions of the building footprint, as approved, and any associated lands, relative to a minimum of two (2) survey monuments recognized by the County surveyor;

(2) Each unit, its dimensions and relative location;

(3) All relevant floor elevations, referenced to the City's established vertical datum, where multi-level or multi-story structures are diagrammed; and,

(4) Common and limited common areas shall be designated on said diagrams.

c. Record of ownership, and copies of the certificates consenting to condominium project by the owner of record and holder of any recorded security interest in the property, pursuant to Idaho Code, title 55, chapter 15.

## Hayden, ID Code of Ordinances

d. A declaration of condominium, articles of incorporation and bylaws, pursuant to Idaho Code, title 55, chapter 15.

e. A preliminary condominium plat showing the subject parcel or parcels, with the location of the building in sufficient detail to identify each unit and its relative location within the parcel. The preliminary condominium plat shall be legibly drawn at a scale suitable to ensure the clarity of all lines, bearings and dimensions. The preliminary condominium plat shall also include the following:

(1) Condominium project name, north arrow, scale and vicinity map showing location and boundary of the subject tract, existing road patterns and adjoining properties in the vicinity.

(2) Location, dimensions and area of all proposed units to be developed as condominium units.

(3) Existing wells, springs, drainage channels, overhead and underground utility lines, structures, sanitary sewer lines and culverts immediately within the tract and adjacent thereto.

(4) All easements of record, including sufficient recording data (recordation number, book, and page) to identify conveyance.

(5) All portions of the building or associated lands intended to be dedicated as common areas, with the uses indicated.

(6) Any other information as may be deemed necessary for consideration of the application.

### C. Preliminary Condominium Plat Review:

1. Upon determination that the application is complete, the preliminary condominium plat will be reviewed by City staff. Preliminary approval shall be granted, only if the application meets the following standards for approval:

a. The proposed plat is consistent with the approved Planned Unit Development Master Plan, meets the requirements of title 12, chapter 6, "Required Subdivision Improvements", of this Code and is in conformance with all applicable City Development Codes, standards and policy, and the provisions of this chapter.

b. The application is in conformance with the requirements of Idaho Code, title 55, chapter 15.

c. Approval of the application by the Director, or his/her designee may be conditioned upon revisions necessary to meet the above listed standards.

2. Changes in an approved application, resulting in modification of the terms and conditions of approval, may be approved by written application to the Planning Department by the applicant, provided:

a. The changes are consistent, and substantially conform with the approved Planned Unit Development Master Plan, and the original preliminary plat approval;

b. The changes do not result in any violations of this chapter and Idaho Code, title 55, chapter 15.

3. Preliminary condominium plat approval shall have an approval duration of two (2) years from date of notification of the written decision. Failure to file the final condominium plat application within two (2) years after the date of staff approval of the preliminary condominium plat shall cause all approvals of said

preliminary plat to be null and void, unless an extension of one year has been applied for by the developer and approved by the Director, except if a phased subdivision as provided for in subsection 12-3-413 of this Code. After the two (2) years have elapsed, the developer may apply for and receive additional extensions for good cause of time if actual work has been commenced and is continuing on the installation of the improvements up to a maximum of five (5) years, after which the preliminary condominium plat approval shall be null and void and reapplication for a new preliminary condominium plat application shall be required.

4. Any decisions or determinations made by the Director, or his/her designee in the administration of the provisions of this section may be appealed to City Council, in accordance with chapter 17 of this title.

D. Final Condominium Plat Approval:

1. Upon preliminary condominium plat approval, the applicant shall submit a final condominium plat, meeting all requirements of:

- a. Title 12, chapter 4 of this Code (final plat requirements);
- b. Title 12, chapter 8, "Survey Requirements", of this Code;
- c. Idaho Code, title 55, chapter 15; and
- d. All conditions of preliminary plat approval.

2. Final condominium plat approval shall follow procedures detailed in title 12, chapter 4, "Final Plat Approval", of this Code. (Ord. 559, 7-12-2016)

## CHAPTER 20 SITE PLAN REVIEW

**SECTION:**

**11-20-1: Purpose**

**11-20-2: Applicability**

**11-20-3: Site Plan Application Requirements**

**11-20-4: Required Site Improvements**

**11-20-5: Required Frontage Improvements**

**11-20-6: Standards For Site Plan Approval**

**11-20-7: Construction Of Site Improvements**

**11-20-8: Duration Of Site Plan Approval**

**11-20-1: PURPOSE:**

The purpose of this chapter is to establish the applicability, requirements, procedures, and standards of approval for site plan review, to ensure that all new building projects and expansions are in compliance with zoning requirements, and other city code standards and policy, as well as state and federal laws and regulations, as may be applicable. (Ord. 559, 7-12-2016)

**11-20-2: APPLICABILITY:**

- A. A site plan shall be required for the following types of development:
1. All new construction, expansions, and/or remodels including, but not limited to, the following:
    - a. Industrial.

- b. Commercial.
- c. Residential.
- d. Multi-family.
- e. Institutional.
- f. Residential care facilities.
- g. Parks.
- h. Parking areas, display lots, and similar areas.
2. Changes in use which require or involve site improvements.
3. When identified as needed as part of a subdivision, planned unit development, annexation, rezone, special use permit, or other land use approval.
  - B. All site plans shall be reviewed by city staff, and proposed developments (as detailed in subsection A of this section) shall be required to have city approval for the proposed site plan prior to the issuance of applicable permit(s) and commencement of construction. (Ord. 559, 7-12-2016)

**11-20-3: SITE PLAN APPLICATION REQUIREMENTS:**

- A. All site plan applications shall include applicable fees, as established by city council.
- B. All site plan applications shall include the following information in a format which meets standards and policies set forth by the city of Hayden:
  1. Record of survey or plat showing property pins, lot dimensions, and scale;
  2. Location, purpose, and beneficiary of all existing or proposed easements;
  3. Building footprint dimensions and location in relation to parcel boundaries and property pins; proposed uses; floor elevations; and building height in relation to the proposed finish grade at the front of the building;
  4. Dimensions and locations of existing buildings and site improvements, both on site and adjacent to the site. Indicate all structures and improvements planned for demolition;
  5. Parking and circulation, including:
    - a. The number and type of spaces, and their dimensions;
    - b. The circulation plan, including the dimension of driveways, aisleways, pedestrian walkways, and queuing areas;
    - c. The location and dimensions of off street loading areas;
    - d. Pavement plans including dimensions, proposed finish grade, and paving materials; and areas of site not to be paved, or those that will be paved in a future phase; and
    - e. Ingress/egress details including location, dimensions, turning radius, and traffic control improvements designed to meet MUTCD standards;
  6. Landscaping plan, including:
    - a. The location and type of existing and proposed trees, bushes, shrubs, and other such plantings;
    - b. The location and type of proposed ground coverings;
    - c. Irrigation system improvements; and
    - d. Hardscape improvements, including, but not limited to:
      - (1) Patios;

## Hayden, ID Code of Ordinances

- (2) Walkways;
- (3) Planters;
- (4) Benches;
- (5) Water features;
- (6) Public art displays; or
- (7) Other such "fixtures";

e. A thirty foot (30') greenbelt tract, measured from the edge of dedicated right of way, shall be provided on those sites located along the frontage of those streets delineated within the city's transportation plan as having a thirty foot (30') landscape buffer requirement. Where such greenbelt tracts are required, the developer shall install landscaping and irrigation systems in conformance with city design standards as a required site improvement; said greenbelts may be utilized to meet requirements for pedestrian or bicycle connectivity, if so required.

7. Other existing and proposed site improvements, including, but not limited to, fencing, location of refuse and recycling receptacles, outside storage plans, and lighting plans and specifications;

8. Utility plan, including:

a. The location of existing and proposed new sewer and water service lines and connections, including locations for domestic water and irrigation meters;

b. The location of existing and proposed dry utilities service lines and connections; and

c. The location of all existing and proposed utility easements;

9. Sign plan, including:

a. The location of all existing and proposed signs; and

b. The proposed dimensions, materials, and construction details for all signage proposed;

10. Grading plan, showing:

a. Existing and finish elevations in two foot (2') contours;

b. Compaction requirements;

c. Total cut and fill volumes;

d. Grade break lines; and

e. The location and dimensions of all retaining structures, with structural engineering details for all retaining structures over four feet (4') in height;

11. Stormwater management plan, including GIA standards, hydraulic calculations, impervious area, culverts and dry wells;

12. Compliance with ADA accessibility standards and requirements of local, State, and Federal Code with regard to accessibility. (Ord. 559, 7-12-2016)

C. All required plans, as detailed in subsection B of this section, shall be signed, stamped and dated by an Idaho licensed architect, landscape architect, and/or engineer, who, along with their consultants, is acting within their area of education, training, experience and competency in the specific technical areas involved. Where stormwater infrastructure is required or proposed, the stormwater plan shall be prepared by an Idaho licensed engineer acting within their area of education, training, experience and competency in the specific technical areas involved. This requirement for

## Hayden, ID Code of Ordinances

preparation by a licensed professional shall not apply to the construction of single- and two-family residential structures. (Ord. 578, 1-9-2018)

D. For projects which may result in potential negative impacts from the proposed development, additional studies to evaluate the impacts and identify potential mitigation measures may be required as part of the site plan review process. Such studies may include, but not be limited to, the following studies:

1. Additional transportation impact analysis shall be required for all development anticipated to generate one hundred (100) or more directional trips during P.M. peak hours, or a total additional volume of seven hundred fifty (750) vehicle trips or more per average weekday, as based upon the Institute of Transportation Engineers' "Trip Generation" Manual.

a. Waiver Of Requirement: This requirement may be waived by the City Engineer after his/her review of the City's traffic model and a determination that the analysis is not likely to result in the need for mitigation.

b. Concurrency Analysis Required: An initial concurrency analysis, utilizing the City of Hayden subarea transportation model, will be required of all projects meeting or exceeding the above listed threshold. Said analysis will evaluate the proposed development's concurrency with the City's adopted transportation strategic plan, and the adequacy of the current transportation system (to include transportation system improvements to be constructed by the City within the next 5 years) to support the additional impacts resulting from the proposed development, as based upon the City's adopted minimum level of service standards.

c. Mitigation Study Required: For those projects identified through the concurrency analysis as resulting in short term transportation system failure(s), and/or for those projects that are identified as "nonconcurrent", and that result in long term system failure(s), a mitigation analysis shall also be required. Said mitigation study will identify potential mitigation improvements to address the identified transportation system failure(s), and will evaluate the effectiveness of the proposed mitigation, and the impacts of the proposed mitigations on the transportation system as a whole, utilizing the City's subarea transportation model. Estimated costs associated with mitigation options will also be evaluated.

d. Responsibility For Costs: The applicant shall be responsible for all costs associated with concurrency analyses and mitigation studies, as required above.

2. Additional infrastructure plans and feasibility analyses may be required for submittal to the City for sewer collection and pretreatment infrastructure in support of a proposed development, in the following circumstances:

a. The proposed use, with respect to resulting wastewater discharge, would meet the definition of a "significant industrial user", as defined in section 8-1-2 of this Code;

b. The development, as proposed, requires construction of new sewer collection infrastructure to serve the subject property;

c. The development, as proposed, requires construction of an interim means of provision of sewer, including, but not limited to, construction of a temporary lift station, and/or rerouting of sewer flows to an alternate sewer basin, or through an alternate collection line;

## Hayden, ID Code of Ordinances

d. The development, as proposed, requires a sewer collection system design that is not consistent with City sewer standards and policy;

e. The development, as proposed, results in the need for relocation, reconstruction, and/or expansion of existing sewer infrastructure; and/or

f. Other circumstances exist as may warrant additional analysis, in the professional opinion of the City Engineer.

3. Additional geotechnical and/or environmental studies, as appropriate, may be required to be completed by the applicant for submittal as part of the site plan review process, in circumstances where:

a. The proposed use involves activities, processes, materials, equipment, and/or conditions of operation that will result in excessive production of noise, smoke, fumes, odors, hazardous materials, emissions or discharges;

b. Construction activities and/or processes will require blasting, or construction activities and processes will result in excessive production of noise, smoke, fumes, odors, hazardous materials, emissions or discharges during construction;

c. The proposed development is located in an area where sensitive or hazardous conditions are present (this may include, but is not limited to, certain soil conditions, shallow bedrock, seasonal high water table, wetlands, surface water bodies, or slopes in excess of 15 percent), where said conditions create the need for special precautions during site construction; or

d. The site contains a documented and unremediated environmental hazard, including, but not limited to, underground storage tanks, illegal dump sites, contaminated soils, or other such "brownfield" conditions as may be documented. (Ord. 559, 7-12-2016)

### **11-20-4: REQUIRED SITE IMPROVEMENTS:**

For all development to which this chapter shall apply, required site improvements shall include:

A. Applicability:

1. Site improvements as delineated below are required for construction of new sites.

2. For existing sites, these site improvements shall be required under the following circumstances:

a. When there is an activity or series of activities over a three (3) year period of time in which over forty percent (40%) of the gross area of the site is reconstructed. This does not include surface overlays of asphalt parking lots.

b. When a feature that is currently composed of gravel is resurfaced, the surfacing must be in accordance with the surfacing standards of this Code.

c. Site improvements apply to any expanded portion of a site.

d. When a site is expanded by forty percent (40%) or more, site improvements shall be required for the entire site. (Ord. 559, 7-12-2016)

B. Site Improvements: Site improvements shall consist of the following:

1. Landscaping, and irrigation systems in support thereof;

2. Lighting;

3. Paved driving, maneuvering and parking areas;



4. Paved and screened storage areas and/or display lots, if applicable;
5. Screened refuse disposal and recycling areas;
6. On site stormwater management facilities; and
7. Underground utilities - electric, gas and cable, and communication utilities service connections shall be installed underground unless otherwise allowed by the City Engineer working in consultation with the utility company. (Ord. 578, 1-9-2018)

**11-20-5: REQUIRED FRONTAGE IMPROVEMENTS:**

A. Paving, curbs, swales, greenbelts, sidewalks and other items per the typical sections shown in the City's adopted transportation or corridor plan which is in effect at the time of application, shall be required improvements along all frontage streets where said infrastructure is not currently present. These improvements, along with dedication of right-of-way, provision of easements, and installation of landscaping as required by code shall be required for all new construction, expansions, remodels, and maintenance activities as defined below; said requirement(s) to be incorporated as a condition of building permit or other approval. When a structure is to be located on a street having less than a required right-of-way and easements; and dedication of such is not required by code, the structure shall be set back the needed distance identified by the adopted transportation or corridor plans plus the required setbacks.

1. New construction, expansion, remodel and maintenance are defined as an activity or series of activities over a three (3) year period of time requiring a building permit(s) for which the valuation is equal to or exceeds forty thousand dollars (\$40,000.00) over that time period. Said valuation shall be determined by the City using the current building valuation data sheet. Additionally, new parking lots, without a structure, shall be required to install frontage improvements and dedicate right-of-ways and reserve easements in accordance with adopted transportation and corridor plans. Maintenance shall not include the following:

a. Improvements necessary to correct an immediate life safety concern as identified by the building and/or fire official; energy efficiency upgrades; reroofs; installation of commercial hood systems; and installation of fire alarm or sprinkler systems.

2. In areas where the final, finish grade and/or street section cannot be established; where a frontage improvement has been installed at a prior time which is not fully consistent, but is generally consistent, with currently adopted standards; where there are safety concerns; or if there are other factors, which, as determined by the City, merit waiving or deferring the obligation to construct said improvements, the obligation(s) may be deferred or waived, in whole or in part, by the City Engineer. If deferred, the developer shall be required to enter into a deferred improvement agreement incorporating the approved deferral(s) as a condition of approval for the application. With the agreement, the City may require financial sureties in a form it deems appropriate to guarantee the deferred items and may require the dedication of right-of-way and easements be provided. In the case of single or two family dwelling units, if the obligation is deferred in whole or in part, this will not require a separate deferred improvement agreement, but shall be incorporated as a condition of approval of the application, along with sureties if determined necessary by the City. (Ord. 572, 6-13-2017)

3. Dedications and easements shall extend from the boundary of the existing right-of-way to the extent of required public improvements and utilities.

B. Mitigation measures, as may be required for a proposed development to meet the standards of approval for a commercial site plan, may be required as conditions of site plan approval.

C. The developer shall enter into a commercial construction improvement agreement with the City for the construction of required public improvements that are not part of a subdivision development agreement and construction improvement agreement. (Ord. 559, 7-12-2016)

**11-20-6: STANDARDS FOR SITE PLAN APPROVAL:**

A. In order for a site plan to be approved, the development proposal must meet the following standards:

1. The proposed use is allowable as based upon the current zone designation of the subject property;

2. The proposed development meets all City design standards, including, but not limited to, stormwater management, landscaping, parking and circulation, lighting, building layout and design, and other established City standards as may be applicable to the proposed development;

3. Utilities and infrastructure are sufficient to support the development and the uses proposed, or the developer will construct necessary infrastructure improvements to support the development as part of the proposed construction, and has entered into a commercial construction improvement agreement with the City; and

4. The transportation system is adequate to support the additional traffic loading created by the proposed development, or the developer will construct transportation system improvements necessary to maintain the City's minimum level of service as required off site improvements, or otherwise pay for their proportionate share of such required improvements, consistent with the provisions of title 9, chapter 2 of this Code.

B. Should a site plan be denied based upon the plan's failure to meet the above listed standards for approval, staff shall provide the applicant a written decision detailing the basis for such denial, and identifying what (if anything) may be done to make the application approvable. (Ord. 559, 7-12-2016)

**11-20-7: CONSTRUCTION OF SITE IMPROVEMENTS:**

A. Construction of improvements, as depicted on the approved site plan, shall be required as a condition placed on the building permit.

B. No site disturbance, with the exclusion of staging of materials and equipment, shall take place prior to site plan approval, unless authorized by the City. The City may place conditions upon the permit to mitigate the impacts of the disturbance.

C. No certificate of occupancy shall be issued until the City has inspected and approved all required site improvements, with said improvements constructed in conformance with the approved plans. (Ord. 559, 7-12-2016)

D. In the event that required improvements must be postponed for causes beyond the control of the developer, the City, at its discretion, and consistent with the adopted Building Codes, may choose to issue a temporary certificate of occupancy, with

provision of surety in the amount of one hundred fifty percent (150%) of cost estimates for the required installation, or as an additional option for residential development at a per deferred item cost. The deferred items will be incorporated into an agreement for which the City may charge a fee to create, process, and maintain. In no event shall a final certificate of occupancy be issued until all required improvements have been constructed in accordance with the approved site plan. (Ord. 572, 6-13-2017)

**11-20-8: DURATION OF SITE PLAN APPROVAL:**

A. Site plan approval is for two (2) years from date of approval by City staff. Failure to complete the improvements within two (2) years after the date of staff approval shall cause all approvals of said site plan approval to be null and void, unless an extension of one year has been applied for by the developer and approved by the Director, except if a phased site plan for which the phasing plan was approved by City staff as part of the initial site plan approval. After the two (2) years have elapsed, the developer may apply for and receive additional extensions for good cause of time if actual work has been commenced and is continuing on the installation of the improvements up to a maximum of three (3) years, after which the site plan approval shall be null and void and reapplication for a new site plan application shall be required. (Ord. 559, 7-12-2016)

**CHAPTER 21**  
**CENTRAL BUSINESS DISTRICT (CBD)**

**SECTION:**

**11-21-1: Purpose**

**11-21-2: District Boundary And Applicability**

**11-21-3: Use Restrictions**

**11-21-4: Development Standards**

**11-21-5: Architectural Design Standards**

**11-21-1: PURPOSE:**

The Central Business District (CBD) Zone is intended to provide supplemental land use, development, and design standards that promote a pedestrian oriented mix of commercial uses, including small scale retail, restaurants, and professional services, with residential uses intermixed, within the community center in support of a sustainable "downtown" business core. (Ord. 542, 1-27-2015)

**11-21-2: DISTRICT BOUNDARY AND APPLICABILITY:**

A. These regulations shall apply to all property located within the following area:

All parcels of property that have any frontage on either side of Government Way from the north side of Nita Avenue, with the line extended from Nita Avenue on the east to the north boundary line of the property directly to the west, to the south side of Dakota Avenue.

B. In the Central Business District (CBD), no building or premises shall hereafter be used, nor shall any building or structure hereafter be erected or altered

(unless provided for in this title), except for one or more of the following uses in accordance with the following restrictions and standards. (Ord. 542, 1-27-2015)

**11-21-3: USE RESTRICTIONS:**

The uses allowed within the CBD shall be limited to those set forth in this section as either uses permitted or special uses, subject to the limitations set forth in subsection D of this section. Any use not explicitly permitted, unless determined by the City to be similar to other allowed uses, in this zoning district is prohibited. (Ord. 585, 8-28-2018)

A. Permitted Uses:

Clinics under five thousand (5,000) square feet.

Daycare centers and preschools.

Financial institutions and banks (without drive-throughs).

Home occupations Class A, as established by section 11-11-18 of this title. Limited to single-family and multi-family dwellings (as defined in section 11-1-3 of this title).

Major and minor utility infrastructure.

Parks and recreation facilities, public.

Professional offices and complex.

Public buildings and complexes.

Residential use in the upper floors and/or rear of the principal structure, provided that not more than twenty five percent (25%) of the ground floor may be devoted to residential use and that all ground floor residential is to be located in the rear of the structure.

Restaurants or drinking establishments (without drive-throughs).

Retail, sales and service businesses.

Wineries, breweries and distilleries with retail component such as tasting rooms and limited food service. (Ord. 585, 8-28-2018; amd. Ord. 596, 5-24-2019)

B. Special Uses: The special uses that may be proposed in this zoning district are as follows:

Animal clinics and hospitals.

Churches.

Clinics between five thousand (5,000) and fifteen thousand (15,000) square feet.

Commercial parking, not accessory to a specific use.

Commercial recreational uses, entertainment related uses, and event facilities (including stadiums, auditoriums, and exhibition halls).

Community assembly halls.

Drive-through facilities, such as restaurant drive-throughs, latte stands and bank drive-throughs.

Home occupations Class B, as established in section 11-11-18 of this title. Limited to single-family dwellings.

Hotels and motels.

Light manufacturing, meeting the definition of "assemblage".

Multi-family residential in excess of three (3) units.

Parks and recreation facilities, private.

Retail establishments between twenty thousand (20,000) and thirty thousand (30,000) square feet.

Schools.

Schools, trade or industrial.

Temporary/seasonal outdoor public markets.

C. Prohibited Uses: The following retail, sales and service businesses are prohibited:

Funeral homes.

Motor inns (with exterior corridors), campgrounds and/or recreational vehicle parks.

New and/or used automobile, truck, recreational vehicle and heavy equipment sales, service, and/or rental.

Retail establishments over twenty thousand (20,000) square feet without a special use permit.

Self-service storage.

Sexually oriented businesses, all.

Storage and/or warehousing, except as incidental and accessory to a permitted use within the district when located on the same lot.

Vehicle repair services (repair services to passenger vehicles, trucks, heavy equipment, motorcycles, snowmobiles, off road vehicles, boats, recreational vehicles, and related uses).

Waste collection facilities (any facility receiving solid or liquid wastes for the purpose of on site disposal or transfer to another location).

Wholesale sales (involving sale, lease or rental of products intended primarily for industrial, institutional or commercial businesses).

D. Exterior Displays And Outdoor Storage Prohibited: Exterior display and storage of merchandise and materials is prohibited, excepting the following outdoor activities:

Outdoor eating areas.

Outdoor produce stands, flower markets and flower stands that are an extension of the interior use.

Plant nurseries, including outdoor activities associated therewith.

Temporary displays of merchandise or wares (limited in duration to 1 week per month, and not to exceed a total of 4 weeks per year). (Ord. 585, 8-28-2018)

#### **11-21-4: DEVELOPMENT STANDARDS:**

A. Frontage Requirements: All lots defined by this chapter shall have a minimum frontage of thirty feet (30') on a public or private street, or shared driveway, where an access easement has been duly recorded.

B. Building Setback Requirements: The following building setback shall apply in the Central Business District Zone to all buildings constructed after the effective date hereof:

1. Setback Requirements:

a. A minimum building setback of ten feet (10') shall be required along all street frontages, with the setback measured from the edge of the right of way/property line to the front of the building.

b. For the portions of the property between the face of the building and from the right of way/property line that are not used for parking, circulation, or similar uses, the additional area must be utilized for landscape and/or hardscape improvements.

c. A minimum setback of five feet (5') shall be required for rear or side yards directly adjacent to an alley or shared private driveway.

## Hayden, ID Code of Ordinances

d. No minimum setback shall be required for rear or side yard, where no alley exists, provided the construction meets minimum separations as established in the applicable building and fire codes.

C. General Building Development Standards: The following development standards shall apply in the central business district zone to all buildings constructed after the effective date hereof:

1. Building Height: The maximum height of all buildings within the district shall not exceed fifty five feet (55'). For the purpose of this section, building height shall be measured from the finished grade of the street facing facade. Rooftop mechanical equipment shall not be considered part of the building for height calculation purposes.

2. Rooftop Mechanical Equipment:

a. Shall be set back a minimum of fifteen feet (15') from the street facing building edge; and

b. Shall be screened from view of the adjacent street or sidewalk. Screening may be accomplished utilizing one of the following techniques:

(1) Provide parapets that are at least as tall as the tallest equipment;

(2) Incorporate an architectural screen around the equipment; or

(3) Set the equipment back from the building edge a minimum of three feet (3') for every one foot (1') of building height, but in no case by less than fifteen feet (15') as required above.

D. Landscaping And Screening:

1. Landscaping And Hardscape Requirements: Landscaping, which shall include hardscape and plantings of trees, ornamental bushes and shrubs, flowers and vegetative ground coverings, must be installed and maintained on a minimum of fifteen percent (15%) of each lot or development site within the central business district, with said landscaping to be installed as a required site development improvement. Hardscape, for this purpose, shall apply to such "fixtures" as masonry patios, walkways, planters, benches, bike racks, water features, and public art displays. In no case shall the area of hardscape elements applied to this landscaping requirement constitute more than one-third ( $\frac{1}{3}$ ) of the total required landscaping area.

2. Design Standards: All plantings shall meet the quality, condition, and species requirements as detailed in this title, the city's adopted "Tree Standards Manual", and other landscape design standards as may be adopted by the city council.

3. Street Trees: Trees planted near public sidewalks or curbs shall be of a species selected from the city's approved street tree list, and installed in a manner which prevents physical damage to sidewalks, curbs, gutters, and other public improvements. Commercial root barriers may be used to reduce the potential for root damage.

4. Ground Cover: Ground cover shall be of live plant material. Gravel, colored rock, walk on bark, and similar materials shall be used in combination with a living ground cover, in all nonturf areas as a mulch to control weeds and conserve or retain water until a living ground cover has achieved full coverage. Nonplant materials may be approved for use in limited areas through the site design review process.

5. Plant Materials: Plant material selection shall emphasize moderate to low water use plants.

6. Screening Required: All exterior garbage collection areas, recycling collection areas, and mechanical equipment shall be screened from view with a site obscuring fence, wall, or landscaping sufficient to completely screen the subject area from public view and the view of surrounding properties.

E. Parking Requirements And Standards Within The CBD: All parking areas within the CBD shall conform to the parking requirements and design standards detailed in chapter 18 of this title.

F. Exterior Lighting Standards:

1. Display windows shall be constructed with internal lighting.

2. All exterior and outdoor lighting, including parking lot, street, pedestrian, and exterior building lighting, shall be fully shielded. "Fully shielded" lighting shall be defined as lighting that is constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below horizontal.

3. Parking lot lighting shall not exceed a maximum height of twenty eight feet (28'), and shall meet design standards as detailed in this title.

4. Pedestrian lighting shall not exceed a maximum height of fifteen feet (15').

5. All street and pedestrian lighting proposed to be located within the public right of way shall require approval by city staff as consistent with the design of existing street and pedestrian lighting fixtures located on Government Way within the central business district.

6. The following types of exterior lighting shall be prohibited:

a. Colored light bulbs, excepting seasonal lighting displays;

b. Internally lit awnings or canopies, unless the awning/canopy is made of opaque material; and

c. Metal halide, mercury vapor, neon or fluorescent tube lighting. (Ord. 542, 1-27-2015)

#### **11-21-5: ARCHITECTURAL DESIGN STANDARDS:**

A. Applicability:

1. Architectural design standards shall apply to all new construction and renovations which shall be defined as an activity or series of activities within a three (3) year time period which are equal to or exceed fifty percent (50%) of the assessed value (per the latest structural value as determined by the Kootenai County assessor) of the existing structures excepting those project types specifically exempted.

2. The following project types shall be exempt from design standards detailed in this section:

a. Interior remodels;

b. Normal or routine maintenance and repair of buildings, ancillary structures, parking lots, and pedestrian areas;

c. Any type of construction that does not require a building permit;

d. Temporary structures as allowed per zoning code, and emergency structures; and

## Hayden, ID Code of Ordinances

e. Wholly residential buildings.

B. Architectural Design Requirements: The following architectural design features shall be required in all new construction and renovations that are subject to the requirements of this section.

1. Prohibited Materials: The following materials shall be prohibited for use on the building facade:

- a. T-111 or similar sheet materials;
- b. Stucco clad foam (EIFS);
- c. Vinyl siding;
- d. Asphalt shingles;
- e. Log siding and construction; and
- f. Mirrored, translucent, or otherwise nontransparent windows.

2. Color Palette: The following limitations and restrictions in the color palette shall be required:

a. Each building shall be limited to no more than three (3) principal facade colors.

b. Bright colors that have intense and bright hues (such as primary or neon colors) shall be prohibited as principal facade colors.

c. For the purpose of these requirements, "principal facade color" shall be defined as any color encompassing greater than thirty percent (30%) of the building facade (excluding the area of windows for the purpose of this calculation).

3. Design Goals: The design proposed by the developer must be demonstrated to incorporate design elements which meet the objectives of each of the following design goals:

a. Pedestrian Oriented Ground Floors: To design street and sidewalk facing storefronts to be inviting and easily accessible to passersby; to ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.

b. Reinforced Corner: To create dynamic public gathering spaces and building entries where streets intersect; to enhance way finding and the comprehension of the downtown (applicable only to projects located on a corner at the intersection of 2 streets).

c. Human Scale Building Facade: To design building facades to a "human scale" by including details, materials, and workmanship that is aesthetically appealing as well as comfortable for, and at, the scale of pedestrians.

d. Facade Articulation: To have street facing and front building facades that create a clear and distinct break up of the mass, utilizing bands, changes in colors, and/or changes in materials. This goal applies to buildings of all heights and numbers of stories.

e. Cohesive Architectural Elements: To enhance the experience of passing motorists, pedestrians, and bicyclists by incorporating architectural design elements into the ground floor street facing and front building facades (and alley facing facades where feasible).

f. Semipublic Spaces: To create safe, friendly and more intimate gathering zones (that relate to the functions inside the building) while allowing



people to stop, sit, people watch and dine (applicable only to buildings located on lots with public street frontage).

- g. Weather Protection: To protect pedestrians from sun, wind, and rain.
- h. Materials: To use building materials and construction to evoke a sense of permanence; incorporate materials that are compatible with the surrounding built and natural environment, utilizing indigenous materials, when possible.
- i. Color Palette: To enliven and enhance the built environment, accentuate and harmonize with the building's architecture, as well as to complement surrounding structures.

C. Permit Review Process:

1. Application Requirements: A completed administrative architectural design review checklist, submitted concurrently with the building permit and site plan application shall be required. Said application shall list all design elements which are incorporated into the project design to address each of the applicable design criteria, as detailed above.

2. Process: Administrative design review is completed by city staff concurrently with the site plan and building plan reviews.

3. Standards For Approval:

a. The proposal incorporates all architectural design requirements; and

b. The applicant has demonstrated that the proposal addresses each of the applicable architectural design criteria, utilizing elements or approaches identified for each criteria.

4. Decision:

a. Upon granting or denying an application, the city staff shall specify in writing the basis of decision, the reasons for approval or denial, and the actions, if any, that the applicant could take to obtain approval.

b. An affected party may appeal the decision to the city council.  
(Ord. 542, 1-27-2015)

## CHAPTER 22 SIGN CODE

**SECTION:**

**11-22-1: Purpose**

**11-22-2: Restrictions**

**11-22-3: Definitions**

**11-22-4: Signs Authorized Without A Sign Permit**

**11-22-5: Signs Authorized With A Sign Permit**

**11-22-6: Prohibited Signs**

**11-22-7: General Provisions And Requirements For All Signs**

**11-22-8: Standards For Specific Sign Types**

**11-22-9: Permit Requirements And Administration**

**11-22-1: PURPOSE:**

The purpose of this chapter is to regulate all signs in the city of Hayden that are visible from the public rights of way, public facilities, public pedestrian and bicycle pathways, and navigable waterways. Signs provide an important medium through which individuals and businesses may convey a variety of noncommercial and commercial messages. Depending on their size, number, and design, signs may attract or repel visitors, affect the visual quality of the community, affect the safety of vehicular and pedestrian traffic, and impact, positively or negatively, the character of the community. Aesthetic considerations impact economic values as well as public health, safety, and welfare. Therefore, it is the intent of these regulations to establish standards for the following purposes:

- A. Recognize and protect the rights of individuals and businesses to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
- B. Further the objectives of the city's comprehensive plan;
- C. Maintain and enhance the visual quality (aesthetics) of the community;
- D. Improve pedestrian and motorist safety by minimizing distractions, obstacles and visual clutter, and to ensure clear views of the roadway and directional or warning signs;
- E. Protect and enhance economic viability by ensuring that Hayden will be a visually pleasant place to visit and/or reside;
- F. Protect property values and public/private investments in property;
- G. Protect views of the natural landscape and sky;
- H. Avoid personal injury and property damage from unsafe signs;
- I. Provide businesses with effective and efficient opportunities for identification by reducing competing demands for visual attention; and
- J. Ensure fair and consistent enforcement of sign regulations. (Ord. 559, 7-12-2016)

**11-22-2: RESTRICTIONS:**

No sign shall be constructed, installed, structurally altered, enlarged or relocated except in conformity with the provisions contained herein, and only after a sign permit issued by the city of Hayden has been secured, if so required. The changing or maintenance of movable parts or components of an approved sign, or permitted nonconforming sign, designed for such changes, or the changing of sign copy, business name, lettering, sign faces, colors, display, graphic matter, and/or the content of any sign copy shall not be deemed a structural alteration. (Ord. 559, 7-12-2016)

**11-22-3: DEFINITIONS:**

**ABANDONED SIGN:** Any sign that does not display a well maintained message for a period of one hundred twenty (120) consecutive days; any sign that is no longer fully supported by the structure designed to support the sign for a period of one hundred twenty (120) consecutive days; or a sign that pertains to a business, industry or service that is no longer located on the premises where the sign is located.

**BUILDING SIGN:** A sign attached to a building, including, but not limited to, wall signs; window signs; blade signs; roof signs; awning, canopy, and/or marquee signs.

**DIRECTIONAL SIGN:** Any sign that is designed and erected for the principal purpose of providing direction and/or orientation for vehicular or pedestrian traffic.

**DOUBLE FACED SIGN:** A sign with two (2) faces, back to back or in the shape of a "V", with identical messages and images, where each face is located not more than twelve inches (12") apart at the narrowest point, and not more than thirty six inches (36") apart at the widest point.

**FACADE:** The finished exterior building wall upon which a sign is, or may be placed.

**FLASHING SIGN:** Signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same or less than the period of nonillumination. For the purpose of this chapter, a sign will not be considered "flashing" if the cyclical period between on and off phases exceeds four (4) seconds.

**FREESTANDING SIGN:** A sign principally supported by a structure affixed to the ground, and not supported by a building, including pole signs, monument signs, and ground signs.

**FRONTAGE, STREET:** The length of the property line(s) of a single premises along a public or private right-of-way.

**GOVERNMENTAL SIGNS:** Signs governmental entities are required by law to post, erect, provide, use or maintain, including, but not limited to, signs required by the "Manual On Uniform Traffic Control Devices", and signs which governmental entities post, erect, provide, use or maintain for the purpose of protecting public health or safety. Governmental signs also include sponsorship signs that are utilized and approved for use at City owned facilities.

**GROSS AREA, SIGN:** The entire area within a single continuous perimeter enclosing the extreme limits of such sign, excluding any structural elements outside the limits of the sign and not forming an integral part of the display. For double faced signs, the gross area shall only include one of the sides. If the sign consists only of individual letters affixed directly to the wall of a building, only the area of a simple geometric figure which will encompass the letters is counted as part of the gross area.

**HEIGHT, SIGN:** The vertical distance from the natural grade of the property at the base of the sign to the highest point on a sign or sign structure.

**MANSARD:** An inclined, decorative rooflike projection that is attached to an exterior building facade.

**MARQUEE:** A rooflike structure of a permanent nature which projects from the wall of a building.

**MARQUEE SIGN:** Any sign attached to or constructed on a marquee.

**NONCONFORMING SIGN:** Any sign which was lawfully erected and maintained prior to the effective date hereof, which does not comply with the requirements of this chapter, and/or would otherwise not be authorized under this chapter.

**OFF PREMISES COMMERCIAL SIGN:** A sign which, for commercial purposes, directs attention to a business operated for profit, or to a product, commodity or service for sale, at a location other than the property on which it is displayed.

**RESIDENTIAL NEIGHBORHOOD IDENTIFICATION SIGN:** A sign at the entrance of a residential neighborhood, subdivision, or multi-family residential complex identifying the neighborhood.

**ROOF SIGN:** A sign erected, constructed, or maintained upon a roof, or which projects above the roofline of a building. Signs mounted on mansard facades, eaves, and architectural projections such as canopies and marquees shall not be considered roof signs.

**ROOFLINE:** The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

**SMALL SIGN:** A freestanding sign not exceeding five (5) square feet in gross sign area and five feet (5') in height, which is not illuminated.

**WINDOW SIGN:** A sign affixed to, painted upon, or etched into the surface of a window with its message intended to be visible to, and readable from, the public way or an adjacent property. (Ord. 559, 7-12-2016; amd. Ord. 578, 1-9-2018)

**11-22-4: SIGNS AUTHORIZED WITHOUT A SIGN PERMIT:**

While subject to other applicable requirements and permits, the following signs are authorized without a sign permit:

A. Small Signs: Small signs are authorized without a sign permit, but are subject to the following limitations: (Ord. 572, 6-13-2017)

1. Small signs may carry any lawful message;
2. Small signs shall not be illuminated;
3. No small sign shall exceed five feet (5') in height above ground level; (Ord. 559, 7-12-2016)
4. Three (3) small signs shall be authorized per lot, except in the case of warning signs; (Ord. 572, 6-13-2017)

5. Warning signs (e.g., "Beware Of Dog" or "No Trespass") shall be limited to no more than two (2) such small signs in any five hundred (500) linear feet of frontage on the parcel; and

6. Small signs shall not exceed five (5) square feet in gross area.

B. Governmental Signs: "Governmental signs", as defined in this chapter, do not require a sign permit.

C. Directional Signs: Directional signs do not require a sign permit, but are subject to the following limitations:

1. Only one exit/entrance directional sign shall be authorized per legal approach.
2. Directional signs shall not exceed two (2) square feet in gross area.
3. Not more than twenty five percent (25%) of the area of such sign shall be devoted to personal or business identification or logos.
4. Regulatory and/or traffic control signs shall not be considered directional signs, as defined herein.

D. Flags: Flags do not require a sign permit, but are subject to the following limitations:

1. Groupings of more than three (3) flags on a single lot shall require a sign permit.
2. A flagpole for such an exempted flag may not exceed thirty feet (30') above ground level in the Agricultural Zone or any residential zone; and a flagpole for such an exempted flag may not exceed forty five feet (45') above ground level in any commercial or industrial zone.
3. Such flag shall not exceed a maximum area of sixty (60) square feet in the Agricultural Zone or any residential zone; and such flag shall not exceed one hundred thirty five (135) square feet in any commercial or industrial zone.

E. Danger/Hazard Signs: Signs exclusively devoted to warning the public of dangerous conditions or hazards (e.g., drop offs, high voltage, fire danger, or

explosives) are authorized without a permit, provided that such signs do not exceed three (3) square feet in gross area, unless otherwise provided by State or Federal law.

F. Street And Address Signs: Street name and addressing signs, meeting the standards for such signs as detailed in title 9, chapter 5 of this Code shall not require a sign permit. (Ord. 559, 7-12-2016)

G. Window Signs: Signs that are painted, posted or etched on windows are allowed for all zones (including the Central Business District), subject to the following limitations:

1. The aggregate area of all such signs shall not exceed twenty percent (20%) of the window area on which such signs are displayed. Temporary decorative paintings are allowed to cover any portion of a window for no more than a total of ninety (90) days per calendar year. (Ord. 578, 1-9-2018)

2. Lettering shall not exceed eight inches (8") in height.

3. Windows separated by mullions shall be considered one continuous window area.

4. Window signs shall not be assessed against the sign area permitted for other sign types.

H. Banners: Banners used on private property for a period of no more than thirty (30) days in any calendar year do not require a sign permit.

I. Commercial And Industrial Zone Signs: In commercial and industrial zones, in addition to the freestanding signs allowed, businesses with a drive-through window may have two (2) additional freestanding signs located adjacent to the drive-through lane and oriented toward the occupants of the vehicle, provided they have secured all other required building and/or electrical permits. (Ord. 559, 7-12-2016)

#### **11-22-5: SIGNS AUTHORIZED WITH A SIGN PERMIT:**

Subject to the applicable requirements of this chapter, this title, and the official building code as adopted by the city of Hayden, signs shall be authorized with an approved sign permit, as detailed below for each of the identified zoning designations:

A. In Agricultural And Residential Zone Designations: In addition to those signs authorized without a sign permit, the following signs shall be allowed in the agricultural and all residential zones with an approved sign permit, subject to standards as detailed below, the general provisions and requirements for all signs, and specific standards for each sign type as detailed in this chapter:

1. For all nonresidential uses, excluding home occupations (e.g., churches, schools, community centers, neighborhood commercial uses):

a. Building Signs: Building signs, subject to the following limitations:

(1) Wall, blade, window, awning, canopy or marquee signs, are permitted, subject to standards applicable to the specific sign type, provided total building signage does not exceed ten percent (10%) of the area of the facade.

(2) Roof signs shall be prohibited.

b. Freestanding, Monument Or Ground Signs: Freestanding, monument or ground signs, subject to the following limitations: On lots with a minimum street frontage of one hundred feet (100'), one freestanding monument or ground sign shall be allowed, or, if the lot has multiple street frontages of greater than one hundred

Hayden, ID Code of Ordinances

feet (100') each, one such sign per street frontage with an approved approach may be permitted, subject to the following restrictions:

- (1) The gross area for each such authorized freestanding, monument or ground sign shall not exceed thirty two (32) square feet;
- (2) The area of structural support elements for the sign shall not exceed fifty percent (50%) of the message portion of the sign; and
- (3) The height of said monument/ground signs shall not exceed five feet (5'). The height of a freestanding sign shall not exceed ten feet (10').

c. Signs For Neighborhood Commercial Complexes: For multiple- occupancy neighborhood commercial condominium or lease developments under unified control, the requirements for a master sign plan, as detailed in subsection B3 of this section, shall apply.

2. Residential neighborhood signs (e.g., single-family subdivision, multi-family housing complexes, etc.) and subdivision signs shall be limited to one monument or ground sign per public or private street entrance located on a collector or arterial street, subject to the following restrictions:

- a. Gross area of each permitted sign shall not exceed twenty four (24) square feet;
- b. The area of structural support elements for the sign shall not exceed fifty percent (50%) of the message portion of the sign;
- c. The height of the sign shall not exceed five feet (5') from the natural grade of the land at the base of the sign;
- d. Landscaping and design details of the display shall meet the design standards established for such entrance design, as detailed in chapter 11 of this title.

3. Flashing, animated, revolving and/or neon signs of any type are prohibited in the agricultural and all residential zones.

B. In All Commercial And Industrial Zones, Excepting The Central Business District Zone: In addition to those signs authorized without a sign permit, the following signs shall be allowed in all commercial and industrial zones, excepting the central business district zone, with an approved sign permit, subject to standards as detailed below, the general provisions and requirements for all signs, and specific standards for each sign type as detailed in this chapter:

- 1. Building Signage: Each building or business is permitted roof, wall, window, awning, canopy or marquee signs, and/or blade signs, subject to standards applicable to the specific sign type, provided total building signage does not exceed ten percent (10%) of the area of the building facade upon which the sign is placed; and
- 2. Freestanding Signs: One freestanding sign shall be permitted for every one hundred fifty (150) linear feet of public street frontage up to a maximum of three (3) freestanding signs per development lot, subject to the height and area limits detailed in the following tables. Where more than one freestanding sign is permitted, the total linear feet of street frontage is divided by the number of proposed signs on the development lot to determine the street frontage per sign:

FOR U.S. 95 STREET FRONTAGE

Feet Of Street Frontage (Per Sign)		
Less Than	301 To 600	Greater Than

Hayden, ID Code of Ordinances

	<b>300</b>		<b>600</b>
Maximum sign height (per sign)	25 feet	30 feet	30 feet
Maximum sign area (per sign)	100 square feet	200 square feet	300 square feet

FOR STREET FRONTAGE OTHER THAN U.S. 95

	<b>Feet Of Street Frontage (Per Sign)</b>		
	<b>Less Than 150</b>	<b>150 To 300</b>	<b>Greater Than 300</b>
Maximum sign height (per sign)	20 feet	25 feet	30 feet
Maximum sign area (per sign)	85 square feet	100 square feet	150 square feet

3. Signs For Development Complexes: For multiple-occupancy commercial and industrial condominium or lease developments under unified control (e.g., shopping centers or industrial complexes), the following regulations shall apply:

a. Master Sign Plan Required: A master sign plan shall be required prior to the issuance of new sign permits in the development complex. The master sign plan shall identify standards and criteria for all signs in the complex that require permits. The master sign plan shall be consistent with the standards for all signs generally, and the specific regulations associated with the zoning district in which the complex is located, and shall address at a minimum, the following:

- (1) Proposed sign locations.
- (2) Materials.
- (3) Type of illumination.
- (4) Design of freestanding signs.
- (5) Size of signs.
- (6) Quantity of different sign types.
- (7) Uniform standards proposed for all signage, including

signage that does not require a permit (e.g., directional signage), as well as building and freestanding signage which does require a permit.

b. Compliance With Master Sign Plan: All applications for sign permits for signage within the complex shall comply with the approved master sign plan.

c. Review Of Master Sign Plan: The master sign plan will be reviewed in accordance with procedures for processing a sign permit application.

d. Amendments To The Master Sign Plan: Any amendments to the master sign plan must be signed by the owner(s) of the development complex before such amendment will become effective.

C. In The Central Business District Zone: In addition to those signs authorized without a sign permit, the following signs shall be allowed in the Central Business District Zone, with an approved sign permit, subject to standards as detailed below, the general provisions and requirements for all signs, and specific standards for each sign type as detailed in this chapter:

1. Limitations: Each business shall be limited to:
  - a. One blade sign; and
  - b. One awning, banner, valance or canopy sign;
  - c. One monument sign shall be permitted for every public street frontage up to a maximum of three (3) monument signs per development lot, subject to a five foot (5') height limit and thirty two (32) square foot area limit per sign. A monument sign may not be placed in such a way that it will interfere with vehicle and pedestrian safety both internal and external to the site.
  - d. One wall, window or facade sign, subject to the following standards:
    - (1) The sign shall be located on the upper portion of the storefront, within or just above the enframed storefront opening; and
    - (2) The sign shall not exceed fifteen percent (15%) of the building's overall facade.
2. Total Sign Area: The total area of all blade, wall, marquee, and facade signage combined shall not exceed fifteen percent (15%) of the total area of the facade that it is located upon. Monument signs and physical business addressing signs shall not be included in this calculation.
3. Signs For Development Complexes: For multiple-occupancy commercial condominium or lease developments under unified control, the requirements for a Master Sign Plan, as detailed in subsection B3 of this section, shall apply.
4. Prohibited: Because the Central Business District is an overlay zone with special development and design standards to encourage economic development by creating an aesthetically pleasing pedestrian oriented commercial district, the following shall be prohibited in the Central Business District:
  - a. Signs that obscure architectural detail;
  - b. Signs that project from the roof or parapet;
  - c. Illuminated signs that consist of changeable letters or numbers;
  - d. Illuminated awnings or canopies unless the awning/canopy material is opaque;
  - e. Internally lit plastic signs;
  - f. Digital electronic signs;
  - g. Inflatable signs and novelties; and
  - h. Freestanding pole signs. (Ord. 559, 7-12-2016)

**11-22-6: PROHIBITED SIGNS:**

The following signs are expressly prohibited in all districts within the City of Hayden:

- A. Signs Constructed Without Required Permit: Any sign constructed after the effective date hereof without a sign permit approved by the City of Hayden, excepting those signs expressly identified as signs authorized without a sign permit.



B. Signs Which Obstruct Or Interfere With Traffic: Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.

C. Signs Which Simulate Traffic Control Devices: Signs which simulate or imitate the size, lettering, illumination, or design of any traffic control device in such a manner as to interfere with, mislead, or confuse the public.

D. Signs On Public Property: No portion of a privately owned sign, or its supporting structure may be located on, extend into, encroach upon, or overhang publicly owned property, or a public right-of-way (such as a street, sidewalk, or waterway).

E. Flashing Signs: Signs which blink, flash, or are animated by lighting in such a way as to have the appearance of traffic safety signs and/or lights, or Municipal vehicle warnings from a distance. (Ord. 559, 7-12-2016)

F. Signs Attached To Vehicles: Any sign attached to, or placed on a vehicle or trailer parked on public or private property in a position visible to traffic on a public road, waterway, or parking area for a period longer than six (6) days in a sixty (60) day period, except for signs meeting the following conditions:

1. The primary purpose of such vehicle or trailer is not the display of signs; if it is used for display, the area of the vehicle shall be counted toward the overall allowed area of a monument or pole sign;

2. The signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle; and

3. The vehicle is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate. (Ord. 578, 1-9-2018)

G. Revolving Signs: Revolving signs; and

H. Off Premises Commercial Signs: Off premises commercial signs, as defined in this chapter. (Ord. 559, 7-12-2016)

I. Banner Signs: Banner signs used on private property for more than thirty (30) days. (Ord. 578, 1-9-2018)

#### **11-22-7: GENERAL PROVISIONS AND REQUIREMENTS FOR ALL SIGNS:**

A. Conformance To Codes: Any sign hereafter erected shall conform to provisions of this title, and all other applicable provisions of this Code. (Ord. 559, 7-12-2016)

B. Sign Setbacks, Generally: All freestanding monument and pole signs shall be set back a minimum of five feet (5') behind the back of sidewalk (or the property line, where no sidewalk is present), and no part of the sign shall extend into the public right-of-way, or over the edge of sidewalk, if said sidewalk is located in an easement rather than right-of-way. The setback for a freestanding monument sign shall be measured from that portion of the sign that is closest to the back of the sidewalk or the property line as delineated herein. The setback for a freestanding pole sign, so long as the sign portion is mounted ten feet (10') or higher from finished ground elevation, shall be measured from that portion of the pole upon which the sign is mounted which is closest to the back of the sidewalk or the property line as delineated herein. If the sign

portion is mounted at less than ten feet (10') from finished ground elevation; the setback for the freestanding pole sign shall be measured as for a freestanding monument sign. (Ord. 572, 6-13-2017)

C. Traffic Visibility: Signs and sign structures shall not be erected in such location as to cause visual obstruction or interference with motor vehicle traffic, or traffic control devices. Signs and/or sign structures shall not obstruct the line of vision in any direction from any street intersection or driveway. Specifically, signs and sign structures shall not be located within the "sight triangle" as defined by this Code, and/or street standards as adopted by Hayden City Council. (Ord. 559, 7-12-2016)

D. Construction: The following standards shall apply to the construction of all signs in the City, regardless of whether the sign does or does not require a sign permit:

1. Code Requirements: All signs shall be constructed in compliance with the adopted Building and Electrical Codes of the City.

2. Fastenings: All signs must remain safe and secure during the period of use. All parts of the signs, including bolts and cables, shall remain painted, and free of corrosion.

3. Stability: Signs shall be constructed so that they will withstand wind pressure of at least seventy (70) pounds per square foot of surface and will otherwise structurally be safe, and securely anchored or otherwise fastened, suspended, or supported so that they will not be a hazard to persons or property.

4. Lighting: External lighting shall be shielded from view and shall be focused on the sign to avoid stray lighting. Flashing, rotating, and intermittent lighting is prohibited.

5. Proximity To Electrical Conductors: Signs and their supporting structures shall be located no closer to electrical utilities than is permitted by the applicable code. No sign, including cables and support shall, in any event, be within six feet (6') of any electrical conductor, electrical light pole, electric streetlight, traffic light, or public utility pole.

6. Prohibited Obstruction: Signs shall not be erected in any manner which interferes with free passage from, or otherwise obstructs a fire escape, downspout, window, door, stairway, ladder or opening required as a means of ingress or egress, or required by Code for the provision of light, air, or stormwater drainage. (Ord. 578, 1-9-2018)

E. Maintenance Of Signs: All signs and sign structures shall be properly maintained in good condition and repair. Should any sign become structurally unsafe or a safety hazard, the owner, upon notification by the City, shall be required to return the sign to a safe condition or remove the sign.

F. Removal Of Obsolete, Nonmaintained Or Abandoned Signs: All signs, including those painted on a building, which no longer serve the purpose for which they were intended, are not maintained, have been determined to present a hazard, or have otherwise been abandoned, shall be removed or restored by the business or property owner within thirty (30) days of notice by the city.

G. Nonconforming Signs: Any sign legally existing at the passage date hereof that does not conform in use, location, height, or size with the regulations of the zone in which the sign is located, shall be considered a legal nonconforming use or structure,

and shall be permitted to continue in such status until such time as the sign is abandoned, removed, relocated or replaced, subject to the following restrictions:

1. The structure of the sign may not be altered in any way except toward compliance with this chapter. Structural alterations which are necessary for the maintenance, repair or restoration of the nonconforming sign are permissible, provided said alterations do not increase the size, height, degree of nonconformity, or exceed fifty percent (50%) of the replacement value of the sign.

2. The legal, nonconforming sign may not be replaced, except with a sign conforming to the requirements of this chapter.

3. The legal nonconforming sign is subject to all requirements of this chapter regarding safety, maintenance, and repair. If, however, the sign suffers damage or deterioration in excess of fifty percent (50%) of its replacement value, it must be brought into compliance with this chapter or removed within thirty (30) days of notification by the city.

4. The changing of sign copy, business name, lettering, sign faces, colors, display, graphic matter, and/or the content of any sign copy shall not be deemed an alteration or replacement.

H. First Amendment Protection: Any sign allowed under this chapter may contain, in lieu of any other text, any otherwise lawful noncommercial message that does not, for commercial purposes, direct attention to a business operated for profit or to a product, commodity, or service for sale, provided said sign complies with all other provisions of this chapter, including the specific provisions for the type of sign, within the land use designation/zone where the sign is placed. This provision prevails over any more specific provisions to the contrary. (Ord. 559, 7-12-2016)

#### **11-22-8: STANDARDS FOR SPECIFIC SIGN TYPES:**

A. Building Signs, Generally: If a building contains walls facing more than one street frontage, the sign area will be computed for each building wall facing a different street frontage. The sign area(s) thus calculated shall be allowed to then apply to permitted signs placed on each separate wall facing a street frontage.

B. Freestanding Signs, Generally: For lots with more than one street frontage, sign area for each frontage shall be calculated separately for each different street frontage, however, in no event shall a development lot exceed the maximum number of freestanding signs allowed.

C. Awning, Canopy And Marquee Signs:

1. Sign lettering and logos shall not comprise more than thirty percent (30%) of the total exterior surface.

2. Shall be located a minimum of eight feet (8') above ground level.

D. Projecting/Blade Signs: Projecting/blade signs, attached to and projecting from a building face or wall at a ninety degree (90°) angle:

1. Shall not project more than eight feet (8') from the building;

2. Shall not exceed a maximum height of four feet (4');

3. Shall not exceed a maximum area of twenty (20) square feet;

4. Shall be located a minimum of eight feet (8') and a maximum of fourteen feet (14') above the sidewalk grade, as measured from the sidewalk to the bottom of the frame of the sign; and

5. For buildings with multiple commercial tenants, each business may be permitted one blade sign, provided that blade signs are separated by a minimum of twenty five feet (25').

E. Roof Signs: Roof signs are only permitted in the industrial and commercial zones, excluding, however, the central business district. Where allowed, signs mounted on or above rooftops shall not extend more than ten feet (10') above the roofline, and shall be limited in allowable area for building signage in the applicable zone. The sign area for roof signs shall be assessed against building signage.

F. Wall Signs:  
1. Shall be mounted flush and fixed securely to a building wall; and  
2. May project no more than twelve inches (12") from the face of the building wall, and shall not extend sideways beyond the building face or the highest line of the building to which it is attached. (Ord. 559, 7-12-2016)

#### **11-22-9: PERMIT REQUIREMENTS AND ADMINISTRATION:**

A. Permit Required; Exception: A permit shall be required for all signs, except those expressly authorized without a permit. Exemption from permit shall not, however, exempt the owner of the sign from responsibility for its erection and maintenance in a safe manner, and in a manner in accordance with all other provisions of this chapter.

B. Alteration, Enlargement, Or Relocation Of Signs: No sign shall be structurally altered, enlarged, or relocated except in conformity to the provisions herein, and only upon applying for and securing a permit, unless expressly authorized without a permit. (Ord. 559, 7-12-2016)

C. Application Requirements:  
1. The applicant must complete and submit the City's standard sign permit application form, which shall be accompanied by authorization from the property owner, if the property owner is not the applicant; (Ord. 578, 1-9-2018)

2. The application shall include the location and dimension of all existing and proposed signs on the development lot;

3. The application shall be accompanied by a site plan, drawn to scale, depicting the dimensions of lot, location of all right-of-way/street frontages, and ingress/egress to the site; building footprint, including size and dimensions of the building, and building facade where existing signs are located, and where proposed signs are to be located;

4. The applicant shall provide a graphic depiction, drawn to scale, of the dimension and design of all existing and proposed signs on the development lot; and

5. Construction plans required for all proposed new signs shall be drawn to scale, and shall include dimensions, materials, and required details of construction including loads, stresses, anchorage and other pertinent data. Said building plans shall contain the seal and signature of a registered design professional or professionals, if so required by the adopted Building Code of the City.

D. Permit Fees: Fees for sign permits, as established by resolution of Hayden City Council, shall be due and payable at the time of permit issuance.

E. Processing Of Permit Applications:  
1. Within twenty (20) business days of receipt of a complete application for sign permit, the Director, or his/her designee will:

## Hayden, ID Code of Ordinances

- a. Approve the sign permit application;
    - b. Approve the sign permit application with conditions; or
    - c. Deny the permit application.
  2. If the permit application is denied, staff will provide a written statement of the reasons for denial, and what, if anything, can be done to make the application approvable.
  3. Upon approval of the sign permit application, satisfaction of any conditions that may be applicable prior to permit issuance, and receipt of the applicable sign permit fees, the sign permit will be issued by the City.
- F. Standards For Sign Permit Approval: City staff shall approve the permit application, if all of the following standards have been met (or if said standards can be met, with conditions as may be included in a conditional approval):
1. The sign, as proposed, meets all applicable requirements of this chapter;
  2. The sign, as proposed, meets all applicable requirements of the City's Adopted Building and Electrical Codes;
  3. The sign, as proposed, does not violate any other applicable code and/or standards of the City, State and Federal government.
- G. Appeal Of Decision By The Director, Or His/Her Designee: Permit decisions by the Director, or his/her designee may be appealed to City Council in accordance with the procedures detailed in chapter 17 of this title. (Ord. 559, 7-12-2016)