

## Chapter 11-01

### GENERAL PROVISIONS AND DEFINITIONS

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#### **Section 11-01-01 INTERPRETATION**

##### **Section 11-01-01.01 Short Title; Interpretation**

This Ordinance shall be cited as the "Boise City Zoning Ordinance," and shall also be known as Title Eleven (XI), Boise City Code, Boise, Idaho.

##### **Section 11-01-01.02 Purpose and Authority**

In order to promote the public health, safety, morals and general welfare of present and future residents, and to bring about a coordinated and efficient development of Boise City, Idaho, the following regulations for the zoning of land within the City are hereby adopted.

##### **Section 11-01-01.03 Severability**

If any provisions of this Ordinance or the application to any persons or circumstances is held invalid, the remainder of the ordinance or the application or provisions to other persons or circumstances shall not be affected thereby.

##### **Section 11-01-01.04 Prior Rights and Permits**

The enactment of this Ordinance shall not terminate or otherwise affect rights, variances and permits acquired or authorized under the provisions of any section hereby revised or repealed. Where a building permit and a zoning certificate have been issued for the construction of a building or structure, and for an authorized use and occupancy thereof, in accordance with the law prior to the effective date of this revised ordinance, said building or structure may be completed in conformance with the approved plans and on the basis for which the said building permit and zoning certificate had been issued, provided construction of said building or structure is commenced within sixty (60) days of the effective date of the building permit and diligently prosecuted to completion. Detailed conditional use applications based upon concept plans approved prior to the effective date of this revised ordinance shall be subject to the terms and conditions of this revised ordinance. Upon showing an undue hardship, an applicant may be

allowed by the Planning & Zoning Commission to process such detailed conditional use applications under the terms and conditions of the previous ordinance.

**Section 11-01-01.05 Other Law; Private Restrictions**

It is not intended by this ordinance to impair or interfere with other regulations of effective State or local law or with private restrictions on the use of land improvements and structures. Where this Ordinance imposes greater restrictions than that imposed by other law or by private restrictions, this Ordinance shall prevail. The stricter provisions of the Boise Air Terminal regulations, Central District Health and other regulating ordinances or codes shall apply in the enforcement of this Ordinance.

**Section 11-01-01.06 Enforcement**

All departments, officials and employees of Boise City vested with the authority to issue permits shall conform to the provisions of this Ordinance and shall issue no permit or license for uses, buildings or purposes in conflict with the provisions of this Ordinance; Any such permit or any business license issued in conflict with the provisions of this Ordinance shall be null and void. The Planning Director shall maintain a zoning enforcement program to promote the abatement of violations of this ordinance and to provide assistance in the prosecution of such violations. It shall be the duty of the Director of the Building Department, or his authorized agent, to enforce the provisions of this Ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration, addition, location, or razing of any building or structure.

**Section 11-01-01.07 Abatement of Nuisance by City**

The City may abate or cleanup any nuisance or violation of the City Code and nothing contained in this Ordinance shall be construed as limiting, prejudicing or adversely affecting the City's ability to concurrently or consecutively use any proceedings, as the City may deem applicable. Proceeding under this Ordinance will not preclude the City from proceeding under the sections of the City Code or any other applicable provisions of State or Federal Statutes.

- A. Following the determination by the Planning and Development Services Director or his/her authorized agents and representatives that any nuisance or violation of the provisions of this Ordinance is being maintained, notice shall be given to the owner or owner's representative either in person or by certified mail to the last known address shown under the Ada County tax roles for the subject property, to abate the nuisance or violation within a time, not exceeding ten (10) days, to be specified in the notice. If the owner or owner's representative fail to comply with the requirements of the notice within the period specified therein, the Code Enforcement Staff may take action including abatement or cleanup. The City, in a civil action, may recover the cost of such abatement or cleanup as allowed under Idaho State Code 50-1012 (50-1008) as a lien upon the property as a city tax for all cost incurred in the abatement or cleanup.

(6127, Added, 02/26/2002)

**Section 11-01-02 VIOLATION; PENALTY**

**Section 11-01-02.01 Violation**

Any person, firm or corporation violating any of the provisions of this Ordinance or any legal conditions of approval required under an issued permit or certificate 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 Ordinance or any legal conditions of approval required under an issued permit or certificate is committed, continued or permitted.

(6127, Amended, 02/26/2002)

**Section 11-01-02.02 Penalty**

Upon conviction of any violation of any of the provisions of Boise City Code Title 11, such person shall be punished by a fine of not more than one thousand dollars (1,000), or by imprisonment for not more than six (6) months, or both such fine and imprisonment.

(6589, Amended, 08/28/2007)

**Section 11-01-02.03 Zoning Maps**

Zoning Maps for the City of Boise may be obtained through Central Mapping Division, Ada Planning Administration, County Administration Building, 650 Main Street, Boise Idaho. Zoning information for specific parcels or lots may be obtained by either calling or visiting the Boise City Community Planning & Development Department, City Hall, 150 N. Capitol Blvd., Boise, Idaho.

**Section 11-01-03 DEFINITIONS**

**Section 11-01-03.01 Definitions and General Provisions**

As used in this Ordinance, each of the terms defined shall have the meaning given in this Section unless a different meaning is clearly required by the context. All words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular, unless the natural construction of the sentence indicates otherwise; the word "building" shall include the word "structure"; and the word "shall" is mandatory, not directory.

**ABATE:**

Means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such manner and to such an extent as the Code Enforcement Staff shall determine is necessary in the interest of the general health, safety and welfare of the community.

**ACCESS:**

The place, means or way by which pedestrians or vehicles shall have safe, adequate and usable ingress and egress to a property, use or parking space.

**ACCESS AISLE:**

An accessible pedestrian space between elements, such as parking spaces, seating and desks that provides clearances appropriate for use of the elements by physically disabled people.

**ACCESSIBLE:**

Describes a site building, facility, or a portion thereof, that can be approached, entered, and used by physically disabled people.

**ACCESSIBLE ROUTE:**

A continuous, unobstructed path connecting all accessible elements and spaces in a building or facility. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps and lifts.

**ACCESSORY BUILDING:**

(see BUILDING, ACCESSORY)

**ACCESSORY DWELLING UNIT:**

Except as may be further restricted, an accessory dwelling unit is a dwelling unit that is incidental

and subordinate to the principal use of the premises, and does not alter the essential characteristic of the use.

**ACCESSORY USE:**

A use incidental and subordinate to the principal use of the premises which does not alter the essential characteristic of the use considered as a whole and as related to other uses permitted in the same district.

**ACCESSWAY:**

An unobstructed way of specified width containing a drive or roadway which provides vehicular access within a mobile home park and connects to a public street.

**ADMINISTRATION, PLANNING:**

See Planning Director.

**ADULT ARCADE:**

A premise where, for any form of consideration, one or more motion picture or slide projectors or similar machines for viewing by five or fewer persons each, are used to display any images emphasizing the depiction or description of Specified Sexual Activities or graphically exposed Specified Anatomical Areas. This shall also apply to any arcade which is not customarily open to the general public because minors are excluded by virtue of their age as a prevailing business practice or as required by law.

**ADULT BOOKSTORES:**

A premise which is not customarily open to the general public because minors are excluded by virtue of their age as a prevailing business practice as required by law and has, at any one time, 60% or more of its stock-in-trade and offers for sale, trade or rent of one or more of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of Specified Sexual Activities or exposed Specified Anatomical Areas; or
- b. Instruments, devices or paraphernalia which are designed for use in connection with Specified Sexual Activities; or
- c. Goods which are replicas of or which simulate Specified Anatomical Areas or goods which are designed to be placed on Specified Anatomical Areas to cause sexual excitement thereof.

**ADULT CABARET:**

A nightclub, bar, restaurant or similar premise which features live performances which are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities, or which features films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by Specified Sexual Activities or Specified anatomical Areas.

**ADULT DAY FACILITY:**

Any facility where adults regularly receive care, maintenance and supervision unaccompanied by a guardian or custodian, regardless of whether the facility provides any instruction. This use excludes (1) care of operator's legal wards or relatives (2) occasional personal guests and (3) any facility providing overnight custodial services for lodging and/or boarding.

**ADULT MOTION PICTURE THEATER:**

A premise where, for any form of consideration, has, at any one time, 60% or more of it's stock,

rented or owned, which shows films, motion pictures, video cassettes, digital images, slides or similar reproductions, and in which at least 50% of the total presentation time is devoted to the showing of material which is characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

**ADULT THEATER:**

A theater, concert hall, auditorium or similar premise which, for any form of consideration, features live performances, which are characterized by the exposure of Specified Anatomical Areas at least 50% of the total presentation time or by Specified Sexual Activities.

**AGRICULTURE:**

Tilling of soil, aquaculture, raising crops, livestock, farming, dairying and animal husbandry including all uses customarily accessory and incidental thereto; but excluding hogs, slaughterhouses, fertilizer works, bone yards and commercial feed lots.

**AIRPORT:**

Any area of land or water which is used or intended for use by aircraft and including the necessary appurtenant structures or facilities located thereon.

**ALLEY:**

A public way providing the secondary means of access to abutting property and not intended as a traffic thoroughfare.

**ALTERATIONS, STRUCTURAL:**

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

**ANNEXATION:**

The process by which the City's corporate boundary is expanded to incorporate additional property pursuant to Idaho Code 2.C50-222.

**ANTENNA:**

A transmitting or receiving device used in telecommunications that radiates or captures radio signals. Antennas include the following types:

- > Omni Directional (or 'whip') Antenna - Receives and transmits signals in a 360 degree pattern, and which is up to 15 feet in height and up to 4 inches in diameter.
- > Directional (or 'panel') Antenna - Receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.
- > Parabolic (or 'dish') Antenna - A bowl-shaped device that receives and transmits signals in a specific directional pattern.
- > Ancillary Antenna - An antenna that is less than 12 inches in its largest dimension and that is not directly used to provide personal wireless communications services. An example would be a global positioning satellite (GPS) antenna.
- > Other - All other transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such equipment.

**APARTMENT:**

A room or suite of rooms in a multiple-family structure which is arranged, designed or used as a single housekeeping unit including complete kitchen and sanitary facilities permanently installed.

**APARTMENT, HIGH RISE:**

A multiple family building having floors used for human occupancy located more than 75 feet above the lower level of fire department vehicle access.

**APPEAL:**

A request for a review of any decision or interpretation of any provision of this ordinance.

**ARCHITECT:**

An individual holding a valid architect's license from the State of Idaho that renders or offers those services hereinafter described, in connection with the design, construction, enlargement, or alteration of a building or a group of buildings. The services covered within this definition include architectural planning, advice and consultation; providing preliminary studies; architectural design, drawings and specifications; technical submissions; and, administration of construction contracts.

**ATTACHED:**

Anything physically connected to a building or structure so as to become an integral part thereof. The term includes components of a structure joined together by a common wall, floor or ceiling or a fully enclosed hallway.

**ATTACHED WIRELESS COMMUNICATION FACILITY (ATTACHED WCF):**

An antenna array that is attached to an existing building or structure (attachment structure) with any accompanying pole or device (attachment device) which attaches the antenna array to the existing building or structure, transmission cables, and an equipment facility which may be located either inside or outside of the attachment structure. Such structures shall include, but are not limited to, utility poles, signs, and water towers.

**AWNING:**

A projecting cover extending over a door, window or wall section with supports attached to the building and used as cover, protection, or as decoration.

**BACKYARD COMPOSTING:**

The activity of decomposing organic matter generated on any area of land or lot by a homeowner, tenant, occupant, or property owner. Backyard composting shall process materials generated primarily on site. Backyard composting shall be operated in a nuisance free manner. No commercial purpose may be association with backyard composting.

**BALCONY:**

A platform enclosed by a parapet or a railing, projecting from an exterior wall of a building and open to the sky.

**BAR, BREW PUB, LOUNGE, SALOON OR TAVERN:**

A business operating in an area, whether indoors or out, where alcoholic beverages are sold for consumption on the premises, not including restaurants where the principal business is serving food.

**BASEMENT:**

The story or level of a building which is partially or totally below ground level.

**BED AND BREAKFAST FACILITY:**

A type of hotel providing overnight accommodations and breakfast food service. If designed to

accommodate 12 or fewer guests, it shall be considered a type of boarding or rooming house rather than a hotel. (See HOUSE, BOARDING)

**BIKINI BAR:**

A business, as defined in Title 23 of Idaho Code, licensed to serve beer, wine, alcohol, or spirituous liquor for consumption on the premises which features live performers or servers wearing bikinis or swimsuits covering specified anatomical areas.

**BLOCK:**

The space along one side of a street between the two (2) nearest intersecting streets, or between an intersecting street and a right-of-way, waterway or other similar barrier, whichever is lesser, excluding alleys.

**BOARDING HOUSE:**

(See HOUSE, BOARDING)

**BOOK STORE, ADULT:**

(See ADULT BOOK STORE)

**BUILDABLE AREA:**

The space within the setback lines remaining on a lot after the minimum open space requirements of this Ordinance have been complied with.

**BUILDABLE PARCEL:**

A recorded lot, parcel or tract that is eligible for a building permit, based on compliance with the Boise City Zoning and Subdivision Ordinances, which is not encumbered by an easement, plat note or other restriction that prohibits building on the lot, parcel or tract.

**BUILDING:**

Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings, which is designed or intended for the shelter, enclosure or protection of persons, animals, chattels or property of any kind.

**BUILDING, ACCESSORY:**

A building which is subordinate to, and the use of which is incidental to that of 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 enclosed by a permanent roof and by exterior walls pierced only by windows and normal entrance or exit doors.

**BUILDING, DETACHED:**

A building located on its own lot and physically separated from other buildings by required yards and/or open space.

**BUILDING, EXISTING:**

Any building erected prior to the effective date of this Ordinance or one for which a legal building permit has been issued.

**BUILDING, GOVERNMENT:**

A building owned or used by the Federal, State, County or City government, or any political subdivision, agency or instrumentality thereof.

**BUILDING, PRINCIPAL:**

A building in which is conducted the principal use of the lot upon which it is situated. Every dwelling in any "R" District is a principal building.

**BULK:**

The term used to describe the size and mutual relationships of buildings and other structures as to size, height, coverage, shape, location of exterior walls in relation to lot lines, to the center lines of the streets, to other walls of the same building and to other buildings or structures; and to all open spaces relating to the building or structure.

**BUSINESS:**

The purchase, sale, exchange or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreation or amusement enterprises or the maintenance and use for offices or professions and trades rendering services.

**CANOPY:**

A permanent roof-like shelter extending from part of all of a building face and constructed of some durable material such as metal, glass, fabric or plastic.

**CARPORT:**

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.

**CELLAR:**

A storage room or rooms located under the main floor or floors of a building and which are partly or totally below ground level.

**CHILD CARE FACILITY:**

Any facility where children regularly receive care, maintenance and supervision usually unaccompanied by the child's parents, guardian or custodian, and regardless of whether the facility does or does not provide any instruction. This use excludes (1) the care of the operator's children or legal wards, (2) children related by blood or marriage, (3) occasional personal guests, (4) any home, place or facility providing overnight custodial services for lodging and/or boarding for the occupants therein, and (5) children aged twelve (12) years and over. The occupant load of a building, as determined by the Building Department and Fire Department requirements, will include all persons using the facility.

There are three (3) types of child care facilities:

- A. Family Child Care Home -A child care facility for six (6) or fewer children. They are an accessory use to residential uses.
- B. Group Child Care:
  - 1. A child care facility for seven (7) to twelve (12) children within the operator's residence.
  - 2. A child care facility for seven (7) to twelve (12) children that is outside the operator's

home.

C. Child Care Center:

1. Intermediate Child Care Center -A child care facility providing for thirteen (13) to twenty (20) children.
2. Large Child Care Center -A child care facility providing for twenty one (21) or more children.

CITY:

The City of Boise City, Idaho.

CITY CLERK:

The City Clerk of the City.

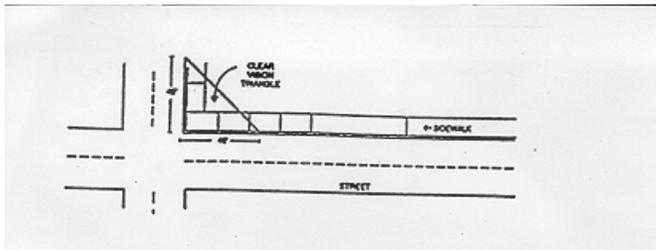
CITY ENGINEER:

The City Engineer of the City.

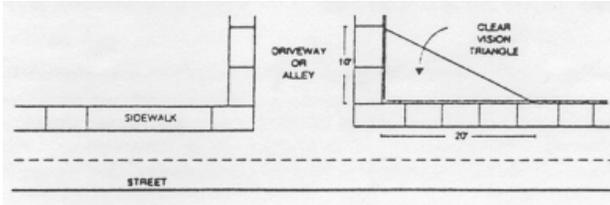
CLEAR VISION TRIANGLE:

The Clear Vision Triangle is defined as follows:

- a. Clear Vision Triangle at Street Intersections or Street & Railroad Intersections. The vision triangle at a street intersection or street and railroad intersection shall be formed horizontally, by measuring forty (40) feet along the roadway edges or roadway and railroad track edges from the intersection of the roadway edges or roadway edge and railroad track and connecting those points, and vertically by measuring between three feet (3') and ten feet (10') above grade.



- b. Clear Vision Triangle at Driveway and Street Intersections: Where a driveway enters the street right-of-way a vision triangle shall be formed horizontally, by measuring 10 ft. into the lot as measured from the sidewalk edge that is closest to the property line (or from the property line if no sidewalk exists), and twenty feet (20') along the sidewalk edge (or property line if no sidewalk exists) parallel to the street, and vertically by measuring between three feet (3') and ten feet (10') above grade.



**CLUB, FRATERNAL:**

The social use of a building or of any premises by a nonprofit association, where such use is restricted to enrolled members and their guests.

**CO-LOCATION**

The use of a single support structure and/or site by more than one wireless communications provider.

**COMMERCE:**

See Business.

**COMMISSION:**

The Planning and Zoning Commission of the City.

**COMMON AREA:**

Land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements.

**COMMON DRIVEWAY:**

A shared access that serves separate single-family residential parcels or lots, each having public street frontage.

**COMPOST:**

A humus-like material, produced from composting, that has been stabilized to a degree which is potentially beneficial to plant growth and which is usable as a soil conditioner, top soil, growing medium amendment, or other similar uses to buffer the soil Ph, improve soil aggregation and tilth, reduce erosion, enhance water infiltration and retention, increase soil porosity and aeration, slow the rate of temperature change in soil, provide food for soil microorganisms, or enhance availability of micronutrients in soils.

**COMPOSTING:**

(See BACKYARD COMPOSTING)

**COMPOSTING FACILITY:**

A facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

**COMPREHENSIVE PLAN:**

A policy plan for the Boise Metropolitan area known as the Metro Plan, which has been adopted

by the City Council.

**CONCERT HALL:**

A business operating in an area, whether indoors or out, where amplified sound or music is provided for entertainment purposes.

**CONDITIONAL USE:**

A use which, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the Commission and granting of conditional use approval imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity. Conditional uses are issued for uses of land and may be transferable from one owner of the land to another.

**CONDITIONAL USE CONCEPT PLAN:**

A concept conditional use is an approval of a generalized development plan which does not include the details of proposed development. A detailed conditional use approval must be obtained for each phase of a concept conditional use.

**CONDOMINIUM:**

Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**COUNCIL:**

The City Council of the City.

**COVERED PARKING:**

A carport that provides full overhead protection from the elements with ordinary roof coverings. Canvas, lath, fiberglass, plastic and vegetation are not ordinary roof coverings and cannot be used in providing a covered parking space.

**CUT-OFF DATE:**

A deadline for submittal of applications to be heard by the Planning and Zoning Commission or Design Review Committee at a public hearing four to six weeks later.

**DANCE HALL:**

A business operating in an area, whether indoors or outdoors, where dancing is permitted, allowed or conducted with accompanying amplified sound.

**DAY CARE CENTER:**

See Child Care Facility and Adult Day Care Facility.

**DEVELOPMENT, RESIDENTIAL INFILL:**

Multiple residential units constructed on an infill site in accordance with the criteria of Section 11-06-05.3(H).

**DIRECTOR, BUILDING:**

The director of the Planning and Development Services Department of the City.

**DIRECTOR, PLANNING:**

The Director of the Boise City Planning Division of the Planning and Development Services Department charged with the administration of the City's planning & zoning documents. The Director serves as the Secretary to the Planning and Zoning Commission and is directly responsible to the Director of the Planning and Development Services Department. This definition includes the Planning Director's designated representative. This definition also includes references to the Planning Administrator, Planning Official and other similar titles.

**DISPLAY, OUTDOOR:**

Placement of items out of doors (i.e.-not within a building) for show and sale to the general public. Examples of this use include garden supplies placed in commercial parking lots by home and garden or other stores during spring and summer time. This use is distinct from outdoor storage of items or of junk elsewhere defined and may be temporary in nature.

**DISTRICT:**

A section or part of the incorporated portion of the City of Boise City, Idaho, for which the use regulations are uniform, as set forth herein.

**DISTRICT, OVERLAY:**

An overlay zoning district is one which adds a requirement(s) to the standards of the underlying district or districts. Overlay districts include but are not limited to design review (D) districts, historic (HD) districts and downtown (DD) districts.

**DORMITORY:**

A residence hall providing rooms (without private baths) for individuals or groups which is owned and operated by a public, quasi public or private organization as an accessory use to a university, college, school, youth camp, etc.

**DRIVE-UP WINDOW:**

An establishment, whether it be the primary or an accessory use, other than automobile service station or parking lot, which is designed to accommodate the motor vehicles of patrons in such manner as to permit the occupants of such vehicles while remaining therein, to make purchases or receive services at a window or service area.

**DRIVEWAY:**

A private access connecting a building such as a house or garage, with a street.

**DUPLEX:**

A detached building containing two (2) dwelling units, each of which include a separate bathroom and kitchen. The two (2) units must be able to function as dwelling units independently of each other.

**DWELLING:**

A building, or portion thereof, containing one or more dwelling units. The term "dwelling" does not include any recreational vehicle, motel, hotel, guest-house or boarding house as defined herein.

**DWELLING, HIGH RISE:**

Any structure having floors used for human occupancy located more than 75 feet above the lower level of fire department vehicle access.

**DWELLING, MULTIPLE FAMILY:**

A building, or portion thereof, containing three (3) or more dwelling units excluding attached single family townhouse units located on individual lots.

**DWELLING, SINGLE FAMILY:**

A building designed for use and occupancy by no more than one family.

**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. A dwelling unit may be occupied by a family (related by blood or marriage), or by up to five (5) unrelated individuals or by an number of physically or mentally handicapped or elderly persons as long as the residential character of the dwelling is preserved. The physically and/or mentally handicapped includes those currently undergoing rehabilitation for drug and/or alcohol addiction. The term does not imply or include such types of occupancy as a lodging or boarding house, club, sorority, fraternity or hotel.

**EASEMENT:**

A grant of the right to use land for a specific purpose or purposes.

**FEEDLOT:**

A lot or parcel on which livestock are fed intensively in order to fatten for market. This definition does not include short-term holding pens for auction facilities or meat packing establishments.

**FIRING RANGE:**

A controlled area of activity, indoors or outdoors, specifically designed for the discharging of firearms at targets.

**FLOOR AREA RATIO:**

The sum of the horizontal areas of the several floors inside the exterior walls of a building or portion thereof divided by the lot area.

**FACADE MODULATION:**

Stepping back or extending forward a portion of the facade.

**FAR BONUS:**

A permitted development bonus for increase in Gross Floor Area above that permitted in the base zone that is granted for qualifying amenity features. A cumulative Far Bonus may be granted for each amenity up to the maximum ratio for each amenity provided by the developer. The amount of bonus awarded shall be based on adopted design districts, review criteria, and design guidelines.

**FRATERNITY/SORORITY HOUSE:**

A facility for housing a club of men (fraternity) or women (sorority) college students.

**FUNERAL HOME/MORTUARY:**

A facility in which deceased human bodies are kept and prepared for burial or cremation.

**GARAGE, PRIVATE:**

An enclosed accessory building or an accessory portion of a principal building designed for shelter or storage of vehicles, owned or operated by the occupants of the principal building.

**GARAGE, PUBLIC:**

A building or portion thereof, except a private garage, used or designed to be used for the storage of motor vehicles. (See Repair, Major and Minor Motor Vehicles)

**GRADE:**

The elevation of the finished surface of the ground adjacent to the exterior wall of a building or structure. If a berm has been created adjacent to the structure, or if the structure is built on top of a berm, grade will be considered the lowest point of the berm.

**GRADE, ESTABLISHED:**

The curb line grade at the lot lines established by the City Engineer, or otherwise established by law.

**GREENBELT, BOISE RIVER:**

Land within 70 feet of the 6500 cfs flow line of the Boise River which may be owned by the City or over which the City may have a right of possession or use and (a) which is designated by the City Council to be retained in perpetuity for public use for purposes compatible with the aesthetic, wildlife, educational and recreational values of the Boise River; (b) which will provide unrestricted access to the river; and (c) which will be developed and used to minimize water pollution, provide continuity of the public parks system, and create a buffer where necessary between conflicting land uses.

**GROSS FLOOR AREA:**

(Applying to Floor Area Ratio): The sum of the gross horizontal area of the several floors inside the exterior walls of a building or portion thereof.

**HALFWAY HOUSE:**

A type of housing for persons convicted of non-violent crimes who are in the later stages of serving a sentence and are being transitioned back into free society.

**HANDICAPPED HOME:**

Homes for mentally and/or physically handicapped resident patients and no more than 2 resident staff, where all State and local licensing and standards of operation requirements have been met. Homes for the mentally and/or physically handicapped shall include those currently undergoing rehabilitation for drug and/or alcohol addiction.

**HEARING EXAMINER:**

A Hearing Examiner may be appointed to conduct public hearings on matters before the Planning and Zoning Commission and to report to the Commission with proposed findings of fact and conclusions of law, a proposed order, and such other information as the Commission may require, pursuant to the authority granted in the Local Planning Act, specifically Idaho Code §67-6520.

**HEIGHT, BUILDING:**

The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average height of the highest gable of a pitch or hip roof.

**HELIPAD/HELIPORT:**

A level area or pad where helicopters land and take off, either at ground level or on a roof-top.

**HOME, CONVALESCENT:**

A building housing any facility, however named, whether operated for profit or not, the purpose

of which is to provide skilled nursing care and related medical services for two (2) or more individuals suffering from illness, disease, injury, deformity or requiring care because of old age.

**HOME, NURSING:**

See Home, Convalescent.

**HOME OCCUPATION:**

Any gainful occupation engaged in by an occupant of a dwelling unit including but not limited to handicrafts, dressmaking, millinery, laundering, preserving, printing and or graphic arts or desktop publication, offices, teaching of classes, and other like occupations.

**HOME, REST:**

See Home, Convalescent.

**HORTICULTURE:**

The activity of growing fruits, vegetables, flowers or ornamental plants.

**HOSPITAL:**

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

**HOSPITAL-LARGE ANIMAL:**

Any building or portion thereof designed or used for the care of the following animals: cattle, sheep, goats, horses, hogs, large exotic cats or similar animals.

**HOSPITAL-SMALL ANIMAL:**

Any building or portion thereof designed or used for the care of the following animals: dogs, cats, primates, birds, water fowl, reptiles, rodents and similar animals.

**HOTEL:**

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

**HOUSE, APARTMENT:**

Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

**HOUSE, BOARDING OR ROOMING:**

A building other than a hotel or restaurant where lodging or lodging and meals are provided for compensation to six (6) to twelve (12) persons who are not members of the householder's family.

**HOUSING, ELDERLY:**

Multiple family housing constructed for occupancy by elderly individuals or families (households with one or more members 65 years of age or older).

**INFILL SITE:**

Any lot or parcel within developed areas of the City, where at least 80 percent of the land within a 300 foot radius of the site has been developed, and where water, sewer, streets, schools and fire protection have already been developed and are provided. Annexed areas located on the periphery of the city limits shall not be considered as infill sites. An infill site may be vacant or occupied. Where “infill” status is used as a criterion for an entitlement or permit, redevelopment or improved utilization of occupied land shall be permitted provided other applicable standards, policies, and objectives are met or supported.

**INTERSTATE:**

One of a system of highways connecting the major cities of the 48 contiguous United States. No direct access to a property is provided.

**KENNEL, COMMERCIAL:**

Any lot or premises or portion thereof, on which five (5) or more dogs, cats and other household domestic animals are maintained, harbored, possessed, boarded, bred or cared for in return for compensation or kept for sale.

**KENNEL, NON-COMMERCIAL:**

Any lot or premises or portion thereof on which more than four (4) dogs or cats or a combination of such animals are maintained, harbored, possessed, bred or cared for and are not for sale or compensation. A noncommercial kennel license for such activity is required from the City Clerk.

**KITCHEN:**

Any room or portion thereof within a building designed and intended to be mainly used for cooking or preparation of food.

**LANDSCAPING:**

The finishing and adornment of unpaved yard areas with materials and treatment generally including naturally growing elements such as grass, trees, shrubs, and flowers. This treatment may also include the use of logs, rocks, fountains, water features and contouring of the earth.

**LATTICE TOWER:**

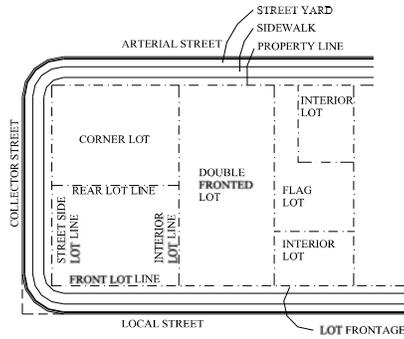
A self-supporting multiple sided, open steel frame structure used to support telecommunications equipment.

**LOADING SPACE, OFF-STREET:**

An open off-street hard-surfaced area of land other than a street or 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.

**LOT:**

A portion of a recorded subdivision intended as a unit for transfer of ownership or for development.



LOT TYPES

**LOT AREA:**

The square footage enclosed within the boundary of a lot or parcel. The flagpole or stem portion of a flag lot shall not be considered part of the lot area. Lot area shall be determined exclusive of land that is used for public or private streets, highways, alleys, roads and rights-of-way.

**LOT, AUTOMOBILE SALES:**

Premises on which new or used passenger automobiles, trailers, mobile homes or trucks in operating condition are displayed in the open for sale or trade, and where no repair or service work is done.

**LOT, CORNER:**

A lot which is bounded on two (2) or more sides by street lines; where the angle of intersection does not exceed one hundred thirty-five degrees (135B).

**LOT COVERAGE:**

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

**LOT DEPTH:**

The distance between front and rear lot lines measured in the mean direction of the side lot lines.

**LOT, DOUBLE FRONTED:**

A lot other than a corner lot having frontage on two parallel or nearly parallel streets.

**LOT, FLAG:**

A lot or parcel of land which includes a narrow projection or "flagpole" to the public right-of-way. The flagpole, which shall not be considered as part of the lot area, serves as a private or privately shared access to the buildable area of the lot or parcel.

**LOT, FRONTAGE:**

That portion of a lot which abuts a public right-of-way or other access.

**LOT, INTERIOR:**

A lot other than a corner lot or reversed corner lot.

**LOT LINE:**

The boundary property line encompassing a lot.

**LOT LINE, FRONT:**

The front lot line for a regular-shaped lot is the property boundary which abuts a public or private street.

The front lot line for an undeveloped corner lot is either one of the property boundaries which abuts a public or private street, as selected by the property owner.

The front lot line for a flag lot may be either (1) the closest line, parallel or most nearly parallel to the public or private street, at the end of the flagpole, or (2) a line perpendicular or nearly perpendicular to the public or private street, at the end of the flagpole, depending upon which orientation provides for the closest matching of like yards of adjoining properties.

**LOT LINE, REAR:**

The boundary line of a lot which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line, the following shall apply:

- A. In the case of a lot with a rear boundary formed by a single line that is parallel or nearly parallel to the front lot line, such rear boundary is the rear lot line.
- B. In the case of a lot with a rear boundary formed by two (2) or more lines, the rear lot line shall be a line at least ten (10) feet in length within the lot, furthest removed from and most parallel to the front lot line.

**LOT LINE, SIDE:**

Any property line that is not a front or rear lot line.

**LOT, NON-CONFORMING:**

A lot of record which does not meet the dimensional requirements of this ordinance.

**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.

**LOT OF RECORD:**

A lot which has been recorded in the records of Ada County.

**LOT OF RECORD, ORIGINAL:**

Any single lot or parcel of land which was of record and a legal buildable lot or parcel at the time of adoption of the Boise City Zoning Ordinance (August 16, 1966), which has not had subsequent boundary changes.

**LOT OF RECORD, ORIGINAL SUBSTANDARD:**

Any single recorded platted lot which was of record and a legal buildable lot or parcel at the time of adoption of the Boise City Zoning Ordinance (August 16, 1966), which has not had subsequent boundary changes, that does not meet a minimum width of fifty (50) feet and minimum area of five thousand (5,000) square feet for interior lots or minimum width of seventy (70) feet and minimum area of seven thousand (7,000) square feet for corner lots.

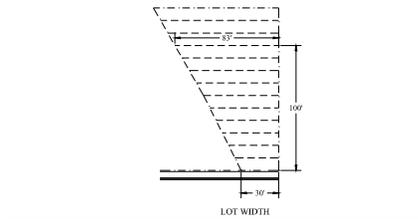
**LOT, REVERSED CORNER:**

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

**LOT WIDTH (AVERAGE):**

The distance between the side lot lines, measured in one of the following manners, whichever is applicable:

- A. In the case of a regular-shaped lot, the width shall be measured along the front lot line; or
- B. In the case of an irregular-shaped lot, the width shall be the average distance between the side lot lines, with the average distance to be measured at ten (10) foot intervals for the first one hundred feet of the lot depth beginning at the front lot line; or



- C. In the case of a regular-shaped flag lot, the width shall be measured at a distance of twenty (20) feet from the inside end of the flag pole; or
- D. In the case of an irregular-shaped flag lot, the width shall be the average distance between the side lot lines, with the average distance to be measured at ten (10) foot intervals for the first one hundred (100) feet of the lot depth beginning at the front lot line.

In addition to the above manners of measurement, in no instance shall the dimension of a lot at its front setback line be less than the minimum average lot width required for the zoning district in question.

**MANUFACTURED HOME:**

A factory-built structure that is manufactured or constructed according to the National Manufactured Housing Construction and Safety Standards Act of 1974, and as may be amended, which became effective June 15, 1976, and, is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. For purposes of this code, two types of manufactured homes are established, "Stock" and "Enhanced."

**MANUFACTURED HOME COMMUNITY:**

Any site, lot, tract, plot or parcel of land, designed for the placement of ten (10) or more manufactured homes, located and maintained for dwelling purposes on a permanent basis on individual lots, pads, or spaces; whether those lots, pads, or spaces be individually owned, leased, or rented.

**MANUFACTURED HOME, ENHANCED :**

A manufactured home that has all the architectural placement standards listed below:

- (A) The manufactured home shall be multi sectional and enclose a space of not less than 1,000 square feet.
- (B) Has exterior siding and roofing which in material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the city or which is comparable to the predominant material used on surrounding dwellings.
- (C) Has a pitched roof with a minimum pitch of 2:12 (two inches of rise to twelve inches of run).
- (D) Eaves are optional with the exception that where eaves are consistent with the predominant construction of immediate surrounding dwellings, the home shall have an eave that projects a minimum of six inches (6") along any wall that faces a street.
- (E) Has a foundation fascia that is similar in appearance and durability to the masonry foundation or other foundation systems comparable with site-built dwellings and approved by the Planning and Development Services Department. It shall surround the entire perimeter of the structure and completely enclose the space between the siding and the finished grade.
- (F) Is placed on a foundation base such that the finished floor area of the home is located not more than twelve inches (12") above grade or twenty-four inches (24") above grade if the home is over a basement. Graded earth shall not be closer than six inches (6") to the siding of the home.
- (G) Is permanently affixed in accordance with the manufacturer's specifications, with the running gear and towing hitch removed and set upon a foundation base having an anchoring system that is totally concealed under the structure.

**MANUFACTURED HOME, STOCK :**

A manufactured home that does not have all the architectural placement standards of an Enhanced Manufactured Home.

**MAPS, ZONING:**

The map or maps incorporated into this Ordinance designating Zoning Districts.

**MASSAGE ESTABLISHMENT:**

A fixed place of business wherein any individual, partnership, firm, association, corporation, or combination of individuals, engages in, conducts, carries on or permits to be conducted or carried on, for money or other consideration, administration of a massage.

**MICRO-CELL FACILITY:**

A small wireless communications facility consisting of an antenna that is either (1) four (4) feet in height and with an area of not more than five-hundred-eighty (580) square inches; or, (2) if a tubular antenna, no more than (4) inches in diameter and no more than six (6) feet in length.

**MICRO-PATHWAY or MICRO-PATH:**

A pathway providing access by way of a short travel link between points of destination. The length of a micro-pathway is generally less than 250 feet, or two lot depths. A micro-pathway may function alone or in conjunction with a pathway system such as the Boise River Greenbelt.

**MOBILE HOME:**

A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to enactment of the National Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

**MOBILE HOME, REHABILITATED:**

Any mobile home constructed prior to June 15, 1976, the effective date of the National Manufactured Housing and Safety Standards Act (HUD Code), that are currently sited within Idaho or that may be brought into the state after July 1, 1998, which have been upgraded to comply with Chapter 25, Title 44, Idaho Code and received a "Certificate of Compliance" from the Division of Building Safety of the State of Idaho.

**MOBILE HOME PARK:**

Any area, tract, plot or parcel of land, developed and designed for placement of mobile homes located and maintained for dwelling purposes on a permanent or semi-permanent basis.

**MODEL HOME:**

A dwelling temporarily used as a sales office for a residential development under construction; said home being used for on-site sales and not for general real estate business. Also termed a subdivision sales office.

**MODULAR LOTTING:**

Narrow parcels of land, minimum 18 ft. in width, which can be built upon singly, as an attached (rowhouse) product, or combined to 36'+ for a single family detached product. Modular lotting has historically encouraged a mix of housing size and product types ranging from large single family homes to small attached townhomes.

**MONOPOLE:**

A support structure which consists of a single pole sunk into the ground and/or attached to a foundation.

**MORTUARY:**

(See FUNERAL HOME)

**MOTEL:**

A building, or group of buildings on the same premises whether detached or attached, containing sleeping or dwelling units independently accessible from the outside, 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 auto courts, motor lodges, tourist courts or by any other title or sign intended to identify them as providing lodging to motorists.

**MOTOR VEHICLE JUNKED/ABANDONED:**

Any automobile, truck or other vehicle which is in-operable or in some obvious state of disrepair or abandonment. The following factors, among others, shall be considered individually in determining whether or not a vehicle is inoperable, junked or abandoned:

1. The vehicle is currently inoperable. This shall include, but is not limited to the vehicle not having body parts to be in working condition; such as missing engine, transmission, tires, windshield, mirrors, taillight or head lights, battery;
2. The vehicle has been parked (for at least 30 days) on property not owned or rented by the vehicle owner;
3. The vehicle has not been licensed or registered for at least 30 days;

4. The vehicle has been parked for 30 days on property where the premises have been vacated.

#### NET LEASABLE FLOOR AREA:

(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, elevators, escalators, conveyors, dumbwaiters, lifts, chutes, trash disposal units, and fuel storage spaces; and
- B. Public rights-of-way and other similar enclosed spaces open to the public, such as public washrooms, corridors, stairwells or elevator lobbies.

#### NONCONFORMING USES, PARCELS AND STRUCTURES

A nonconforming use, parcel or structure is one that was legally established but that is not in compliance with Title 11 due to a subsequent ordinance amendment, annexation, change of zoning or similar action.

#### NUISANCE, ATTRACTIVE :

Any property condition, instrument, property structure or machine which is unsafe, unprotected and which presents a health or safety hazard to the general public, whether in a building, on the premises of a building, or on an unoccupied lot. This includes, but is not limited to, abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove hazardous or dangerous to inquisitive minors.

#### NUISANCE, PUBLIC:

The following shall be defined as a public nuisance. The owner or person in control shall maintain all property, premises or rights-of-way in a nuisance free manner.

- A. Abandoned, dismantled, wrecked, inoperable, unlicensed, and discarded objects, equipment or appliances such as, but not limited to vehicles, boats, water heaters, refrigerators, furniture which is not designed for outdoor use, household fixtures, machinery, equipment, cans or containers standing or stored on property, sidewalks, alleys and streets; which can be viewed from a public street, walkway, alley or other public property and which items are readily accessible from such places, or which are stored on private property in violation of any other law or ordinance;
- B. Discarded putrescibles, garbage, rubbish, refuse or recyclable items which have not been recycled within 15 days of being deposited on the property;
- C. Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides or waste (solid, liquid or gaseous) which could constitute a fire or environmental hazard, or to be detrimental to human life, health or safety;
- D. Lumber (excluding lumber for the construction project on the property with a valid building permit), salvage materials, including but not limited to auto parts, scrap metals, tires, other materials stored on premises in excess of 30 days and visible from a public street, walkway, alley or other public property;
- E. Receptacles for trash, discarded materials and recyclables which are left in the front yard or on public rights-of-way following the day of the regularly scheduled refuse pick-up for the property;

- F. Swimming pool, pond, spa, other body of water, or excavation which is abandoned, unattended, unsanitary, empty, which is not securely fenced, or which poses a threat to be detrimental to human life, health or safety;
- G. Weeds, grasses or other similar vegetation which (1) cover 50% or more of any lot or yard; (2) average 12 inches or more in height; and, (3) could become a fire hazard.
- H. Trees, shrubs or other vegetation blocking public right of ways or clear vision triangles lower than a height of 8 feet above the right of ways or clear vision triangle.

**OCCUPANCY PERMIT:**

The approval to occupy a building which is granted after zoning and building requirements and conditions of approval, if any, have been met or bonded for.

**OPEN SPACE, PRIVATE:**

An open area for passive or active recreation developed, designated and protected for the benefit and private use of the employees or residents within a planned development or residential development.

**ORGANIC MATTER:**

Plant materials including: leaves, grass, brush, weeds, tree or shrub trimmings, garden debris, and vegetative kitchen garbage.

**OUTDOOR STORAGE:**

The storage of equipment, materials, supplies, etc. in an outdoor area as an accessory to a primary use.

**PARCEL:**

A lot, tract or portion of land other than a platted lot. Sometimes called section land, parcels are generally described by a metes and bounds legal description or references to quadrangular survey measurements utilizing sections, townships, and ranges or government lots.

**PARK:**

A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

**PARK AND RIDE FACILITIES:**

Parking lots or structures located along public transit routes designed to encourage transfer from private automobile to mass transit or to encourage car pooling for purposes of commuting, or for access to recreation areas.

**PARKING COURT:**

A clustered parking area located off the main roadway and near the building which it serves. Except for emergency vehicles, parking court design precludes cut-through vehicular travel.

**PARKING LOT:**

(see LOT, PARKING)

**PARKING SPACE:**

Usable space within a public or private parking area or a building, which meets the parking standards of this ordinance, exclusive of access drives, aisles or ramps, for the storage of one passenger automobile or commercial vehicle.

**PARK, RECREATIONAL VEHICLE:**

Any area, tract, plot or site of land whereupon two (2) or more recreational vehicles or travel trailers are placed, located and maintained for temporary living quarters on a temporary basis.

**PATHWAY:**

Any sidewalk, route, lane, path, corridor, open space or trail designated to move people by non-motorized means for transportation or recreation, including micro-pathways.

**PERSON:**

A natural person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

**PERSONAL SERVICE:**

A facility that provides individualized services generally related to personal needs. These include, but are not limited to, beauty and healthcare services such as hair and nail salons, and barber shops. The term does not include tattoo parlors, body piercing or massage establishments.

**PLANNED DEVELOPMENT:**

A parcel of land which is planned and developed as a unit under single ownership or control, containing one or more uses, buildings and common open space or recreational facilities.

**PLOT PLAN:**

A "to scale" drawing of a lot or lots showing the actual measurements, the size and location of any existing building(s) or building(s) to be erected, the location of the lot in relation to abutting streets, use and development of the land and other such information. Site plan is a term often used interchangeably with plot plan.

**PRINCIPAL USE:**

The main use of land or buildings as distinguished from a subordinate or accessory use.

**PUBLIC PARK:**

A park, playground, swimming pool, beach, pier, pond, greenbelt, the Depot, golf course or similar athletic field open to the public which is under the control, operation or management of the Boise City Parks and Recreation Department, or any other public entity.

**PUBLIC UTILITY FACILITY, MAJOR:**

A large facility required for the operation of a utility controlled by the Idaho Public Utilities Commission including electrical substations, major water storage reservoirs, etc.

**PUBLIC UTILITY FACILITY, MINOR:**

A small facility required for the operation of a utility controlled by the Idaho Public Utilities Commission including minor wells, pump houses, etc.

**QUASI-PUBLIC:**

Is essentially a public use, although under private ownership or control.

**QUORUM:**

Is a majority of the authorized members of a board or commission.

**RECREATION CENTER:**

A commercial or non-profit bowling alley, roller rink or similar use designed for amusement or recreation.

**RECREATIONAL VEHICLE (RV):**

A portable vehicle or structure used primarily for recreation, hobbies, vacations, extended travel, camping, sports and aquatic use. RV's may be self-propelled, towed or transported by trailer. RV's may include, but are not limited to, motor homes, converted buses, camping and travel trailers, light-duty trailers and transporters, horse & cattle trailers, boats, rafts and their trailers and off-street vehicles such as snowmobiles, dune buggies, all-terrain vehicles and any type of three or four wheeled sport racing/drag vehicle.

**REGULATORY TAKING:**

A regulatory or administrative action resulting in deprivation of private property that is subject of such action, whether such deprivation is total or partial, permanent or temporary, in violation of the State or Federal constitution.

**RELIGIOUS INSTITUTION:**

A building which is used primarily for religious worship and related religious activities.

**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 a structure such as would be required by additions to or remodeling of such structure.

**REPAIR, MAJOR MOTOR VEHICLE:**

General repair, engine, transmission or drive-train rebuilding, repair or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; and overall painting of motor vehicles or trailers.

**REPAIR, MINOR MOTOR VEHICLE:**

Incidental repairs, replacement of parts and motor service to motor vehicles, but not including any operation specified under "Motor Vehicle Repair, Major".

**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, lunch room, tea room and dining room.

**ROOF:**

The outside top covering of a building or structure.

**ROOF, FLAT:**

A roof which is not pitched and the surface of which is parallel to the ground.

**ROOF, GABLE:**

A ridged roof forming a gable at both ends of the building or structure.

**ROOF, GAMBREL:**

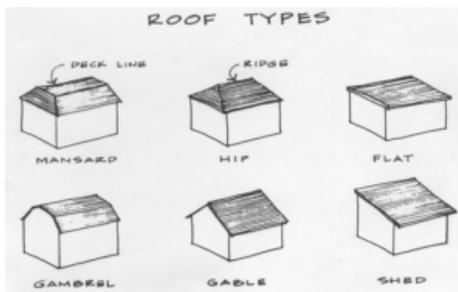
A ridged roof with two or more slopes on each of two sides and forming a gable at both ends of the building or structure.

**ROOF, HIP:**

A roof with sloping ends and sides.

**ROOF, MANSARD:** A roof with two slopes on each of four sides, the lower slope being steeper than the upper slope.

**ROOF, SHED:** A roof with one slope.



**SCHOOL:**

An institution of learning for minors, whether public or private which offers instruction in those courses of study required by the State Board of Education to a group of children. This definition includes nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of learning under the jurisdiction of the Idaho Department of Education, but it does not include a vocational or professional institution or any institution of higher education, including a college or university.

**SCHOOL, PRIVATE COMMERCIAL:**

A school, regardless whether it is operated for profit, primarily devoted to instruction, in dance, music, drama, art, languages, martial arts training, etc.

**SCHOOL, TRADE OR VOCATIONAL:**

An institution or facility conducting instruction in the technical or trade skills such as business, secretarial training, medical-dental technician training, beauticians, barbers, electronics, automotive technician training etc.

**SECRETARY:**

The Secretary to the Planning Commission shall also mean the Planning Director of the City.

**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.

**SERVICE DRIVE:**

A privately owned and maintained drive that provides access to parking lots and spaces, loading spaces, drive-up windows or other areas that need a provision of access. A service drive meets the zoning ordinance specifications and is approved by the Planning Director, Design Review Committee or the Planning and Zoning Commission. Types of service drives include: individual private driveways, common driveways, entry drives, drive-through lanes and parking aisles.

**SERVICE STATION:**

Premises where gasoline, motor oils, lubricants and grease for the operation of motor vehicles are retailed directly to the public on the premises and including tires, accessories, services and minor motor vehicle repairs.

**SETBACK:**

The space on a lot or parcel required to be left open and unoccupied by buildings or structures, either by the requirements of this Title, or by delineation on a recorded subdivision map.

**SEXUALLY ORIENTED BUSINESS:**

An adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater, or sexual encounter premise; or any premises where employees engage in specified sexual activities or display specified anatomical areas.

**SEXUALLY ORIENTED BUSINESS EMPLOYEE:**

Any person who performs any service on the premises of a sexually oriented business, on a full time, part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

**SEXUAL ENCOUNTER PREMISE :**

A premise other than a hotel, motel or similar premise offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with Specified Sexual Activities or the exposure of Specified Anatomical Areas. This definition does not include a premise where an Idaho licensed medical practitioner, psychologist, psychiatrist or similar professional person engages in medical or sexual therapy.

**SHOPPING CENTER, COMMUNITY COMMERCIAL:**

A group of commercial establishments, planned and developed as a unit, typically featuring an approximately 50,000 square foot or greater grocery store and/or department store or volume discount retail outlet as an anchor tenant/s and may include freestanding buildings containing restaurants or other commercial uses. A community shopping center has a gross floor area of over 100,000 square feet but no more than 300,000 square feet and typically occupies from 10 to 25 acres.

**SHOPPING CENTER, CONVENIENCE COMMERCIAL:**

A small shopping center that typically features an approximately 2,500 square foot groceries/sundries store as an anchor tenant and may also provide other services such as gasoline sales, dry cleaners, coffee shop, dentist office, beauty shop, day care, etc. A convenience shopping center may have an average building area ranging from 15,000 to 35,000 square feet and occupy one to three acres.

**SHOPPING CENTER, NEIGHBORHOOD COMMERCIAL:**

A moderate sized shopping center, planned and developed as a unit, typically composed of a

grocery up to 60,000 square feet in size, and usually containing additional smaller tenants serving a local market area.. A neighborhood shopping center may have a gross floor area ranging from 35,000 to 100,000 square feet and may occupy up to 10 acres.

**SHOPPING CENTER, REGIONAL COMMERCIAL:**

A group of commercial establishments, planned, developed, owned, and managed as a unit related in location, size and types of shops to the trade area that the unit serves; it provides on-site parking in definite relationship to the type and size of stores. The major tenant is one or more full line department stores. Size of the center can range between 300,000 square feet to over one million square feet of gross leasable area.

**SIGN:**

"Sign" means any display or device consisting of attached or painted letters, symbols or designs, and including any moving parts, lighting, sound equipment, framework, background material or structural support, which display or device is intended to communicate business identification, an advertisement, announcement, direction or other message or attract, distract, hold, direct or focus public attention. "Sign" shall not include commodities and their attached labels and price tags.

**SITE PLAN:**

(see PLOT PLAN)

**SMALL ANIMAL GROOMING:**

Grooming for small animals on an appointment basis, with drop off and pick up on the same day.

**SPECIAL EXCEPTION:**

A special approval granted by the City Council for a use which is not identified as an allowed or conditional use within the zoning district subject to conditions set forth in this ordinance.

**SPECIFIED ANATOMICAL AREAS:**

Any of the following parts of the human body with less than full opaque coverings of the human genitals, anus, cleft of the buttocks, or the female breast.

**SPECIFIED SEXUAL ACTIVITIES:**

Shall mean and include any of the following whether actual or simulated:

- a. The fondling or other erotic touching of any Specified Anatomical Areas; or
- b. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
- c. Sexual intercourse, masturbation, sodomy, oral copulation, coitus, ejaculation; or
- d. Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above; or
- e. Erotic or lewd touching, fondling or other contact with an animal by a human; or
- f. the exposure of display of human genitals in a state of sexual stimulation, arousal or tumescence; or
- g. Erotic dancing or rhythmic movements with a device, instrument, object or pole.

Under no circumstance shall the issuance of Conditional Use Permit be considered an affirmative defense or consent by the City of Boise for any activity that is prohibited by Federal or State law, or any other prohibition not a part of this section of the Boise City Code.

**STABLE, PRIVATE:**

A detached accessory building or structure for the keeping of one or more horses or cows owned and used by the occupant of the premises and not for remuneration, hire or sale.

**STABLE, RIDING:**

A building or structure used or designed for the boarding or care of riding horses.

**STORY:**

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet (6') above grade, such basement or cellar shall be considered a story.

**STREET:**

The public right-of-way or private property and related improvements which provides vehicular and pedestrian access to adjacent properties. The term "street" includes also the terms highway, thoroughfare, parkway, thruway, road, avenue, boulevard, lane, place and other such terms.

**STREET, ARTERIAL:**

A street designed to carry through traffic with limited access to abutting property. Direct lot access is restricted.

**STREET, COLLECTOR:**

A street designed to intercept traffic from the local street system and carry it to the nearest arterial street, while provided limited access to abutting property. Direct lot access is restricted.

**STREET, FRONTAGE:**

A minor street, parallel to and adjacent to an arterial street, which has the primary purpose of providing access to abutting properties.

**STREET, LOCAL:**

A street designed to provide service to abutting property usually with unrestricted access.

**STREET, PRIVATE:**

A street approved by the Council in conformance with the subdivision ordinance, which provides both access and street frontage for individual lots. Private streets are owned and maintained by private individual(s) or entities. Governmental entities do not own nor maintain private streets.

**STRUCTURE:**

Anything constructed or erected, except fences, which requires location on the ground or is attached to something having location on the ground including, but not limited to, buildings, platforms, frame work, antennas, portable carport/cover, prefab metal or plastic sheds and tents.

**SUBDIVISION:**

The division of a tract, lot or parcel of land into two or more parts for the purpose of transfer of ownership or for the construction of improvements thereon.

**SWIMMING POOL:**

Any facility intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and

spas.

**THEATER:**

A building used primarily for the presentation of live stage productions, performances or motion pictures.

**THEATER, ADULT:**

(see ADULT MOTION PICTURE THEATER)

**TRAILER, TRAVEL:**

A vehicular portable structure designed as temporary living quarters for travel, recreational and vacation uses.

**TREASURER:**

The City Treasurer of the City.

**TOBACCO BUSINESS, RETAIL:**

A business which (1) during the normal course of business primarily distributes any tobacco product or provides any equipment or material used for the consumption of tobacco, (2) lawfully may permit smoking indoors, and (3) does operate a smoking area on premises owned, operated, or used by the business, whether indoors or outdoors, during any portion of its hours of operation.

**TOWNHOUSE:**

An attached single family dwelling unit located on a platted lot and for which the individual owner may acquire title to the unit and lot.

**URBAN FARM:**

Land used to grow plants and harvest food or ornamental crops for educational purposes, donation, use by those cultivating the land, or for sale locally. Gardens that are accessory to a home are not considered urban farms.

(6849, Added, 06/05/2012)

**UTILITY, PUBLIC:**

Any person, company or municipal department, duly authorized to furnish to the public under public regulations electricity, gas, steam, telephone, transportation or water.

**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, SEASONAL:**

Any temporary use where products are sold in connection with a holiday season or the growing season. Examples of these uses shall include, but are not limited to, the following: Produce stands, fireworks stands, pumpkin lots, and Christmas tree lots.

**USE, TEMPORARY:**

Any activity on a site approved by the Director for a limited time of operation. Such uses include seasonal or holiday sales of products or placement of temporary structures on a lot incidental to

construction occurring on the lot, outdoor display of garden and related supplies, and/or any other uses which the Director may deem as able to function without permanent permits for a short time as allowed by this code.

**VARIANCES:**

A variance is a modification of the requirements of this Ordinance as to lot size, lot coverage, lot width, street frontage, setback requirements, parking requirements, loading requirements, or other ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots.

**VEHICLE, COMMERCIAL:**

Vehicles and trailers with a gross vehicle weight of over 8,000 pounds and designed for commercial use, construction equipment, and any standard type vehicle with commercial or industrial attachments or modifications including but not limited to lifts, tanks, spray equipment, cranes and extension platforms utilized for commercial use or constructive equipment.

**VISION TRIANGLE:**

(see CLEAR VISION TRIANGLE)

**WAREHOUSE:**

A building or portion thereof used for the storage of merchandise, stock, vehicles, furnishings, supplies and other trade or business material.

**WIRELESS COMMUNICATIONS:**

Wireless communications shall mean any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed.

**WIRELESS COMMUNICATION FACILITY (WCF):**

An unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. WCF's are composed of two or more of the following components:

- A) Antenna
- B) Support Structure
- C) Equipment Enclosure
- D) Security Barrier

**YARD:**

An open space on the same lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Ordinance, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the lot is located.

**YARD, AUTOMOBILE WRECKING:**

Any use of premises, excluding fully enclosed buildings, on which two (2) or more motor vehicles not in operating condition are standing more than thirty (30) days, or on which used motor vehicles, or parts thereof, are dismantled or stored.

**YARD, FRONT:**

The yard extending across the full width of the lot adjacent to the front street line. For corner lots, either street may be designated as the front. Once chosen, the front yard designation and associated rear and side yards may not be changed. Building design shall match respective yard types.

**YARD, INTERIOR SIDE:**

A space extending from the front yard to the rear yard between the principal building and the side lot line, measured perpendicular from the side lot line to the closest point of the principal building.

**YARD, JUNK:**

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; excluding yards or establishments for the sale, purchase or storage of used cars or machinery in operable conditions, and the processing of used, discarded or salvaged materials as a part of a permitted manufacturing operation on the same premises.

**YARD, REAR:**

The yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

**YARD SALE:**

The on-premise sale of new or used household or related goods from a residential lot; also known as a garage sale or rummage sale. The duration of yard sales shall not exceed seventy-two (72) hours. A maximum of two such sales shall be permitted from any one residence within the same calendar year.

**YARD, SIDE:**

The yard lying between the nearest wall of the principal building, accessory building and side lot line, and extending from the front yard or the front lot line to the rear yard.

**YARD, STREET SIDE:**

On a corner lot , a space extending from the front yard to the rear yard between the principal building and the side lot line, measured perpendicular from the side lot line to the closest point of the principal building.

**ZERO LOT LINE DEVELOPMENT:**

Single family dwellings arranged on individual lots as either detached structures with one or more side walls on a side property line or attached sidewalls on a property line.

**ZONE:**

(See DISTRICT)

**ZONING CERTIFICATE:**

A notation attached to a building permit, occupancy permit or business license, or issued separately by the City to certify that the building, structure, use, or occupancy specified is in compliance with relevant zoning regulations and approvals.

(6848, Amended, 05/22/2012; 6818, Amended, 07/19/2011; 6765, Amended, 01/26/2010; 6452, Amended, 02/14/2006; 6386, Amended, 02/22/2005; 6331, Amended, 07/13/2004; 6315, Amended, 04/20/2004; 6302, Amended, 02/03/2004; 6281, Amended, 12/02/2003; 6253, Amended, 08/05/2003; 6127, Amended, 02/26/2002; 6096, Amended, 10/23/2001; 6071, Amended, 06/19/2001; 6007, Amended, 07/25/2000; 5916, Amended, 05/18/1999; 5895, Amended, 02/23/1999;. 5894, Amended, 02/09/1999; 5865, Amended, 09/29/1998; 5863, Amended, 09/22/1998; 5777,

Amended, 01/28/1997; 5337, Amended, 08/27/1991; 5233, Amended, 05/08/1990; 5169, Added, 06/20/1989; 2761, Added, 08/16/1966)