

# TITLE 11

## ZONING REGULATIONS

### CHAPTER 1

#### GENERAL PROVISIONS

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The zoning regulations as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, and general welfare of the residents of the City of Hayden. Accordingly, land use regulations will be applied in ways that respect public needs, minimize conflicts with nearby land uses, and protect the private property rights of other landowners. The zoning regulations shall implement the goals and policies of the comprehensive plan and 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. 619, 4-13-2021)

##### 11-1-1: 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;
- B. Shall: The word "shall" is to be mandatory and not discretionary;
- C. May: The word "may" is permissive;
- D. Lot: The word "lot" shall include the word "piece" and "parcel";
- E. Building: 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".
- F. 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 into the required setback, nor encroach into a public or private right-of-way or public utility easement. For those structures located in a zone district where the 15' front yard setback is allowed; these features may not encroach any closer than 15' from the property line.
  2. Rear decks and platforms 42" or lower may extend into the required rear yard setback up to 10', and no upright support members may be extended higher than the 42" of the deck. At no time shall a deck or platform be enclosed to create additional square footage of the habitable structure without first obtaining approval of the City through the building permit process.
  3. Structures completely below natural grade may extend into the required setback not more than half of the required setback.
  4. When in-ground pools are within the rear yard, they may extend into the required rear yard setback not more than one-half the measurement of the required setback. For pool locations other than in the rear yard, the in-ground pool must be located outside of the setback areas.
  5. The height limitations contained in the schedule of district regulations do not apply to spires, belfries, cupolas, ventilator, chimneys, flag poles, sports netting, or other structures or appurtenances usually required to be placed above the roof level and not intended for human occupancy. (Ord. 619, 4-13-2021)

##### 11-1-2: DEFINITIONS:

- A. Zoning Use Definitions:

ACCESSORY DWELLING UNIT (ADU):	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.
AGRICULTURE:	The tilling of soil, horticulture, floriculture, forestry, viticulture, raising crops, beekeeping, livestock, farming, dairying and animal husbandry including all uses customarily accessory and incidental thereto; but excluding slaughterhouses, fertilizer works, boneyards and commercial feedlots.
AIRPORT, AIRCRAFT LANDING FIELD:	Any area of land or water that is used or intended for use by aircraft and including the necessary appurtenant structures or facilities located thereon.
APARTMENT:	A room or suite of rooms in a multiple-family facility designed or used as a single living unit and provided with living, sleeping, kitchen and bathroom facilities, usually leased or rented.
ASPHALT AND CONCRETE READY MIX PLANT:	A location where asphalt and/or concrete batch plants make hot mix asphalt, other forms of coated road stone, and concrete ready mix. These plants combine various ingredients based on engineered design standards for specific types of asphalt and concrete mixes.
ASSEMBLAGE:	To fix or join together (in a clean, quiet atmosphere free of noise, odor, and 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, and 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.
AUCTION ESTABLISHMENT:	A building or portion of a building used for the public sale of goods, merchandise, or equipment to the highest bidder.
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 or more motor vehicles not in operable condition are standing more than 28 days, or on which used motor vehicles, or parts thereof, are dismantled or stored.
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 material generated primarily on site. Backyard composting shall be operated in a nuisance free manner. No commercial purpose may be associated with backyard composting.
BANK, FINANCIAL INSTITUTION:	An establishment that provides banking services, lending or similar financial services to individuals and businesses. This definition includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. The establishment may or may not have a drive-thru facility.
BED AND BREAKFAST FACILITY (Boarding or Rooming House):	A single-family residence, occupied by the property owner or caretaker year round, which provides a maximum of five 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.
BLACKSMITH SHOP:	A metalsmith who creates objects from wrought iron or steel by forging the metal, using tools to hammer, bend, and cut; to create objects such as gates, grilles, railings, light fixtures, furniture, sculpture, tools, agricultural implements, decorative and religious items, cooking utensils and weapons.
BOTTLING AND DISTRIBUTION PLANT:	A commercial enterprise whose output is the bottling of beverages for distribution.
BREWERY, DISTILLERY, WINERY:	An establishment for production of alcoholic liquors, but does not include food service establishments that produce such products only for on-site sale.

BUILDING MATERIALS, HAY, GRAIN, BULK GARDEN SUPPLY, HEAVY MATERIALS:	A retail business that sells large, bulky, or heavy goods including building materials and agricultural goods, such as hay, grain, bulk garden supplies, tools and equipment.
BUS STATION:	Any premises for the transient housing or parking of buses and the loading and unloading of passengers.
CALL CENTER:	A centralized office used for receiving or transmitting a large volume of enquiries by telephone.
CARETAKER RESIDENCE:	A dwelling on a nonresidential property occupied by a person, and the immediate family of the person, who oversees or guards the operation.
CAR WASH:	A facility for the cleaning of automobiles, providing either self-serve facilities or employees to perform washing operations.
CEMETERY:	Land used or dedicated to the internment of human or animal remains including columbaria, mausoleums, mortuaries, and associated maintenance facilities when operated in conjunction with, and within the boundaries of such cemetery.
CIVIC:	A building providing for government functions and services, including but not limited to federal, provincial, regional and municipal offices, public schools and colleges, publicly owned and operated hospitals, fire halls, community halls, libraries, museums, parks, cemeteries, jails and prisons, courts of law, waterworks facilities, and sewage facilities.
CLUB, LODGE, SOCIAL 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.
COFFEE/ESPRESSO STAND:	A beverage service establishment where drive-up window service is the primary customer access.
COMMUNITY GARDEN:	A garden on a single piece of land gardened collectively by a group of people for fresh food or flowers. Can also include educational gardens where gardening, landscaping, nutrition, and cooking are taught.
COMMUNITY RESIDENTIAL TREATMENT FACILITY:	A residential treatment center, sometimes called a rehab, is a live-in health care facility providing therapy for substance abuse, mental illness, or other behavioral problems.
CONSTRUCTION COMPONENTS:	The manufacture or fabrication of construction components such as bricks, cement blocks, windows, doors, cabinetry, etc.
CONCERT HALL/DANCE HALL:	A business operating in an area, whether indoors or out where amplified sound or music is provided for entertainment.
CONDOMINIUM:	A building designed with multiple dwelling units, and platted for each unit to be owned separately. The unit may or may not contain a proportionate share in the common space or may or may not have dedicated land associated with the dwelling unit.
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.
CONVENIENCE STORE:	An establishment generally less than 5,000 square feet engaged in the sale of convenience goods, such as pre-packaged food items, tobacco, over the counter drugs, periodicals, and other household goods. Additionally, the retail sale of petroleum products may be dispensed through gasoline pumps and other supplies for motor vehicles may be sold.
CORRECTIONAL FACILITY:	A facility designed and used to house, sequester, or confine incarcerated individuals, persons subject to a pre-trial order, on probation or parole. A correctional facility shall conform to the provisions of Hayden City Code 11-7-4.
COTTAGE:	A building design with one dwelling unit for use and occupancy by no more than one family. Each dwelling unit shall be platted on an individual lot with a shared open space or green court.
DAYCARE, ADULT:	A facility where adults regularly receive care, maintenance, and supervision unaccompanied by a guardian or custodian, regardless of whether the facility does or does not provide any educational 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.
DAYCARE, ANIMAL:	See definition in Hayden City Code 4-3-3.

DAYCARE CENTER, MINOR:	A child care facility for more than six children within the operator's residence; or that is outside the operator's residence. Daycare Centers when operated within a residence may have a maximum of 25 children and require a conditional use permit.
DAYCARE, HOME, MINOR:	A child care facility for six or fewer children that is an accessory use to a primary residential use.
DRIVE-UP ESTABLISHMENT:	An establishment, whether it be the primary or an accessory use, other than automobile service station or parking lot, that is designed to allow the occupants of a motor vehicle to make purchases or receive services at a window or service area while remaining in the vehicle.
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:	See multi-family building definition.
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- and THREE FAMILY:	A building designed with more than one, but not more than three dwelling units.
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.
FABRICATION AND MACHINE SHOP:	Metal fabrication facilities start with flat sheets of metal and through a process cut, punch out, bend, weld, powder coat, and assemble finished parts. Machine shops start with blocks of metal (round, square, or rectangular solid rods or tubing) and create finished parts through sawing, milling, drilling, and turning process.
FARMER'S MARKET, FLEA MARKET, SWAP MEET:	Any event: A. At which two 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 times in any 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.
FIRING RANGE:	A controlled area of activity, indoors or outdoors, generally designed for the discharging of firearms at targets.
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.
FUELING STATION, COMMERCIAL:	Repositories of fuel that have located to service commercial vessels.
FUNERAL HOME, CREMATORY, OR MORTUARY:	A facility in which deceased human bodies are kept and prepared for burial or cremation.
GROUP HOME:	See definition of foster home; group home; institution for minor children.
GOVERNMENT BUILDING:	Public Building(s) 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.
GROCERY:	A market where food and related items are sold.
GROOMING, SMALL ANIMAL:	Grooming for small animals on an appointment basis, with drop off and pick up on the same day.
HEALTH CLUB:	A club for leisure and fitness activities.
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 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:	See definition of animal hospital/clinic in Hayden City Code 4-3-3. May include commercial grooming and boarding services is limited to short-term care incidental to the treatment clinic and must be a secondary use of the property.
HOTEL/ MOTEL:	A building, or group of buildings on the same premises whether detached or in connected rows, containing 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.
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.
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. Also see definition in Hayden City Code 4-3-3.
KENNEL, RESIDENTIAL:	Any premises, or portion thereof, at which cats, dogs and small household domestic animals, as outlined in subsections 4-3-6(A)(1) and (A)(2) 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 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.
LABORATORY, MEDICAL/DENTAL:	A facility that provides pathological testing or manufacturing of prosthetics and orthopedic appliances, or that provides dental services including the manufacturing of orthodontic appliances, crowns, and dentures.
LAUNDRY AND DRY CLEANING SERVICE:	An establishment where laundry or dry cleaning is dropped off by customers or picked up by customers and that also includes on-site laundry and/or cleaning activities, including related operation of equipment and machinery. Establishments that do not include on-site cleaning activities are classified as "general personal services".
LAUNDRY, INDUSTRIAL:	An industrial facility where fabrics are cleaned on a commercial or wholesale basis.
LIBRARY AND CULTURAL FACILITIES:	A permanent facility for storing and loaning of books, periodicals, reference materials, audio and videotapes, and other similar media.
LOT, OUTDOOR SALES:	An area, other than a street, used for the display and sale of more than two new or used automobiles, trucks, trailers, mobile homes, boats, farm machinery or other machinery or equipment in operating condition in any 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.
LUMBER MILL, SAWMILL, PULP MILL:	Mills that convert round wood products into primary wood products, like lumber, pellets, sheathing, wood pulp, etc.
MAJOR UTILITY INFRASTRUCTURE:	See definition in section 8-1-2 of this Code.

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.
MANUFACTURED HOME COMMUNITY:	An area, tract, plot or site of land of at least five acres in size containing two or more manufactured homes or spaces for manufactured homes, developed, located and maintained for dwelling purposes.
MANUFACTURING, LIGHT:	The processing, packaging, treatment or fabrication of goods and merchandise in a clean, quiet atmosphere, free of noise, odor, dust and smoke.
MEDICAL RESEARCH FACILITY:	A facility designed for the purpose of conducting medical research.
MINI-STORAGE:	See definition of self-service storage.
MINOR UTILITY INFRASTRUCTURE:	See definition in section 8-1-2 of this Code.
MOBILE FOOD VENDOR:	See definition of Mobile Food Establishment in Hayden City Code 3-7-4.
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).
MOTOR VEHICLE REPAIR, MAJOR:	General repairs to vehicle engine, transmission or drive-train; rebuilding or major reconditioning of work or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair, and overall painting of motor vehicles or trailers.
MOTOR VEHICLE REPAIR, MINOR:	Incidental repairs, replacement of parts, and minor service to motor vehicles, but not including any operation specified as "Motor Vehicle Repair - Major".
MULTI-FAMILY BUILDING:	A building or portion thereof, containing four or more dwelling units excluding attached single family townhome units located on individual lots.
NEWSPAPER AND PRINTING ESTABLISHMENT:	An enclosed facility for the printing and distribution of newspapers, newsletters, and other similar media that is printed on newsprint-type paper for sale and general circulation.
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.
OFFICE, BUSINESS/ PROFESSIONAL:	A facility for business and professional services, such as accountants, architects, attorneys, insurance brokers, realtors, investment counselors, but not including medical or personal services.
OFFICE, MEDICAL:	A facility for a group of one or more physicians for the examination and treatment of human patients, primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical, medical imaging, or other services to individuals. Patients are not kept overnight except under emergency conditions. Ancillary laboratory facilities may be included.
OPTICIAN:	A business that fits and sells lenses, eyeglasses, and other optical instruments.
OUTDOOR SALES DISPLAY:	An area where customers are encouraged to examine and/or experience merchandise in their typical configuration and/or manner of use. This use is distinct from "outdoor storage" or junkyard as elsewhere defined.
OUTDOOR STORAGE:	The short-term or long-term storage of equipment, products, supplies, and materials, outside an enclosed building, and not for the purpose of outdoor sales display, in an area as an accessory to a primary use.

PARKING LOT, COMMERCIAL:	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.
PARKING LOT, OFF-SITE ACCESSORY:	An off street parking area for motor vehicles not less than 9' x 20' in area having access to a public street, alley or private driveway.
PARKING GARAGE, PRIVATE:	A detached accessory building or a portion of a main building, including carports, on the same lot as a facility, or other lot as may be permitted by this title, for the housing of vehicles of the occupants of the facility.
PARKING GARAGE, PUBLIC:	A building available for use by the public for the storage of motor vehicles, with or without a fee and not directly related to a specific land use.
PARKS, RECREATION, and OPEN SPACE:	Park and open space uses focus on natural areas, large areas consisting mostly of vegetative landscaping, or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking. Specific use types include, but are not limited to: Forest Reserve, Recreation Area, Golf Course, Park or Playground, Public Plaza.
PARK, RECREATIONAL VEHICLE/ CAMPGROUND:	Any area, tract, plot or site of land, whereupon two or more recreational vehicles or travel trailers are placed, located, and maintained for temporary living quarters on a temporary basis.
PERSONAL SERVICE:	A facility that provides individualized services generally related to personal needs. These include, but are not limited to, beauty and health care services, such as hair and nail salons, and barber shops, tattoo parlors, body piercing or massage establishments.
PHARMACY:	A location where prescription drugs are sold. May also include the sale of non-prescription drugs and personal care items.
PHOTOGRAPHY STUDIO:	A business where photography is practiced on a professional level for portraiture and for various commercial and industrial applications, including the preparation of photographs for advertising, illustration, display, and record-keeping.
PRINTING, PUBLISHING & REPRODUCTIONS:	The business of making copies of printed materials.
RAILROAD CLASSIFICATION YARDS:	A railway yard found at some freight train stations, used to separate railway cars onto one of several tracks.
RAILROAD TRANSPORTATION LINES OR SPURS:	A branch line is a secondary railway line which branches off a more important through route, usually a main line. A very short branch line may be called a spur line.
RECREATION FACILITIES:	Commercial, non-profit, or civic 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.
RELIGIOUS INSTITUTION:	A building that people regularly attend to participate in or hold religious services, meetings, and other activities. Uses related to and operated by a religious institution may include a rectory, school, thrift store, homeless shelter, or similar, and may be located on the same parcel or an adjacent parcel to the religious institution.
RESTAURANT, WITH OR WITHOUT A DRIVE-UP WINDOW:	Any land, building or part thereof, other than a boarding house, where meals are provided for compensation, including, among others, such uses as café, cafeteria, coffee shop, lunchroom and dining room.
RETAIL TOBACCO BUSINESS:	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.
SALES, RETAIL:	A location where the product created is sold directly to consumers. A single retail use in one stand-alone building or tenant space.
SALES, WHOLESALE:	A location where the product created is sold in bulk to restaurants, grocery stores, and other establishments.

SCHOOL:	An institution of learning, whether public or private, that offers instruction to a group of children in those courses of study required by the State Board of Education. 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 school or any institution of higher education, including a college or university.
SCHOOL, PRIVATE COMMERCIAL:	A school, regardless of whether it is operated for profit, primarily devoted to instruction, in dance, music, drama, art, languages, martial arts training, and business.
SCHOOL, TRADE OR INDUSTRIAL:	An institution for conducting instruction in the technical, commercial or trade skills, secretarial training, medical-dental technician training, beauticians, barbers, electronics, and automotive technician training.
SCHOOL, UNIVERSITY:	An educational institution offering advanced instruction in an academic or business field, beyond the secondary level, including trade schools or business colleges, except those whose function is primarily commercial in nature with the training or schooling an incidental activity. This includes all accessory uses, such as dormitories, parking lots, etc.
SELF-SERVICE LAUNDRY:	An establishment with pay-per-use clothes washing and drying machines where customers launder their own clothes. May include accessory retail sales of laundry soap and similar items, primarily for use on the premises.
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 STATION:	Premises where gasoline, motor oils, lubricants, and grease for the operation of motor vehicles are directly retailed to the public and may include tires, accessories, services, and minor motor vehicle repairs.
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.
SHELTER, ANIMAL:	See definition in Hayden City Code4-3-3.
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, 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, 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.
SOCIAL EVENT CENTER:	A structure or other physical site with improvements, necessary to accommodate a specific activity.



STRUCTURE, ACCESSORY:	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. Structure 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.
STRUCTURE, PRINCIPAL BUILDING:	A building in which is conducted the principal use of the lot upon which it is situated, such as a single family dwelling, a townhome, a twin-home, multi-family structure, or a non-residential structure for the primary use allowed in the zone designation.
STRUCTURE, 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, where not otherwise specifically defined by Hayden Municipal Code. Public buildings or complexes (not owned by the City of Hayden) shall be subject to Hayden City Code 11-7-4.
TANNERY/TAXIDERMY:	A tannery is the place where tanning or the process of treating skins and hides of animals to produce leather occurs. Taxidermy is the art of preserving an animal's body via mounting or stuffing, for the purpose of display or study.
TAVERN, LOUNGE, BREW PUB:	A building where alcoholic beverages are sold for consumption on the premises, not including restaurants where the principal business is serving food.
TEMPORARY USES, CONSTRUCTION/ SUBDIVISION OFFICE:	A moveable or modular structure or trailer used for the storage of construction materials and/or the offices or work spaces for construction managers or workers during the time a principal or accessory building is being constructed.
TEMPORARY USES, HARDSHIP USE FOR DEPENDENT RELATIVE:	See Hayden City Code 11-2-5(I)
TEMPORARY USES, PARKING:	A temporary parking lot for non-required parking where new building construction is planned.
TEMPORARY USES, SALES TRAILER:	A moveable or modular structure or trailer temporarily used for sale of real estate within the same development.
TEMPORARY USES, SEASONAL USES:	Uses such as fireworks stands, Christmas tree lots, and food and flower stands.
THEATER:	A building used primarily for the presentation of live stage productions, performances, or motion pictures.
TOWNHOME:	A building designed with no more than three dwelling units. Each dwelling unit shall be platted on an individual lot.
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.
TRANSIT TERMINAL:	A passenger terminal or loading facility for a privately or publicly owned transit system, including a private shuttle service.
TRUCKING TERMINAL:	An area or building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis. The use may include facilities for the temporary storage of loads prior to shipment. The use shall also include truck stops or fueling stations where primarily diesel fuel is sold.

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 acres in size. This is subject to the development standards of 11-2-5 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 acres in size, a special use permit shall be required. This is subject to the development standards of 11-2-5 of this title.
URBAN FARM (GARDEN):	A farm or garden operated for commerce, where the growing of the produce is to be sold (or donated in the case of not-for-profit farms) as opposed to being grown for personal consumption. An urban farm can utilize space such as raised beds, rooftops, planting boxes, etc. to maximize area within a non-agriculture zone for the farm.
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 conditional uses. "Prohibited uses" are listed in this title for purposes of clarity and emphasis only.
USE, CONDITIONAL (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.
VEHICLE CLEANING, SERVICING, REPAIR AND CUSTOMIZATION:	See definition for Motor Vehicle Repair Major and Minor.
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.
WELDING/SHEET METAL SHOP:	See Fabrication and Machine Shop.
WOODWORKING/ CABINET MANUFACTURING:	Woodworking is the activity or skill of making items from wood, and includes cabinet making, wood carving, joinery, carpentry, and woodturning.

B. Measurement Definitions:

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.
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.
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.
CALIPER:	The diameter of a tree or shrub trunk measured six inches above grade.

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.
DENSITY, GROSS:	The number of dwelling units per acre of total land to be developed including public right-of-way.
DENSITY, NET:	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.
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. 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.
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.
SIGN, GROSS AREA OF:	See measurement of sign area and allowable signage size in Hayden City Code 11-5.
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.

C. Building Definitions:

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.
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.
BERM:	An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.
BUFFER:	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.
BUILDING:	Any structure built for support, shelter or enclosure of persons, animals, or movable property of any kind and which is permanently or semi-permanently fixed to the land.
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, NONCONFORMING:	Any building which does not conform to the requirements of this title.
CAPACITY:	The maximum amount of people which may be contained in a building or structure.
CARPORT:	A structure open on at least two sides used to house or protect motor vehicles which are owned or operated by the occupants of the principal building.
DECIDUOUS:	A plant with foliage that is shed annually.
EVERGREEN:	Any broadleaf or coniferous tree, shrub, or ground cover that holds foliage year round.
GARAGE, PRIVATE:	A building or portion thereof, except a public garage, used or designed to be used for the storage of motor vehicles.
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:	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 to 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 non-turf areas as a mulch to control weeds and conserve or retain water until a living ground cover has achieved the coverage desired.
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.
PLANTING AREA:	An area of land to be planted such that it will be fully utilized under the conditions of this section.
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.
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.
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.
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 in height.

D. Miscellaneous Definitions:

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.
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.
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:	A vehicular access to a lot or lots that provides vehicular and pedestrian access to a maximum of five dwelling units located on privately owned property. All access shall meet the requirements of Northern Lakes Fire Protection District and City of Hayden design standards, policies, and City code. Such driveways may require ingress and egress, stormwater and utility easements,
ENGINEER, CITY:	The engineer who reviews permit applications for the City of Hayden, Idaho.

FAMILY:	An individual or two or more persons related by blood, marriage, or legal adoption, or a group of not more than five unrelated persons, excluding servants; or any combination of related and unrelated persons producing an aggregate of no more than five persons living together as a single housekeeping unit in a single dwelling unit.
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.
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 11-2 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 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 or more sides by street lines; where the angle of intersection does not exceed one hundred 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 sides or more than four 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 development director or his/her designee 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 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, 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 parallel or approximately parallel streets. On a through lot both street lines shall be deemed as front lot lines.
LOT, WATERFRONT:	A lot or parcel that adjoins or abuts the high water mark of a lake, river or stream.
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.
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.
OPEN SPACE:	Any open area, including, but not limited to, the following: parks, yards, playgrounds, beaches, waterways, parkways, and streets.
PARCEL:	A unit of land of contiguous quantity in the ownership of one person and constituting a portion of a separate tract of land.
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.
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.
SIGN:	See Hayden City Code 11-5-3.
SIGN, TEMPORARY:	See Hayden City Code 11-5-3.
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.
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 may be classified in the transportation plan with a typical section as arterial, collector, local, or alley street section.
STREET, PRIVATE:	A privately owned and maintained right of way that provides vehicular and pedestrian access. This definition does not include emergency access roads, driveways serving no more than five dwelling units, 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.
TOXIC MATERIALS:	Those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.
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.
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. (Ord. 619, 4-13-2021)

### 11-1-3: DEVELOPMENT AGREEMENTS:

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 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 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. 619, 4-13-2021)

#### **11-1-4: ADMINISTRATION AND ENFORCEMENT:**

A. In the interpretation and application of the provisions of this title the requirements will be held to be minimum requirements. 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 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.

B. Application: Applications shall be submitted online electronically to the Community Development Department and/or the designee of the Department. The submittal 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 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 30 days prior to the date of application.

C. Schedule Of Fees, Charges And Expenses: The Council shall establish by resolution a schedule of fees, charges and expenses and a collection procedure for the various permits and approvals related 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.

D. Hearing Notices:

1. Written Notices: All required written notices under this title shall provide at a minimum the following information:
  - a. The address of the property, or another general description by which the public can identify the property;
  - b. The present land use of the property;
  - c. A description of the proposed action; and
  - d. The date, time and place of the public hearing (if applicable).
2. Notice Signs: The applicant shall pay for the installation of the public notice sign to be placed by the City that meets the following specifications:
  - a. The sign shall contain the following information:
    - (1) The first line shall read "NOTICE OF PUBLIC HEARING";
    - (2) A description of the proposed action; and
    - (3) The date, time and place of the public hearing. The lettering shall be of sufficient size to be easily readable to the motoring public;
  - b. The sign shall be installed on the property adjacent to the most heavily traveled public way;
  - c. The sign shall be of sufficient size and location to be easily readable by the motoring public;

d. 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

e. The City shall remove the sign no later than seven days following the public hearing.

E. 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 approval issued in conflict with the provisions of this title shall be null and void. It shall be the duty of the Community Development Director and/or their designee, 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.

F. Violations:

1. All new construction, building improvements, alterations, or enlargements, and all new or altered uses of land, undertaken after the effective date hereof, and all new uses or occupancy of premises within the City, shall conform with the requirements, character, and conditions as to use, height, and area for each of the several zones as described in this title. No person shall design, erect, construct, establish, move into, alter, enlarge, or use, or cause or permit to be erected, constructed, established, moved into, altered, enlarged, or used, any building, structure, improvement, or use of premises located in any zone described in this title in any manner contrary to the provisions herein.

2. Any person(s), 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. 619, 4-13-2021)

**11-1-5: NOTICE OF VIOLATION AND STOP WORK ORDER:**

A. Noncompliance: The City shall not issue permits unless existing and intended structures, the parcel of land, and uses of the buildings and land, conform in all respects with the applicable provisions of this Code. Whenever any construction or site work is not in compliance with this title, specific conditions of approval, or other related laws, ordinances or requirements, the City may issue a Notice of Violation and order any work stopped by written notice. Such Notice of Violation or Stop Work Order may be served on any persons engaged in doing or causing such work to be done, and upon such service, persons shall forthwith stop such work until authorized by the City to proceed. If no persons are present, the Stop Work Order shall be posted in a conspicuous location at the site.

B. Notice of Violation: A copy of the Notice of Violation shall be mailed to the property owner of record and any known holder of any legal interest in the property, if applicable. The notification shall include:

1. The property owner and the legal description of the parcel, as well as the street address, if any;
2. A detailed description of the nature of the violation;
3. A description of remedial actions that could be undertaken to resolve the violation; and
4. The length of time allotted to resolve the violation.

The property owner shall have 45 days from the date the Notice of Violation was mailed to resolve the violation. If resolution does not occur within those 45 days, the Notice of Violation may be recorded in the Office of the County Recorder, with a copy mailed to the owner.

C. Appeals: The Notice of Violation shall also advise the owner of the process for appeals of Notices of Violation and Stop Work Orders. An owner or a holder of any legal interest in the property may appeal a Notice of Violation or Stop Work Order pursuant to section 1-1-5 of this Code. The appeal shall be heard in accordance with subsection 1-1-5(B) of this Code. If the appeal is denied (i.e., the action is affirmed), the City Council shall specify an exact number of days to gain compliance with this title before the Notice of Violation is recorded, and may add or remove conditions of remedial action. If the appeal is approved (i.e., the action is reversed), the City Council shall specify actions to be taken to release the violation.

D. Fees: Prior to or at such time as a violation is resolved, the owner shall pay the fee specified in the current adopted fee schedule unless the enforcement action was reversed by the City Council or a court of competent jurisdiction. Upon payment of such fees or a determination that payment of fees is not necessary, the City shall cause a Release of Notice of Violation to be recorded in the Office of the County Recorder. The release shall contain all of the information contained in the Notice of Violation, as well as the corrective action taken to resolve the violation. A copy of the release shall be mailed to the owner.

E. Complaints: Any affected person may file a written complaint alleging that a violation of this Code has occurred. Such complaint, stating fully the causes and basis thereof, shall be filed with the City Clerk. The City shall investigate the allegations made in the complaint, and, if it appears that there is reasonable cause to find that the alleged violation did occur, shall take action thereon as provided in this chapter.

F. Penalties: Penalties for failure to comply with or violations of the provisions of Title 9 (Building Regulations), 10 (Land Use & Development), 11 (Zoning Regulations), or 12 (Subdivision Regulations) of this Code shall be as follows:

1. A first violation of any of the provisions of title 9, 10, or 11 of this Code, or failure to comply with any of their requirements shall constitute an infraction punishable as set forth in subsection 1-3-1 (B) of this Code.

2. A second or subsequent conviction for violation of any of the provisions of title 9, 10, or 11 of this Code, or failure to comply with any of their requirements within 12 months of the first violation shall constitute a misdemeanor punishable as set forth in subsection 1-3-1(C) of this Code, with a maximum fine of \$1000.00 and 180 days in jail.

3. Each day on which a violation continues shall be considered a separate violation for purposes of both civil and criminal action. The landowner, tenant, sub divider, builder, or any other person(s) who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense. Nothing herein contained shall prevent the City Council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of title 9, 10 or 11 of this Code, or



of Idaho Code.

G. The City Attorney or other attorney who represents the City may also take civil action in District Court to prevent, restrain, correct, or abate any action taken, or which may be taken, in violation of title 9, 10, 11, or 12 of this Code, to vacate any subdivision or condominium plat recorded in violation of title 12 of this Code, or to otherwise enforce the provisions of this Code. In addition to other actions that may be ordered by the court, if the City prevails, the violator shall pay to the City all fees associated with the violation then due and owing. The City may also seek the imposition of a civil penalty in an amount not to exceed \$1,000.00 per violation per day, with a total maximum civil penalty of \$10,000.00.

H. In cases where multiple individuals, firms, corporations or agents participated in violating Title 9, 10 or 11 of this Code, they may be held jointly and severally liable for any remedies, penalties or payments.

I. The City may withhold issuance of permits for subdivisions, lots, or parcels of land that are in violation of any provision of Title 9, 10, 11, or 12 of this Code. Withholding of permits may be appealed in accordance with section 1-1-5 of this Code. Applications for approvals authorized by this title will not be scheduled for hearing until all violations of this Code are corrected, except when the purpose of the approval is to correct the violations of this Code then existing. These requirements may be appealed in accordance with section 1-1-5 of this Code. (Ord. 619, 4-13-2021)

**11-1-6: OFFICIAL ZONE DISTRICT MAP: ESTABLISHMENT OF ZONES:**

A. 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.

1. 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.

2. 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.

3. 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)."

4. 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.

B. 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 to zone boundaries:

<b>Approximately Following</b>	<b>Shall Be Construed To Follow</b>
<b>Approximately Following</b>	<b>Shall Be Construed To Follow</b>
Centerline of streets, highways or alleys	The centerlines
Platted lot lines	The lot lines
City limits	City limits
Railroad lines	Midway between the main tracks
Shorelines	Actual shorelines
Centerline of streams, rivers, canals, lakes, or other bodies of water	The centerlines
Township or section lines	Township or section lines

1. Boundaries indicated as parallel to extensions of features indicated in the table of this section, shall be so construed.;

2. 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 the table of this section, the Council shall interpret the district or zone boundaries;

3. 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.

C. Application Of Zone Regulations: The 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. (Ord. 619, 4-13-2021)

**11-1-7: AMENDMENTS:**

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.

A. New And Unlisted Uses: 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 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:

1. 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;

2. 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.

B. 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 electronically with the Community Development Department as specified herein. Application fees, advertisement and notice costs shall be paid by the applicant.

C. 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 electronically with the Community Development Department as specified herein. Application fees, advertisement and notice costs shall be paid by the petitioner.

D. Application For Zone Map Change: Application for amendments to the official zoning map shall contain at least the following information:

1. Name, address and telephone number of applicant;

2. Present land use;

3. Present zoning district;

4. Proposed land use;

5. Proposed zoning district;

6. 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;

7. A list of all property owners and purchasers and their mailing addresses who are within 300' of the external boundaries, streets and alleys excluded, of the land being considered and keyed to the vicinity map;

8. 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.

9. A statement on how the proposed amendment meets the standards of approval specified in subsection 1-1-7(E)(6) of this chapter.

E. Amendment Procedures:

1. Agency and Public Notice: Once the City staff has reviewed the application and the staff has determined that the application is complete and that sufficient information regarding the proposal can be provided, notice will be provided to involved public agencies, as identified by the City. This notice shall allow 14 days for agency comment and the results of the agency comment shall accompany and be incorporated in summary in the staff report. At least 15 days prior to the hearing notice of the amendment, 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 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 200 or more property owners or purchasers of record, notice may be given through a display advertisement at least four inches by two columns in size in the official newspaper of the City at least 15 days prior to the hearing date, in addition to site posting on all external boundaries of the site, in lieu of mailed notice.

2. Planning and Zoning Commission Public Hearing: At, or prior to, the public hearing, the City staff will provide a report to the Planning and Zoning Commission.

3. Planning and Zoning Commission Recommendation: After the Planning and Zoning Commission has reviewed the amendment at the public hearing, the commission shall forward a written recommendation to the City Council. The commission shall recommend approval or disapproval of the amendment as soon as practicable.

a. Should the applicant wish to contest the recommendations of the Planning and Zoning Commission, the applicant may provide a written statement of their objections regarding the Planning and Zoning Commission recommendations for inclusion in the City Council deliberations on the amendment request. Such written statements must be received at least five days prior to the scheduled City Council meeting.

4. City Council Decision: Upon receipt of the Written Recommendation for the Planning and Zoning Commission, the amendment request will be placed on the next available City Council agenda. The City Council, upon receipt of the recommendations from the Planning and Zoning Commission, and after opportunity to review the file and minutes from the public hearing, shall act upon the request.

a. The City Council prior to adopting, revising, or rejecting the amendment to the zoning ordinance or map, 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 that City Council shall approve an amendment, such an 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.

5. Additional Public Hearing: Following the City Council's public meeting, 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.

6. Standards Of Approval: If the request meets the following standards of approval, the City Council may adopt the ordinance amendment:

a. The commission shall consider the existing zoning district or regulations, and may recommend approval, conditional approval, modification, or denial of the proposal or the commission may defer action until completion of such studies or plans as may be necessary to determine the advisability of the proposal.

b. The City Council may impose conditions upon rezoning where such conditions are required to ensure that proposed uses of the area are consistent with community needs and its public health, safety, and general welfare. The Planning Commission may recommend conditions upon rezoning for the City Council's consideration.

c. Amendments to the zoning map and zone text shall be in accordance with the future land use map and the goals and policies found in the Hayden Comprehensive Plan.

d. Amendments to the zoning map and zone text shall align with the zone district's purpose and intent.

7. 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. 619, 4-13-2021)

#### **11-1-8: EXCEPTION REQUEST:**

A. Application for an exception from a particular provision, regulation, or design standard may be made as an administrative exception. 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 except if authorized with the approval of an exception request. 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 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 items such as, lighting, landscaping, parking, circulation, etc. Exception requests for more than thirty five percent (35%) of the required standard 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 shall be subject to a public hearing process before the Planning and Zoning Commission as identified in Hayden City Code 11-1-7E.1.

D. Exceptions and minor modifications may only be granted based upon the following findings:

1. The requested exception is based upon a unique character or feature of the property or use, which does not generally apply to other properties or similar uses subject to the requirement from which an exception is sought;
2. The requested exception 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 Development Director or his/her designee or Planning and Zoning Commission may be appealed to City Council as provided for in this title. (Ord. 619, 4-13-2021)

#### **11-1-9: APPEAL OF ADMINISTRATIVE DECISION:**

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 65 days, in accordance with 11-1-5 of this code;

2. Notice of Appeal: Notice of an appeal shall be provided by the same means applicable to the original application.

3. Optional Stay of Action: At the hearing, any affected party may appear in person, by agent or attorney.

4. At the hearing, any affected party may appear in person, by agent or attorney.

C. Appeal Stay 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.

D. 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. 619, 4-13-2021)

<b>CHAPTER 2</b>
<b>ZONING DISTRICTS</b>

SECTION:

**11-2-1: Restrictions And Uses Prohibited**

**11-2-2: Purpose Of Each Zone District**

**11-2-3: Site Area And Building Setback Requirements - Table**

**11-2-4: Uses Permitted, Conditional Use Permit, Development Standards Cross Reference**

**11-2-5: Development Standards Specific To Type Of Use**

**11-2-6: Central Business District**

**11-2-7: Neighborhood Commercial Nodes**

**11-2-8: Mixed Use Design Standards**

**11-2-9: Residential Multi-Family Zone**

**11-2-9-1: Term**

**11-2-9-2: Purpose**

**11-2-9-3: Restrictions**

**11-2-9-4: Site Area**

**11-2-9-5: Uses Permitted**

**11-2-9-6: Uses Prohibited**

**11-2-9-7: Building Setback Requirements**

**11-2-9-8: Special Uses**

**11-2-1: RESTRICTIONS AND USES PROHIBITED:**

A. Restrictions: 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.

B. Uses Prohibited: Any use not explicitly permitted or conditionally permitted through a conditional use permit, unless determined to be similar by the City, in the zoning district is prohibited. (Ord. 619, 4-13-2021)

**11-2-2: PURPOSE OF EACH ZONE DISTRICT:**

The comprehensive plan outlines the preferred land uses that will shape the city. The future land use map of the comprehensive plan outlines a picture of Hayden through the designation of land into eight different categories, and these categories are defined as follows:

<b>Zone (abbreviation)</b>	<b>Description</b>
Agriculture (A)	The Agriculture zone provides for activity which generally occurs on the outskirts of Hayden, where large, undeveloped lots are primarily used for farming and agricultural pursuits as defined herein.
Commercial (C)	The Commercial zone provides for most types of businesses, as well as, for retail and wholesale sales and service.
Light Industrial (LI)	The Light Industrial zone provides for light manufacturing, processing and distribution, and wholesale/retail sales in an environment that is clean, quiet and free of noise, odor, dust and smoke.

Mixed Residential (MR)	The Mixed Residential zone provides for a range of residential structures, including single family, two-family, and three-family dwelling units as well as accessory dwelling units on individual lots.
Mixed Use (MU)	The Mixed Use zone provides for both residential multi-family (four units or more per structure) and commercial land use types, creating a flexible environment for either one or the other or both.
Recreation	The Recreation zone provides for parks and open space that provide opportunities for public enjoyment of the outdoors.
Residential Suburban (RS)	The Residential Suburban zone provides for single family residential on larger lots and minimal agricultural uses.
Single Family Residential (R1)	The Single Family Residential zone provides for the classic Hayden neighborhood where single family homes on smaller lots are permitted. Accessory dwelling units are permitted, but two-family dwellings are not.

Throughout the City of Hayden are two types of overlay districts which are intended to supplement the underlying land use or community areas. The two types of overlay districts are the Central Business District and the Neighborhood Commercial Node. The overlay districts intent are defined below:

Overlay District	Intent
Central Business District (CBD)	The Central Business District 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.
Neighborhood Commercial Node (NCN)	The Neighborhood Commercial Nodes are intended to be at street intersections that typically feature a handful of small- and medium-sized businesses; where the intersections primarily serve the needs of the immediate surrounding area. The character of the node is defined by the limited scale of businesses operating in these locations; and they maintain a building typology and pedestrian orientation that is appropriate for the surrounding residential neighborhoods.

(Ord. 619, 4-13-2021)

**11-2-3: SITE AREA AND BUILDING SETBACK REQUIREMENTS - TABLE:**

To facilitate the vision of the comprehensive plan, each zone district has minimum site standards related to the area of the site as seen in the table below. When looking at the cell, the first number is for the principal structure and the second number is for the accessory structure (i.e. In the R1 zone, the house has a side yard setback of 10'; whereas the accessory structure has a side yard setback of 5').

	A	C	CBD	LI	MU			MR				R1	RS
					MF	C	MF & C	SFD	Duplex	Town home	Cottage		
	A	C	CBD	LI	MU			MR				R1	RS
	A	C	CBD	LI	MF	C	MF & C	SFD	Duplex	Town home	Cottage	R1	RS
Front Setback	25'; 35'	20'	10'	20'	20'	20'	20'	25'; 35'	25'; 35'	25'(2)	25'(2)	25'; 35'	25'; 35'
Side Setback	10'	10'	0'	10'	10'	10'	10'	10'; 5'	7.5'(3); 5'	7.5'(3)	7.5'	10'; 5'	10'
Rear Setback	25'; 10'	10'	0'	10'	20'	20'	20'	25'; 5'	25'; 5'	25'(2)	25'(2)	25'; 5'	25'; 10'
Flanking Side Setback	15'	15'	10'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'
Max Height	35'; 20*	45'	55'	60'(4)	45'	45'	45'	35'; 20'(1)	35'; 20	35'	35'	35'; 20'(1)	35'; 20'(1)
Max Lot Coverage	35%				70%			40%	60%	70%		45%	35%
Min Lot Size	5 acres							5500 sf	7000 sf			8,250 sf	21,780 sf

Min Public or Private Street Frontage	20'	30'	30'	30'	30'	30'	30'	20'	20'	20'		20'	20'
ADU Allowed	Yes	No	No	No	No	No	No	Yes	No	No	No	Yes	Yes

Notes:

- (1) Accessory structure height may be increased if an ADU is within the structure. A setback of 1' vertically for every 2' horizontally must be applied to the structure over 20' up to the setback required of the principal use when adjacent to a Residential Use, and in no case may the height be more than that allowed by the principal use.
- (2) Front and Rear Yard setbacks may be adjusted for each dwelling unit so that that minimum combined setback is 40'; but at a minimum where the garage is located the setback shall be 25'. In no case shall the minimum setback be less than 10'.
- (3) A minimum of 15' building setback between buildings, with no less than a minimum of 5' setback from the property line (i.e. 5' and 10', 7.5' for both lots, or something in the middle).
- (4) When the building is located within 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 45'.

General Notes:

- a) Side and rear yard setbacks of non-residential buildings may be reduced from those identified in the table above if both the National Building Fire Code and the International Building Codes are met.
- b) During the planning process of the updates to the Comprehensive Plan, Sewer Master Plan, Transportation Master Plan, and Park Master Plan maximum residential density was assumed as follows:
  1. Mixed Residential may not be greater than eight dwelling units per acre.
  2. Mixed Use and Central Business District may not be greater than twenty 12-dwelling units per acre or 12-15 dwelling units per acre with design standards; however, should the combination of uses exceed the assumptions in the currently adopted Sewer Master Plan, a sewer tech memo and/or transportation analysis may be required.

(Ord. 619, 4-13-2021; amd. Ord. 624, 10-12-2021)

**11-2-4: USES PERMITTED, CONDITIONAL USE PERMIT, DEVELOPMENT STANDARDS CROSS REFERENCE:**

Table Organization: In Table: Allowed Uses, land uses and activities are classified into general "use categories" and specific "use types" based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories. Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories.

**A. Explanation Of Table Abbreviations:**

1. Allowed Uses: "A" in a cell indicates that the use is allowed without a conditional use permit; however, allowed uses are subject to all applicable regulations of this code. Use-specific standards are noted through a cross reference in the last column of the table. Cross references refer to use standards in this chapter and these standards apply in all districts unless otherwise specified.
2. Conditional Uses: "C" in a cell indicates that in the respective zoning district the use is allowed only if reviewed and approved in accordance with the procedures of Hayden City Code 11-7: Conditional Use Permit. Conditional Use Permits are subject to all other applicable regulations of this Code, including the use-specific standards in this chapter and the requirements of Hayden City Code 11-4, General Standards of Development. A "C" in a given zone does not constitute an authorization or an assurance that such use will be permitted. Rather, each Conditional Use Permit application shall be evaluated by the Planning and Zoning Commission at a public hearing as to its probable effect on adjacent properties and surrounding areas, among other factors, and may be approved or denied as the findings indicate appropriate.
3. An "A/C" in a cell indicates that in the respective zoning district the use is allowed based on a certain criteria and/or when that criteria is exceeded requires a conditional use permit. For example in the Residential (R-1) zone an accessory structure less than 3000 square feet is allowed outright; however, a building equal to or in excess of 3000 square feet requires a conditional use permit.
4. Prohibited Uses: A blank cell indicates that the use is prohibited in the respectable zoning district. When a category is split between two uses, a prohibited use is indicated with a dash. (i.e. "Animal Daycare (Small/Large)" under MU.

Table: Allowed Uses										
Use Category/Type	A	C	CBD	L-I	MU	MR	R-1	R-S	NCN	Additional Regulations
Table: Allowed Uses										
Use Category/Type	A	C	CBD	L-I	MU	MR	R-1	R-S	NCN	Additional Regulations
Accessory dwelling unit	A					A	A	A		11-2-5(A)
Caretaker residence		C		C	C					
Dwelling, single-family	A		A			A	A	A		

Manufactured home	A					A	A	A		11-2-5(G)
Manufactured home community (see pud)		C				C	C			11-3-5
Zero lot line (single family courtyard home - lot with land): townhome, condo, cottage						A				
<b>Multi-Family Living</b>										
Dwelling, two & three-family			A			A				
Dwelling, four or more family			A		A					
Condominium			A		A					
Apartment			A		A					
<b>Group Living</b>										
Boarding or rooming house/bed and breakfast	C	C				A	C	C	C	11-2-5(C)
Convalescent home, nursing home		A				A	A	C	C	
Community residential facility						A	C	C	C	
Community treatment facility		A				A	C	C	C	
Foster homes, group homes, etc.	A					C	A	C	C	
<b>Public/Institutional Uses</b>										
<b>Child And Adult Care</b>										
Adult day care (< or =/ > 8 beds)		A				A/C	A/C	A/C	A/C	C
Child care home (1-6 children)	A					A	A	A	A	C
Group child care home (7-12 children)	C		A			C	C	C	C	C
Group child care center (7 or more children)		A	A			A/C	A/C	A/C	A/C	C
After-school child care in school building		A	A			A	A	A	A	A
<b>Communication Facility</b>										
Microcell wireless communication facility (wcf)	A	A	A	A	A	A	A	A	A	8-4 or 8-5
<b>Community Service</b>										
Cemetery	C								C	
Club, lodge, social hall		A	C	C	C	C	C	C	C	C
Correctional facility		C			C					11-2-5(D)
Mortuary, crematory, funeral homes		C			A	C				
Public buildings and/or complex	C	A	A	A	A	A	C	C	C	11-2-5(J)
Recreation center (public/private)		A/A	A/A	A/A	A/A	A/C	A/C	A/C	A/C	C
Religious institution	C	A	C	C	A	C	C	C	C	C
Uses related to and operated by a religious institution		C	C	C	C	C	C	C	C	C
<b>Education</b>										
Library and cultural facilities	C	A	A	A	A	A	C	C	C	11-7-4

School	C	A	C		A	A	C	C		11-7-4
Private commercial school	C	A	C		A	A	C	C		
Trade or vocational school	C	A	C	A	C	C	C	C		
University	C	A	C		A	C	C	C		11-7-4
<b>Health Care</b>										
Hospital		C								
Laboratory, medical/dental		A	A	A	A				C	
Medical office		A	A	A	A				C	
<b>Parks, Recreation And Open Space</b>										
Golf course	C						C	C		
Golf driving range	C	C		C	C	C	C	C		
Park or playground	A	A	A		A	A	A	A		
Public plaza or open space		A	A		A	A	A	A	C	
<b>Transportation</b>										
Bus station, terminal - transit		A		A	A					
<b>Utility</b>										
Railroad transportation lines or spurs; railroad classification yards	C			C						
Sewage treatment plant				C						
Utility infrastructure, minor	A	A		A	A	A	A	A		8-4 OR 8-5
Utility infrastructure, major	A	A		A	A	A	A	A		8-4 OR 8-5
Utility shop or storage facility				A						
<b>Commercial</b>										
<b>Agricultural Uses</b>										
Agricultural uses, beekeeping (commercial), farming, stables, tree farming	A									
Animal raising and/or keeping	A						C	A		4-3
Bakery, wholesale	C	A		A						
Community garden	A	A		C	A	A	A	A	C	
Greenhouse/nursery	A	A		A	C			C		
Roadside stands less than 300 sf	A	A			A			A		
Urban farm	A	A		A	A					
<b>Animal-Related Business</b>										
Animal daycare (small/large)	A/A	A/C		A/C	C/-					4-3
Animal hospital/clinic	A	A/C		A/C	A					4-3
Animal shelter				A						4-3
Kennel, residential	C						C	C	C	4-3
Boarding kennel	C			C						4-3
Small animal grooming		A		A	A				C	
<b>Financial Service</b>										
Bank, financial institution		A	A		A				C	





<b>Vehicles And Equipment</b>										
Auto emission van test site				A						
Automotive, heavy machinery, trailer, and equipment sales or rental lot		A		A						
Automobile parts, accessories and tires		A		A						
Fueling station, commercial			A		A					
Motor vehicle repair		A		C	C					
Parking lot or garage		A	C	A						
Service station - gas station/repair/car wash		A		A	C					
Vehicle customization		C		A						
<b>Visitor Accommodations</b>										
Hotel/motel		A	C		A					
Recreation vehicle park/campground										
<b>Industrial</b>										
<b>Industrial Service</b>										
Contractor shop, solid fuel and lumber		A	C	A						
Industrial services, i.e. battery rebuilding, blacksmith, welding and fabrication, newspaper and printing, etc.				A						
<b>Manufacturing And Production</b>										
Assemblage		A		A						
Asphalt and concrete ready mix plant				A						
Brewery, distillery, winery		A	A	A					C	
Bottling and distribution plant				A						
Fabrication/machine shop				A						
Lumber-, saw-, or pulp mill				A						
Manufacturing, light - i.e. fertilizer, bricks, windows, concrete blocks, ceramics, etc.		C		A						
Processing plants, feed mills, packing plants for the purpose of processing packing and storage of agricultural products	C			C						
Tannery, sandblasting & cutting, metal workings, welding, sheet metal, woodworking, cabinet manufacturing, etc.				A						
<b>Mining And Extraction</b>										
Mining, dredging, loading and hauling of sand, dirt, gravel or other aggregate				C						
<b>Storage</b>										
Bulk storage of corrosive, acid, alkali, explosive or flammable materials or products				C						

Explosives - storage and manufacturing				C						
Storage - accessory to the processes on the premises, indoor, outdoor, self-storage				A						11-2-5(I)
Wholesale business				A						
<b>Warehouse And Freight Movement</b>										
Cold storage/food locker		A		A						
Freight forwarding				A						
Truck stop		C		A						
Truck transport facility (< or = 5 acres / > 5 acres)		A/-		A/C						11-2-5(L)
Towing company		C		C						
Warehouse, wholesale/distribution business				A						
<b>Waste And Salvage</b>										
Auto wrecking yard, junkyard				C						11-2-5(B)
Composting facility				C						
Recycling drop-off center				A						
Sanitary landfill, incineration				C						
<b>Accessory Uses</b>										
Accessory structure (< or = 3,000 sf / > 3,000 sf)	A/A	A/A		A/A		A/C	A/C	A/C		
Accessory indoor storage of corrosive, acid, alkali, explosive or flammable materials or products				C						
Accessory outdoor storage	A	A		A						11-2-5(I)
Accessory retail sales & service related to the primary use		A		A						
Beekeeping, hobby	C							C		
Home occupation (class a/ class b)	A/C	A/C	A/C	A/C	A/C	A/C	A/C	A/C		11-2-5(F)
Storage, accessory to a principal use	A	A		A	A	A	A	A	C	
<b>Temporary Uses</b>										
Construction office, temporary	A	A	A	A	A	A	A	A		
Seasonal uses	C	A	C						C	
Temporary hardship use for dependent relative	C		C		C	C	C	C		11-2-5(K)
Temporary parking lots		A		A	A	A				
Temporary voting place		A		A	A	A				

Note: Multi-family in CBD is allowed in the 2nd or higher stories of a Commercial Mixed Use Building or to the rear of the property as a secondary use to a primary use of Commercial. Design Standards for CBD are in 11-2-6 and for NCN are in 11-2-7.

(Ord. 619, 4-13-2021)

**11-2-5: DEVELOPMENT STANDARDS SPECIFIC TO TYPE OF USE:**

These development standards are specific to the type of use proposed and are not dependent on the zone which they are to be constructed. 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. Should the use require a conditional use permit, site plans, narratives and other materials

which demonstrate compliance with the following development standards shall be required to be submitted as part of the application.

A. Accessory Dwelling Units: Accessory dwelling units (ADU) shall comply with the following criteria:

1. The ADU shall not exceed 1,000 square feet. When it is within the same structure and exceeds 1,000 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;
2. Only one ADU is allowed per lot;
3. 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 ADU) shall also serve as the approach for the ADU;
4. The access to the ADU shall be a minimum of 12' wide and a minimum unobstructed height of 13.5' to accommodate emergency service vehicles; and should the ADU be located more than 150' from a public or private road, then a turnaround meeting the Northern Lakes Fire Protection District and the City Engineer's requirements shall be provided.
5. Open space and setback requirements of the underlying zone shall be met, excepting that the ADU shall be set back a minimum of 30' from the front property line and 10' from the side and rear property line. The ADU 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;
6. Home occupation Class A is permitted within an ADU;
7. The ADU shall be considered a single-family dwelling separate from the principal dwelling for the purpose of calculating sewer usage and capitalization fees;
8. Water and sewer utilities shall be connected to the utilities of the principal residence.

B. Automotive Wrecking And Junk Yards: Shall have a Type I landscape buffer installed on all property boundaries.

C. Bed & Breakfast Facility:

1. Maximum of five guest rooms (defined as sleeping and bath rooms) for the lodging of paying guests, but in no case shall more than 40% of the gross floor area of the residence be used for guest rooms.
2. Additional criteria that must be met with respect to transportation:
  - 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; and
3. No sales of any products unless they are clearly incidental to the services provided or the products are produced on the premises.

D. Correctional Facilities:

1. Allowed only by conditional use permit (Hayden City Code11-7-4) on property having a Comprehensive Plan land use designation as Commercial or Light Industrial;
2. Must be located on a parcel of land that is five acres or more in size;
3. Must not be located within 10 miles of another correctional facility;
4. No structure, fence or outdoor area shall be located within 2,500 feet of a property line that abuts a residential district;
5. Must meet the design standards of a public building or complex as identified in Hayden City Code11-2-5(J).

E. Farmer's Market, Flea Market, And Swap Meet:

1. The provisions of this section shall not apply to an event held not more than six calendar days per calendar year which is:
  - a. Organized and operated for religious, educational, hospital, or charitable purposes;
  - b. Operated out of a residential dwelling including, but not limited to, garage, yard, moving and estate sales and private auctions; or
  - c. "Vehicle sales" as defined in this title.
2. Location: Allowed only on private property, with property owner's (or owner's agent) written consent. Allowed on public ways, with prior approval of the City for a special event.
3. General Requirements: All underlying standards and requirements (i.e. hours of operation, landscaping, off street parking, setbacks, signage) of the underlying zone shall be met.
4. Prepared food and beverages for sale shall comply with Panhandle Health District regulations;

F. Home Occupation: Home occupations are divided into two categories:

Home Occupation Class A	Home Occupation Class B
No non-resident worker.	Maximum of one non-resident worker.

Customer by appointment only.	Non-scheduled customers with overlapping vehicle traffic.
One customer visiting at a time	Multiple customers at the same time
Conditional Use Permit is required when more than one Class A home occupation is located on the lot.	Conditional Use Permit is required.
Permitted in an ADU.	Not permitted in an ADU.

1. All home occupations shall comply with the following:
    - a. The home occupation shall be secondary to the residential use of the property.
    - b. Not more than 25% of the gross floor area of the actual dwelling unit may be dedicated to the conduct of the home occupation.
    - c. A home occupation conducted on the premises must be fully enclosed within the residence or accessory building.
    - d. 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.
    - e. 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.
    - f. There shall be no change in appearance of the dwelling structure that would alter the residential character of the premises.
    - g. The home occupation and associated storage shall not occupy garage space required for off street parking for the residence.
    - h. Vehicles used in the operations of the home occupation that are rated by the manufacturer for a maximum gross weight in excess of 10,000 pounds' gross weight shall not be operated out of the premises or park on the property or adjacent street.
    - i. 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.
  2. Prohibited uses as home occupations include the following:
    - 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 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 dwelling.
- G. Manufactured Home:
1. Development Standards For Manufactured Home On Individual Lot:
    - a. Shall be multi-sectional and enclose a space of not less than 1,000 square feet;
    - b. Shall have a pitched roof with a slope no less than three feet in height for each 12' in width;
    - c. 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 Community Development Director or his/her designee;
    - d. 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;
    - e. 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;
    - f. Shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than 12" above grade;
    - g. Used manufactured homes will be permitted if they meet the requirements of the definition of Manufactured Home of this title;
    - h. Shall be, upon completed setup, assessed as real property and taxed as such on the required records;
    - i. Shall comply with State of Idaho manufactured home installation standards.
  2. Development Standards For Manufactured Homes Within An Existing Manufactured Home Park:
    - a. Shall be one or more sections and enclose a space of not less than 400 square feet in size.
    - b. Shall meet the requirements of subsections 1.b. through 1.i. of this section.
- H. Outdoor Sales Display: Outdoor sales display of merchandise for sale is permissible provided that the following criteria are met:

1. All display areas must conform to the setback regulations of the applicable zone.
  2. Items must not obstruct vision sight lines from any public right-of-way or driveway.
  3. Items shall be displayed in a neat and orderly manner.
  4. Items shall be removed from boxes and clearly displayed.
  5. Items shall be placed on a hard, compacted surface such as asphalt, or concrete.
  6. Outdoor sales display for garden centers may be placed on a gravel surface. Dust suppressants shall be applied at minimum once annually and more often as needed to suppress dust and tracking.
  7. Items shall not be placed in required parking, circulation, and stormwater facilities, though they may be placed in overflow parking areas.
- I. Outdoor Storage: All outdoor storage shall comply with the following requirements and follow the requirements of section 11-4-6.
1. General:
    - 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.
      - (2) The storage of inoperable railroad cars and inoperable truck trailers used for storage may be permitted only under conditional use permit and must comply with setback requirements and lot coverage requirements.
    - c. All storage areas must conform to the minimum building setback regulations of the applicable zone.
    - d. Items shall be displayed in a neat and orderly manner.
    - e. Items cannot be placed in required parking, circulation, and stormwater facilities, though they may be placed in overflow parking areas.
    - f. All manufacturing, assembly, repair, or work activity must take place inside an enclosed building.
  2. Location: Outdoor storage shall be limited to the rear and side yards of the property; it shall never be allowed in the front yard of the principal structure.
  3. Screening: All storage shall be wholly within a building or shall be entirely screened by a six foot tall, sight obscuring fence, landscaping, or combination thereof, in conformance with section 11-4-4, so as to conceal these areas from surrounding land uses and from adjoining public streets.
  4. Surfacing:
    - a. Items must be placed on a hard, compacted surface such as asphalt, concrete, or gravel.
    - b. Storage and parking of motor vehicles shall be surfaced with concrete or asphalt.
    - c. Stormwater drainage and treatment is required for all surfaced areas (paved and unpaved).
    - d. All access drives, maneuvering and parking areas, and storage of motorized vehicles shall be constructed with a non-permeable material such as concrete or asphalt. An appropriate alternative may be approved by the Community Development Director.
    - e. Access along street frontage of the site shall be to a point where the screening of the outdoor storage area begins.
    - f. A maintained graveled surface that is dustless and weed free may be utilized for enclosed outdoor storage. The gravel shall meet the City regulations for 3/4" minus crushed aggregate and shall be spread and compacted to a uniform layer having a minimum depth of four inches after all topsoil and other unsuitable material have been removed. Use of gravel must be approved by the Community Development Department to ensure compliance with best management practices. Dust suppressants shall be applied at minimum once annually and more often as needed to suppress dust and tracking.
    - g. Refuse and garbage collection areas shall:
      - (1) Be paved with asphalt or concrete;
      - (2) Be screened from view by a minimum six foot 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.
  5. Restrictions:
    - a. The site shall not be used as an auto wrecking yard, junkyard as defined in section 11-1-2.

b. The storage of inoperable or not currently licensed vehicles shall not be allowed on a property for longer than 28 days after which, the vehicle must be stored within a six foot sight obscuring fence, hedge, or shrubs, or within a completely enclosed building, including doors.

J. Public Buildings Or Complexes:

1. Allowed only by a memorandum of understanding between the City and the governmental entity regarding required on and off-site improvements;
2. Allowed per the zoning code as identified in this title;
3. All signage shall comply with the 11-5 Sign Code;
4. Facility shall comply with all applicable local, state, and federal codes and regulations relative to such operation;
5. Off-street parking for the entire facility shall be provided in accordance with Hayden City Code 11-4-6.

K. Temporary Hardship Use For Dependent Relatives:

1. 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.

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

- a. 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;
- b. 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;
- c. 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;
- d. 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;
- e. 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;
- f. It shall be the responsibility of the sponsor to record a notice with the Community Development Director stating that the temporary hardship use, which is located on the property of the sponsor:
  - (1) Is temporary, and is to be removed upon termination of occupancy of either the dependent relative(s) or person(s)/family providing care;
  - (2) Is temporary, and is to be removed upon sale or lease of property of the sponsor;
  - (3) Provides living quarters for the dependent relative(s) or person(s)/family providing care, who is named in the permit; and
  - (4) 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;
- g. 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;
- h. 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;
- i. The temporary hardship use shall be in compliance with all frontage and setback requirements of the Residential Zone(s);
- j. 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;
- k. It shall be the responsibility of the sponsor to file a release of the notice required by subsection 2(f) 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
- l. The care provider may be administratively changed upon written application to and approval by the City Development Director. Any change in dependent relative(s) requires processing of a new temporary hardship use permit.

L. Truck Transport Facility: Standards for Truck Transport Facility based on Zone Designation are as follows:

Commercial	Light Industrial
Lot must be five acres or less.	Conditional use permit required for lot greater than five acres.
May include indoor and/or outdoor warehousing.	

No more than five trucks/acre.
Facility must have direct access to and travel within those portions of the City road system have the Federal functional classification of principal arterial, minor arterial, or collector.
If travel through a residential neighborhood, no more than two trucks per hour between 10 PM and 6 AM.

(Ord. 542, 1-27-2015; amd. Ord. 619, 4-13-2021; Ord. 624, 10-12-2021))

**11-2-6: CENTRAL BUSINESS DISTRICT:**

A. District Boundary And Applicability:

1. 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 uses as defined in Hayden City Code 11-2-4 "Uses Permitted, Conditional Uses Permit, Development Standards Cross Reference" in accordance with the following restrictions and standards.

C. Restrictions:

1. Any use not explicitly permitted, unless determined by the City to be similar to other allowed uses, in this zoning district is prohibited.

2. Exterior Displays and Outdoor Storage Prohibited: Exterior display and storage of merchandise and materials is prohibited, excepting the following outdoor activities:

- a. Outdoor eating areas.
- b. Outdoor produce stands, flower markets and flower stands that are an extension of the interior use.
- c. Plant nurseries, including outdoor activities associated therewith.
- d. 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).

D. Development Standards:

1. Frontage Requirements: All lots defined by this chapter shall have a minimum frontage of 30' on a public or private street, or shared driveway, where an access easement has been duly recorded.

2. Building Setback Requirements: The following building setback shall apply in the Central Business District Zone to all buildings constructed after the effective date hereof:

a. Setback Requirements:

- (1) A minimum building setback of 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.
- (2) 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.
- (3) A minimum setback of five feet shall be required for rear or side yards directly adjacent to an alley or shared private driveway.
- (4) 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.

3. 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:

a. Building Height: The maximum height of all buildings within the district shall not exceed 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.

b. Rooftop Mechanical Equipment:

- (1) Shall be set back a minimum of 15' from the street facing building edge; and
- (2) Shall be screened from view of the adjacent street or sidewalk. Screening may be accomplished utilizing one of the following techniques:
  - (a) Provide parapets that are at least as tall as the tallest equipment;
  - (b) Incorporate an architectural screen around the equipment; or
  - (c) Set the equipment back from the building edge a minimum of three feet for every one foot of building height, but in no case by less than 15' as required above.



#### 4. Landscaping and Screening:

a. 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 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 of the total required landscaping area.

b. 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.

c. 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.

d. Ground Cover: Ground cover may be of live plant material, or washed rock mulch, walk on bark, and similar materials in combination with living plants, in all non-turf areas as a mulch to control weeds and conserve or retain water until the living plants have achieved desired coverage. Non-plant materials may be approved for use in limited areas through the site design review process.

e. Plant Materials: Plant material selection shall emphasize moderate to low water use plants.

f. 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.

g. All landscaped areas shall be irrigated.

5. 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 4 of this title.

#### 6. Exterior Lighting Standards:

a. Display windows shall be constructed with internal lighting.

b. 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.

c. Parking lot lighting shall not exceed a maximum height of 28', and shall meet design standards as detailed in this title.

d. Pedestrian lighting shall not exceed a maximum height of 15'.

e. 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.

f. The following types of exterior lighting shall be prohibited:

- (1) Colored light bulbs, excepting seasonal lighting displays;
- (2) Internally lit awnings or canopies, unless the awning/canopy is made of opaque material; and
- (3) Metal halide, mercury vapor, neon or fluorescent tube lighting.

#### E. Architectural Design Standards:

##### 1. Applicability:

a. 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 year time period which are equal to or exceed 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.

b. The following project types shall be exempt from design standards detailed in this section:

- (1) Interior remodels;
- (2) Normal or routine maintenance and repair of buildings, ancillary structures, parking lots, and pedestrian areas;
- (3) Any type of construction that does not require a building permit;
- (4) Temporary structures as allowed per zoning code, and emergency structures; and
- (5) Wholly residential buildings.

2. 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.

a. Prohibited Materials: The following materials shall be prohibited for use on the building facade:

- (1) T-111 or similar sheet materials;
- (2) Stucco clad foam (EIFS);

- (3) Vinyl siding;
- (4) Asphalt shingles;
- (5) Log siding and construction; and
- (6) Mirrored, translucent, or otherwise nontransparent windows.

b. Color Palette: The following limitations and restrictions in the color palette shall be required:

- (1) Each building shall be limited to no more than three principal facade colors.
- (2) Bright colors that have intense and bright hues (such as primary or neon colors) shall be prohibited as principal facade colors.

(3) For the purpose of these requirements, "principal facade color" shall be defined as any color encompassing greater than 30% of the building facade (excluding the area of windows for the purpose of this calculation).

c. 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:

(1) 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.

(2) 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).

(3) 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.

(4) Facade Articulation: To have street facing and front building facades that create a clear and distinct breakup 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.

(5) 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).

(6) 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).

(7) Weather Protection: To protect pedestrians from sun, wind, and rain.

(8) 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.

(9) Color Palette: To enliven and enhance the built environment, accentuate and harmonize with the building's architecture, as well as to complement surrounding structures.

### 3. Permit Review Process:

a. 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.

b. Process: Administrative design review is completed by city staff concurrently with the site plan and building plan reviews.

c. Standards for Approval:

(1) The proposal incorporates all architectural design requirements; and

(2) The applicant has demonstrated that the proposal addresses each of the applicable architectural design criteria, utilizing elements or approaches identified for each criteria.

d. Decision:

(1) 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.

(2) An affected party may appeal the decision to the City Council. (Ord. 619, 4-13-2021)

### 11-2-7: NEIGHBORHOOD COMMERCIAL NODES:

A. All proposed neighborhood nodes as identified on the Future Land Use of the currently adopted Comprehensive Plan shall require a conditional use permit.

B. Conditions of approval must ensure that the commercial use abutting the existing residential use mitigates the more intense use and must include the following design standards:

1. If the building does not abut the sidewalk, there must be a walkway between the sidewalk and the primary entrance.

2. Surface parking should be located to the rear or to the side of the principal building. All parking areas within the NCN shall conform to the parking requirements and design standards detailed in chapter 4 of this title.

3. Trash areas must be completely enclosed by a six foot tall site obscuring fence or landscaping. Dumpsters must have rubber

lids.

4. Buildings must be designed with a residential character, including elements such as pitched roofs, lap siding, and wide window trim.

5. Lighting greater than one foot-candle is prohibited. All lighting fixtures shall be a "cutoff" design to prevent spillover and must meet the residential lighting standards in Hayden City Code 11-4-5.

6. Wall mounted signs are preferred, but monument signs no higher than six feet are allowed. Roof mounted signs and pole signs are not permitted. All signage must meet Hayden City Code 11-5.

7. Exterior signs shall not be internally lighted, but may be indirectly lighted; however, internal signage may be of neon signage meeting Hayden City Code requirements for Commercial signage.

Additional conditions may be applied to meet the standards of approval and the vision as defined in the comprehensive plan. (Ord. 619, 4-13-2021)

#### **11-2-8: MIXED USE DESIGN STANDARDS:**

##### **A. Applicability:**

1. Mixed Use zone designation design standards shall apply to all new construction and renovations of the existing structures which shall include either a residential, a non-residential or combination of uses excepting those project types specifically exempted.

2. The following project types shall be exempted from design standards detailed in this section:

- a. Interior remodels of the same use;
- 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
- e. Wholly residential structures of five dwelling units or less within one residential building on one lot.

##### **B. Design Goals:**

1. The design proposed by the developer must be demonstrated to incorporate design elements which meet the following objectives:

- a. The ground floor promotes a sense of interaction between activities in the building and activities in the near community.
- b. To have street facing and front building facades that create a clear and distinct breakup of the mass. This goal applies to all buildings of all heights and number of stories.
- c. On sites where two or more buildings are located on the same project site, the buildings shall be designed with variation between building setbacks and/or placement to create variation and reduce repetitive streetscapes.
- d. To have cohesive architectural elements into the ground floor street facing, front building facades, secondary streets, etc.
- e. To create safe, friendly, and more intimate gathering zones in common open spaces.
- f. To include landscaping and lighting throughout the building site to build architectural cohesiveness to the surrounding community.
- g. To provide for compatible building and site design at an appropriate neighborhood scale.
- h. To provide direct and convenient access to schools, parks, and neighborhood services.
- i. To provide both formal and informal community gathering places and connections to neighborhoods and other employment areas. The Mixed Use zone should encourage walking as an alternative to driving, and provide more employment and housing options.

##### **C. Design Requirements:**

1. Landscaping, lighting, off-street parking and loading, and site plan shall be provided in accordance with Hayden City Code § 11-4. Signs shall comply with the provisions of Hayden City Code § 11-5.

2. For those properties within 300' of an existing signalized intersection or future intersection which is identified as a controlled intersection (i.e. interchange, signalized, or roundabout) in the Capital Improvement Plan of the adopted Transportation Strategic Plan, a minimum of 10% of the project's ground floor area must be developed and maintained as a commercial use.

a. That commercial building space may be separate from or included as part of a residential structure within a portion of the ground floor.

b. For those project sites which have more than one zone designation, the commercial use calculation shall be from those structures within the Mixed Use Zone Designation.

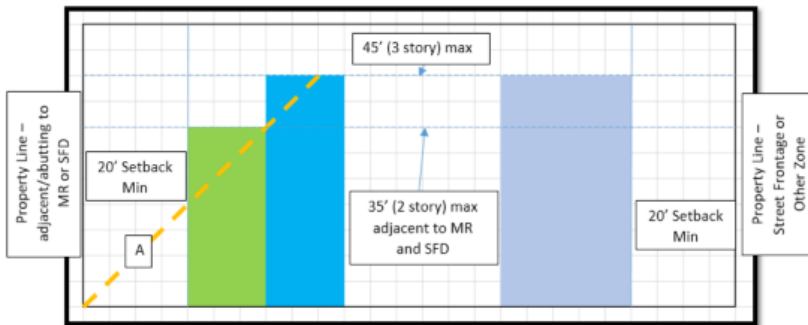
3. The following requirements apply to structures with both residential and commercial uses:

a. Mixed use buildings may have commercial uses on all stories, but in the case where a Commercial use is required by 11-2-8(C)(2) this commercial use must be on the ground floor and is not replaced by commercial use in another location of the building unless approved by the Planning and Zoning Commission at a regularly scheduled public meeting. The Commission shall determine if the request meets the design goals of the mixed use zone.

b. For those structures where the primary use is a commercial use, the structure could have less than four apartments within the mixed use structure.

4. For those structures located where the site is either a secondary lot (one with less than 50' of street frontage or the residential component of the site is set back 150 feet or more from the frontage road), no ground floor commercial use shall be required. Parking and associated residential accessory uses for the residential component of the site must be setback 150' within the secondary use and/or lot area to meet this requirement.

5. Those structures with multi-family dwelling units shall be a maximum of two stories when the adjacent zone designation is mixed residential or single-family residential. Setbacks to the structure taller than two stories shall be determined by a 1' horizontal to 1' vertical ratio (45° to the vertical) as shown by line A. No portion of the third story may be within this area abutting the adjacent zone designation of mixed residential or single-family residential.



6. A minimum of 90 cubic feet of private storage space shall be provided for each dwelling unit outside of such unit, unless a private attached garage serving only the unit is provided; such storage space shall be fully enclosed and lockable.

7. All roof-mounted equipment shall not be visible from any abutting lot or any street, except solar energy equipment. This shall be accomplished in a manner that is architecturally integrated with the main building.

8. A joint commercial/office/residential owner's association (POA) recorded declaration of conditions, covenants, and restrictions (CC&Rs) and/or recorded common area maintenance (CAM) agreement is required for all mixed use developments. The required CC&Rs or CAM shall address the assignment of required parking spaces and the identification of maintenance responsibilities.

9. New developments require the construction of usable private and/or common open space which shall be subject to site plan review. Examples of these spaces may include, but are not limited to the following:

a. Common open space: Playgrounds, clubhouse, recreation rooms, pools/spas, community gardens, picnic areas, gazebos, landscaped areas with paths, water features, sports courts, dog park, natural open space area, etc.

b. Private open space: Fenced yards, patios, decks, balconies, etc.

10. Density Allowances: In all cases, all other design standards shall be required. The transportation impact analysis and the sewer master plan analysis shall address the increased number of units as proposed in accordance with the model analysis for this zone.

a. The base allowance of 12 dwelling units per acre, may be increased by one dwelling unit per acre for each additional common open space amenity provided in the complex up to a maximum number of 15 dwelling units per acre.

b. Alternatively, the base allowance of 12 dwelling units per acre, may be increased by 2 dwelling units per acre if the site is completely screened with a Type I landscaping buffer along the perimeter of the site and the site is either a secondary lot (one with less than 50' of street frontage) or the residential component of the site is set back 150 feet or more from the frontage road.

c. Total density may be calculated by either A or B above, or a combination of both but may not exceed a total density of more than 15 dwelling units per acre.

Examples of Density Increases for 10. (A-C)		
	Dwelling Units/Acre	Number of Dwelling Units
Examples of Density Increases for 10. (A-C)		
	Dwelling Units/Acre	Number of Dwelling Units
A) Example: 5 acre site		
Patio, deck, and/or balcony	12	Less than or equal to 60
Add a playground	13	Less than or equal to 65
Add a playground and gazebo	14	Less than or equal to 70
Add a playground, gazebo and garden	15	Less than or equal to 75
B) Example: 3 acre site; secondary lot		
Patio, deck, and/or balcony	12	Less than or equal to 36
Add a Type I landscaping buffer	14	Less than or equal to 42
C) Example: 4 acre site; multi-family is located 175' from frontage road		

Patio, deck, and/or balcony	12	Less than or equal to 48
Add a Type I landscape buffer	14	Less than or equal to 56
Add a Type I landscape buffer and a playground	15	Less than or equal to 60
Add a Type I landscape buffer and a playground, gazebo, & sport court	15	Less than or equal to 60

11. For those properties within the Mixed Use zone, and also within the Central Business District or the Neighborhood Commercial Node Overlay Districts, these standards must be met in conjunction with the those found in Hayden City Code §11-2-6 and 11-2-7 respectively.

D. Permit Review Process:

1. Application Requirements: A complete building permit, site plan, and narrative to address the requirements of this section and the City Code. 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 of Approval:

a. The proposal incorporates all design requirements according to Hayden City Code 11-2-8(C); and

b. The applicant has demonstrated the proposal addresses each of the applicable design goals according to Hayden City Code 11-2-8(B).

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, the applicant could take to obtain approval.

b. An affected party may appeal the decision to the City Council following the guidance in Hayden City Code. (Ord. 624, 10-12-2021)

**11-2-9: RESIDENTIAL MULTI-FAMILY ZONE:**

**11-2-9-1: TERM:**

This chapter will expire on September 28, 2022. (Ord. 623, 9-28-2021)

**11-2-9-2: PURPOSE:**

The Residential Multi-Family (R-MF) Zone is established to provide higher density residential housing areas served by collector and arterial street. This zone shall be characterized by buildings or groups of buildings containing multi-family dwelling units. (Ord. 623, 9-28-2021)

**11-2-9-3: RESTRICTIONS:**

In the Residential Multi-Family (R-MF) 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. 623, 9-28-2021)

**11-2-9-4: SITE AREA:**

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

A. On any parcel of land or lot of whatever size a minimum of 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 35' except that nondwelling structures may exceed this height by conditional use permit. The maximum height of accessory buildings shall not exceed 20'.

C. The minimum lot size for a single family residential dwelling is 8,250 square feet and each lot requires a minimum frontage of 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 26' measured at curb line with a minimum 40' of width at front yard setback line.

D. The minimum lot size for a two family residential dwelling is 9,900 square feet and each lot requires a minimum frontage of 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 26' measured at curb line with a minimum 40' of width at front yard setback line.

E. The minimum lot size for a three family residential dwelling unit or more is 15,000 square feet and each lot requires a minimum frontage of 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 30' measured at curb line with a minimum 40' of width at front yard setback line. (Ord. 623, 9-28-2021)

**11-2-9-5: USES PERMITTED:**

A. The following uses and ones similar in nature, as determined by the City, are permitted;

1. For single-family residences, an accessory dwelling unit meeting the standards of section 11-2-5(A) of this title for accessory dwelling units.

2. Home daycares.

3. Home occupations Class A, as established in section 11-2-5(F) of this title. Limited to single-family dwelling only.

4. Major and minor utility infrastructure.

5. 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 1,500 square feet.

6. 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 Zone under which that particular R use would be classified.

7. One two family dwelling per lot with the usual accessory buildings and private garages. Accessory buildings and private garages not to exceed 1500 square feet.

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

B. Development and use standards for this zoning district are established in this title. (Ord. 623, 9-28-2021)

**11-2-9-6: USES PROHIBITED:**

Any use not explicitly permitted, unless determined to be similar by the City, in this zoning district is prohibited. (Ord. 623, 9-28-2021)

**11-2-9-7: BUILDING SETBACK REQUIREMENTS:**

	Principle 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	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 five feet from the principal structure.

(Ord. 623, 9-28-2021)

**11-2-9-8: SPECIAL USES:**

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

- A. Accessory buildings in excess of 1,500 square feet but no greater than 2,001 square feet.
- B. Assisted living facilities.
- C. Bed and breakfast facilities.
- D. Churches.
- E. Community assembly halls.
- F. Daycare centers and preschools.
- G. Foster homes, group homes, institutions for minor children.
- H. Home occupations Class B, as established in section 11-2-5(F). Limited to single-family dwellings only.
- I. Multi-family dwellings, five or more units.
- J. Parks and recreational facilities, private.
- K. Public buildings or complexes.
- L. Schools.
- M. Temporary hardship use for dependent relatives - allowed only as accessory to single-family residences. (Ord. 623, 9-28-2021)

**CHAPTER 3**

**NONCONFORMING USES**

SECTION:

**11-3-1: Purpose**

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

### **11-3-3: Nonconforming Structures**

### **11-3-4: Nonconforming Uses Of Structures Or Of Structures And Premises In Combination**

### **11-3-5: Nonconforming Uses Of Land - Manufactured Home Park**

### **11-3-6: 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. 619, 4-13-2021)

#### **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. 619, 4-13-2021)

#### **11-3-3: 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. A legal nonconforming use shall not be changed except to a use that complies with the regulations of the zoning district in which the subject property lies or to diminish its nonconformity. No structure may be enlarged or altered in such a way which increases its nonconformity;
- B. 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.
- C. Single-family residential dwellings lawfully permitted and constructed within any 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. 619, 4-13-2021)

#### **11-3-4: NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION:**

Where at the time of passage of this title, lawful use of land, structures, or premises in combinations exists which would not be permitted by the regulations imposed by this title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure or use of land 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. 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;
- C. If no structural alterations are made, any nonconforming use of a structure, use of land, 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, use of land, 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. No additional structure not conforming to the requirements of this title shall be erected in connection with such nonconforming structure, use of land, or structure and premise, in combination.

F. When a nonconforming use of a structure, use of land, or structure and premises in combination, is discontinued or abandoned for 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.

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. (Ord. 619, 4-13-2021)

#### **11-3-5: 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:

a. The replacement structure shall be consistent with the definition of a manufactured home pursuant to section 11-2-5(H) of this title or shall be a single family dwelling unit meeting the requirements of the International Residential Code.

b. If the replacement structure is a manufactured home, it shall meet the requirements of section 11-2-5(H) of this title.

c. 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 11-2-5(H)(1)(a-c) of this title in terms of minimum size, pitched roof slope and exterior siding and roofing standards.

d. 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.

e. 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. 619, 4-13-2021)

#### **11-3-6: 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. 619, 4-13-2021)

## **CHAPTER 4**

### **GENERAL STANDARDS OF DEVELOPMENT**

SECTION:

**11-4-1: Purpose**

**11-4-2: Dust Control Standards**

**11-4-3: Fences, Walls And Hedges Standards**

**11-4-4: Landscape Standards**

**11-4-5: Lighting Standards**

**11-4-6: Parking Standards**

**11-4-7: Site Plan Standards**

**11-4-8: Vibration Standards**

**11-4-9: Zone Regulation Application Standards**



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

The purpose of this chapter is to establish the standards that apply to uses without regard to the zone designation. Site plans, subdivision plans, narratives, and other materials which demonstrate compliance with the following development standards shall be required to be submitted by the developer (applicant, developer, and/or owner) for review by City staff. (Ord. 619, 4-13-2021)

**11-4-2: DUST CONTROL STANDARDS:**

A. 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.

B. 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.

C. 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.

D. 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.

E. The City may attach conditions to a permit requiring mitigation for dust control. (Ord. 619, 4-13-2021)

**11-4-3: FENCES, WALLS AND HEDGES STANDARDS:**

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 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 6-1-4(A) 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 72" and maximum of 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 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 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 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 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, the maximum height is six feet.

D. Exceptions to these height and material standards may be considered as a conditional use permit. (Ord. 619, 4-13-2021)

**11-4-4: LANDSCAPE STANDARDS:**

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.

The requirements of this section shall apply to new development; expansions of or alterations to existing uses; changes of use; and as required by other title of this code.

B. Prior to issuance of a building permit, a landscape and irrigation plan shall be submitted to the Community Development Department for review and approval by the City. The plan may be combined with the parking plan, civil plan, or architectural plan.

C. 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 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 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 written notices, each with a 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.

**D. 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 above the centerline street grade. Trees may be permitted if the trunks are kept free of branches below 10' above the centerline street grade.

**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:

- 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.

**E. Landscape Types:** The City of Hayden has four primary landscape types to address a variety of buffering requirements related to noise, light, glare, and incompatible uses; while still addressing a goal of preserving existing vegetation and enhancing the visual aesthetics of the project area. In general, each type has a tree component, a shrub component, and a ground cover component as shown in the Standard Drawings as adopted by the City of Hayden and defined below:

Landscaping Type	Width of Landscaping	Description or Purpose
Type I	20'	Buffers between incompatible uses that create a noise and sight obscuring barrier.
Type II	10'	Buffers to create a visual separation between similar uses.
Type III	5'	Transparent buffers to provide visual relief between compatible uses and to soften the appearance of parking areas.
Type IV	10'	Buffers to create a visual separation between the property and the adjacent street

**F. Buffer Width Reduction:** The width requirements of each landscape type may be reduced when a berm or fence 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 10' and the berm cannot be narrower than five feet in width as measured at the base. The combined maximum height of the berm and fence or wall shall not exceed six feet, unless allowed by a conditional use permit.

**G.** The following table sets forth the type of required landscaping to be installed by the proposed use and according to the standard drawings approved by the City:

Zoning/Use of Proposed Site	Abutting Land Zoned As	Landscaping Type
Commercial (C)	Residential - R1 or MR	Type I
Light Industrial (LI)	Residential - RS, R1 or MR	Type I
	Agriculture (A), Mixed Use (MU), & Commercial (C)	Type II
Mixed Use (MU) - Residential Only	Residential - RS, R1, or MR	Type II
	Commercial (C) or Light Industrial (LI)	Type I
Mixed Use (MU) - Commercial Only	Residential - R1 or MR	Type I
Mixed Use (MU) - Mixed	All zones except Agriculture (A)	Type II
Residential Suburban (RS)	All zones	Type III
Parking Perimeter	All zones	Type III
Planned Unit Development	All zones	Type II

H. Plant Sizes and Spacing for Installation: Plants shall be sized and spaced to achieve the desired buffer within 2 years of planting and shall be maintained to continue the desired buffer as a requirement of any approved plan. Generally speaking, deciduous trees shall be two inches in caliper, multi-stemmed trees and evergreen trees shall be six feet in height, small shrubs shall be 12" and all other shrubs shall be 18" in height at the time of planting.

I. Consolidation Of Landscaping Types and/or Stormwater Swales: To reduce the overall land requirements for green space, combining required types of landscaping, and/or 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 11-1-7 of this title.

J. Irrigation of Landscaping and/or Stormwater Swales: All landscaped areas including buffer strips and drainage infiltration facilities shall be provided with an automated irrigation system. Routine maintenance of joint stormwater areas on private property shall be the responsibility of the individual owner. Structural or functional maintenance of joint stormwater areas shall be the responsibility of the homeowner's association. (Ord. 619, 4-13-2021)

#### **11-4-5: LIGHTING STANDARDS:**

These design standards are intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to reduce problems of glare, minimize light trespass, and help reduce the energy and financial costs of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor-lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in Hayden.

##### **A. Applicability:**

1. All business, residential, and community driveway, sidewalk, and property luminaires should be installed with the idea of being a "good neighbor", with attempts to keep unnecessary direct light from shining onto abutting properties or streets.

2. Lighting provided for freeways, expressways, limited access roadways, and roads on which pedestrians, cyclists, and parked vehicles are generally not present. The primary purpose of roadway or highway lighting is to help the motorist remain on the roadway and help with the detection of obstacles within and beyond the range of the vehicle's headlights.

B. Zones Established: The street-lighting system and the City is divided into separate zones to reflect the intensity of illumination required to provide safe travel and protection of property within each zone. These zones shall be as follows:

1. Highway Illumination Zone: The Highway illumination zone shall include all areas requiring illumination along the streets where there is no direct benefit accruing to any particular improved real property owner or occupant. Such zone includes freeway interchanges, the limited access portions of U.S. Highway 95 from Aqua Avenue to Lancaster Road, and other such areas as determined by the City Engineer and/or Public Works Director, where no direct benefit is accrued to any particular improved real property.

2. High Illumination Intensity Zone: The high illumination intensity zone includes areas requiring 20,000 lumen lights to provide for public safety and the safety of the improved real property. The streets in this zone carry the highest traffic volumes. This zone shall include improved real property with frontage on the following streets: Government Way, Hayden Avenue, Prairie Avenue between Wayne Drive and Cornerstone Drive, and other such areas as determined by the City Engineer and/or Public Works Director, where no direct benefit is accrued to any particular improved real property.

3. Moderate Illumination Intensity Zone: The moderate illumination intensity zone includes areas requiring 10,000 lumen lights to provide for the general public safety and the safety of improved real property. The streets in this zone do not have the traffic volume of the high illumination intensity zone, but have greater traffic volumes than residential areas. This zone shall include improved real property with frontage on the following streets: Honeysuckle Avenue between Wayne Drive and Davis Circle, Orchard Avenue between Government Way and Hess Street, Dakota Avenue between Government Way and Highway 95, Lacey Avenue between Government Way and Highway 95, Wyoming Avenue between Government Way and Highway 95, Lancaster Road between Government Way and Warren Street, Ramsey Road between Prairie Avenue and Lancaster Road, and other such areas as determined by the City Engineer and/or Public Works Director, where no direct benefit is accrued to any particular improved real property.

4. Central Business District Illumination Intensity Zone: This illumination intensity zone has been established by the existing luminaires within the district. Any changes to the existing lighting requires approval of the City Engineer and/or Public Works Director.

5. Residential Illumination Intensity Zone: The residential illumination intensity zone includes areas requiring less than 10,000 lumen lights to provide for general public safety and the safety of improved real property. The residential illumination intensity zone includes all improved real property not included in subsections A, B, C and D of this section.

C. Criteria and Standards for Street Lighting: The following streetlight criteria and standards have been applied and shall hereafter apply to provide uniform lighting within each zone sufficient for public safety and the protection of improved real property:

1. In the highway illumination zone, lights shall be placed at all intersections and at all highway overpasses; provided, however, that the placement of such lights shall be determined by the City Engineer in conformance to the policies and purposes expressed in this chapter.

2. In moderate and high illumination intensity zones lights shall be placed at every intersection where practical. Where blocks are longer than 1,800', an additional light shall be placed near the middle of the block.

3. In the residential illumination intensity zone, lights shall be placed at intersections where practical. Where blocks exceed 600' in length, lights shall, where practical, be placed so that no property frontage is a distance of more than 300' from the nearest light.

D. On site, or site specific lighting shall meet the following standards:

1. Parking lot lighting (or building lighting directed into site circulation, pedestrian, or parking areas) shall comply with the following requirements:

a. Lighting shall be energy-efficient and shielded or recessed so that:

- (1) The light source (i.e. the bulb) is not visible from off-site;
- (2) Glare and reflections are confined to the maximum extent feasible within boundaries of the site.
- (3) Each light fixture shall be directed downward and away from adjoining properties and rights-of-way.
- (4) A minimum illumination of 0.2 foot-candles per square foot is required.
- (5) No lighting shall produce an illumination level greater than 1.0 foot-candles on adjacent residential lots or parcels.

(6) No permanently installed lighting shall blink, flash or be of unusually high intensity or brightness, as determined by the Community Development Director or his/her designee.

(7) Outdoor fixtures shall be limited to a maximum height of 18' or the height of the nearest building, whichever is less.

b. When parking lot lighting is proposed, a photometric plan shall be submitted which demonstrates compliance with these standards.

2. Residential on-site lighting (i.e. accessory building lighting) shall comply with the standards as identified above.

E. Exceptions to the standards above may be granted where the intent of this section is met for the following exterior applications where the lighting is equipped with a control device is independent of the control of the non-exempt lighting. For areas within 300 feet of the airport property boundary, approval of the proposed exception must be approved by the Coeur d'Alene Airport.

1. Specialized signal, directional, and marker lighting associated with transportation.
2. Advertising signage or directional signage.
3. Lighting integral to equipment or instrumentation and installed by its manufacturer.
4. Theatrical purposes, including performance, stage, film production, and video production.
5. Athletic playing areas where lighting is equipped with hoods or louvers for glare control.
6. Temporary lighting.
7. Lighting for industrial production, material handling, transportation sites, and associated storage areas where lighting is equipped with hoods or louvers for glare control.
8. Theme elements in theme and amusement parks.
9. Roadway lighting required by governmental authorities.
10. Lighting used to highlight features of public monuments and registered landmark structures.
11. Lighting for swimming pools and water features.

F. Standards to be considered when reviewing lighting plans, may include but are not limited to the following:

1. Factors to consider when reviewing the temporary/permanent special lighting request:

- a. Public and/or private benefits that will result from the temporary lighting;
- b. Any annoyance or safety problems that may result from the use of the temporary lighting; and
- c. Duration of the temporary nonconforming lighting.

2. Has sustained every reasonable effort to mitigate the effects of light on the environment and the surrounding properties, supported by a signed statement describing the mitigation measures. Such statement shall be accompanied by the calculations required for the Performance Method.

3. All fixtures used for lighting shall be fully shielded as defined in this Code, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.

4. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m. (Ord. 619, 4-13-2021)

#### **11-4-6: PARKING STANDARDS:**

A. The Parking Standards purpose is to:

1. 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;
2. Specify the minimum off street parking and loading facility requirements for each of the permitted uses;
3. Mitigate traffic congestion on public streets;
4. Reduce the practice of using public streets for the purpose of loading and unloading goods;

5. Provide design standards for storage and display lots; and
6. Provide design standards which allow for parking organization, weed and dust control, and related measures.

B. Applicability: At the time of construction, reconstruction, 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, and storage and display lots shall be provided in accordance with the applicable provisions of this title. 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.

C. General Requirements:

1. Off-Street Parking and Loading Requirements:

a. New Construction, Reconstruction, Expansions and Change in Use: 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 Hayden City Code 11-4-6(C)(8) as provided in this section and may exclude:

(1) Any space occupied by central mechanical and/or electrical equipment, elevator, escalator, public access stairways, lifts, chutes, trash disposal units and fuel storage spaces;

(2) For multi-tenant structures, shared public lobbies, hallways and entries, and similar enclosed spaces open to the general public.

b. When several uses are encompassed within a single structure, parking requirements shall be based upon the relative proportion of gross floor space attributable to each use.

c. 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 included in the number of spaces determined by facility use.

2. Determination of required Parking Spaces:

a. 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 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:

(1) Parking generation, giving particular attention to attendance potential at any facility.

(2) Location of the facility and the peak hours of operation.

(3) Extent and frequency of loading/unloading operations.

(4) The number of employees and patrons during peak period(s).

(5) If shared use parking is proposed:

(a) The hours and days of operation of the respective uses.

(b) The combined projected traffic generated by each use.

(c) The required number of spaces for each use.

(d) The average distance of the parking area to the entrance of the Facility being served.

(6) Any other factors that would affect parking and loading requirements.

b. Exceptions and Minor Modifications: Application for an exception from a particular provision, regulation, or standard of this chapter may be made in accordance with Hayden City Code 11-1-7.

3. Street Parking Excluded: No portion of any public right-of-way shall be used in satisfying the minimum parking requirements established by this chapter

4. 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.

5. 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.

6. 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, the owners of the facility and the land providing the offsite space shall prepare and execute an agreement for approval by the City and shall address the following:

a. The agreement shall guarantee the maintenance and reservation of the offsite areas for the duration of the use of the facility being served in accordance with Hayden City Code 11-4-6 (C).

b. The agreement shall include a legal easement, it shall be recorded, and it shall run with the land. The agreement shall not be terminable without notice to the City.

c. 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.

d. Agreements involving the use of the public right-of-way for parking and/or loading shall require the approval of the City Council and shall be considered under at least one of the following circumstances:

(1) When there is a City Council approved street corridor plan; or

(2) When there is a special agreement such as a master development agreement, deferred improvement agreement or similar instrument that authorizes such use.

7. 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.

8. Required Off Street Parking Spaces:

<b>Residential Uses</b>	<b>Required Spaces</b>
Residential Dwellings, single- family, multi-family, detached, attached, townhome, condominium, apartments	2 per dwelling unit (where the garage is a 2 or more space garage, then 1 space may be used to meet this requirement)
Accessory Dwelling Unit (ADU)	1 per ADU
Detached housing, group	1 per sleeping room
Home occupation, as per residential use	2 per dwelling unit
Other	Per Community Development Director or designee

Note: If on-street parking is removed, the lost parking spaces shall be replaced.

<b>Civic Uses</b>	<b>Required Spaces</b>
<b>Civic Uses</b>	<b>Required Spaces</b>
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
Religious assembly	8 per 1,000 square feet
Other	Per Community Development Director or designee

<b>Commercial / Recreational / Industrial Uses</b>	<b>Required Spaces</b>
<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)
Bed and breakfast facilities	2 spaces for the occupant/caretaker & 1 space for each guestroom
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
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/Medical/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 spaces per 1,000 square feet
Self-storage	1 space per 100 storage units and
Parks, Open Space	Per Community Development Director or designee
Retail sales	5 spaces per 1,000 square feet
Service establishments (including automotive/vehicular repair service)	5 spaces per 1,000 square feet
Sit down restaurant	10 spaces per 1000 square feet or 1 space per every 2 seats, whichever is greater (including any outdoor seating)
Skating rink	5 spaces per 1,000 square feet
Storage	1 space per 2,000 square feet and over 20,000 square feet is 1 space per 3,000 square feet
Supermarket	4 spaces per 1,000 square feet
Swap Meet	1 space per vendor in addition to required 5 spaces per 1,000 square feet of retail sales area
Tavern/bar	15 spaces 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
Vehicular cleaning and quick vehicle servicing and repair	3 spaces per bay, and 5 queuing spaces
Warehousing	1 space per 1,000 square feet
Other	Per Community Development Director or designee
The required number of ADA accessible parking spaces shall be determined based upon the total parking spaces required by the combined uses related to the parking lot.	
a. 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 required accessible parking spaces shall comply with van accessibility requirements; in no case, however, shall there be provided less than one van accessible space.	

9. Nonresidential Uses in the Central Business District or the Neighborhood Commercial Node: The Central Business District and the Neighborhood Commercial Node are an overlay district which allows for certain reductions in the required parking should certain conditions exist. Each condition reduction can be reviewed separately, or in combination as follows:

Type of Non-Residential Required Parking Reduction	Example of Application of Reduction if Conditions Are Met	
	Required Non-Residential Parking	
		25
1. The required number of onsite parking spaces within the district shall be reduced to 75% of parking space requirements for all nonresidential uses.	(Required Spaces) X (0.75)	19

2. If parking lot layout incorporates a shared approach with a joint access and parking agreement between adjacent lots, an additional 25% reduction.	(Required Space) X (0.75) X (0.75) = for both reductions	14
3. 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, an additional 10% reduction.	(Required Space) X (0.75) X (0.75) X (0.90) = for all three reductions	13
Type of Residential Required On-Site Parking Reduction: Required on-site parking may be reduced by up to 50% if the developer provides dedicated offsite parking within 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		
All other uses: 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 1,000' of the subject property.		

10. Paving Requirements:

a. General Standards:

(1) 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 hot mix asphalt, or concrete.

b. Residential Uses:

(1) New single-family, duplexes, accessory structures, and additions of 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.

(2) New accessory structures constructed within a residential zoning district with an eight foot wide or larger door or opening with a depth of 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 60' as measured from the property line. The Community Development Director or his/her designee may consider and administratively approve modified standards and specifications as per Hayden City Code 11-1-7.

c. Surfacing of Non-residential Outdoor Storage: Outdoor storage shall be surfaced, as herein provided:

(1) All outdoor storage lots that are used for the purpose of storage of motorized vehicles shall be paved according to the requirements of this chapter.

(2) Storage lots that are used for the purpose of storing supplies and materials may be paved with asphalt or concrete or surfaced with a maintained, dustless, weedless gravel and follow the requirements of section 11-2-5(C).

(3) Storage lots where heavy mobile equipment (including, but not limited to, farming implements, logging equipment and/or construction equipment, and tracked equipment) is displayed, stored or used for the movement of materials:

(a) 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 3/4" minus crushed aggregate and shall be spread and compacted to a uniform layer having a minimum depth of four inches after all topsoil and other unsuitable material have been removed.

(b) Said lots shall be served by paved approaches, driveways, vehicular maneuvering areas and parking spaces meeting the requirements of this chapter.

d. Surfacing of Outdoor Sales Display: Outdoor Sales Display shall be surfaced, as herein provided:

(1) All outdoor sales display of merchandise shall be paved with concrete or asphalt, except as provided below:

(a) Outdoor sale areas for greenhouse/nursery materials may be surfaced with a maintained, dustless, weed free gravel.

(2) Said lots shall be served by paved approaches, driveways, vehicular maneuvering areas and parking spaces meeting the requirement of this chapter.

11. Parking Lot Grades and Drainage:

a. All off street parking shall be paved such that no surface shall exceed five percent and no longitudinal drainage gradient shall be flatter than one-half percent.

b. 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.

c. 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 in any direction.

d. All parking and loading areas shall provide for proper drainage of surface water to approved drainage areas or structures.

e. Surface drainage shall be retained on site to the extent that site runoff shall not exceed runoff from the site in its



undeveloped condition.

12. **Parking Lot Location Requirements and Proximity To Use:** The distance between parking areas and the use being served shall meet the following requirements:

- a. **Residential:** Required parking shall be located on site for residential uses except in the Central Business District.
- b. **All other uses:** Required parking shall be located not farther than 300' from the entrance to the facility being served, unless continuous parking is provided (except in the Central Business District).
- c. **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 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 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.

13. **Parking Space Requirements:** In general the parking space requirements are identified below; however the specific details can be found in accordance with the City's Design Standards Manual, as may be adopted by the Hayden City Council.

- a. **Standard Dimensions:** Off street parking spaces shall meet the minimum dimensions of 9' x 20' for a standard space, 8' x 23' for a parallel space, and 10' x 23' where parking abuts a building.
- b. **ADA Accessible Parking Spaces:**
  - (1) **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 designated accessible space.
  - (2) **Location:** The spaces for persons with disabilities shall be located as near as practical to a primary accessible entrance.
  - (3) **Signage:** All designated accessible spaces shall be signed.

14. **Aisleways, Driveways, Turning Radii, and Dimensions:**

- a. **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.
  - (1) **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.**
  - (2) **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 or more lots may be required.**
  - (3) **The width of an approach shall be determined according to the City standards, and shall meet the requirements of the local fire protection district.**
  - (4) **The location and design of approaches shall be approved by the City Engineer or his/her designee in accordance with the Access Management Policy as adopted by the City.**

15. **Bicycle Parking Requirements:**

- a. **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, where those uses are required by Code to have 15 or more parking spaces.**
- b. **Bike racks shall be provided with the number of bikes spaces totaling 10% of the required off-street vehicle parking spaces rounded to the nearest even number, or a minimum of two bike spaces, whichever is greater, up to a maximum requirement of eight 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.**
- c. **A single bicycle rack element shall be designed to meet the following criteria:**
  - (1) **Support the bicycle in an upright position by its frame in two places, without the use of a kickstand.**
  - (2) **Prevent the wheels of the bicycle from tipping over, tilting, or twisting.**
  - (3) **Enable the frame and one or both wheels to be secured.**
  - (4) **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.**
  - (5) **Provide for all types and sizes of bicycles, including various types and sizes of frames, wheels, and tire widths.**
- d. **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 the City prior to installation.**
- e. **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, and is acceptable to the City.**
- f. **Bicycle racks shall not be located within the public right-of-way, nor on private sidewalks/walkways with a width of less than 10'.**

16. Parking Lot Landscaping Requirements:

a. Landscaping: All parking areas shall include buffer landscaping as detailed in this chapter. 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 40% (not including surface overlays) the perimeter landscaping requirement shall apply to the entire parking lot.

17. 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 and the Lighting Standards in 11-4-5. (Ord. 619, 4-13-2021)

**11-4-7: SITE PLAN STANDARDS:**

A. Application Requirements:

1. All site plan applications shall include applicable fees, as established by City Council.
2. All site plan applications shall include the following information in a format which meets standards and policies set forth by the City of Hayden:
  - a. Record of survey or plat showing property pins, lot dimensions, and scale;
  - b. Location, purpose, and beneficiary of all existing or proposed easements;
  - c. 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;
  - d. 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;
  - e. Parking and circulation, including:
    - (1) The number and type of spaces, and their dimensions;
    - (2) The circulation plan, including the dimension of driveways, aisleways, pedestrian walkways, and queuing areas;
    - (3) The location and dimensions of off street loading areas;
    - (4) 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
    - (5) Ingress/egress details including location, dimensions, turning radius, and traffic control improvements designed to meet MUTCD standards;
  - f. Landscaping plan, including:
    - (1) The location and type of existing and proposed trees, bushes, shrubs, and other such plantings;
    - (2) The location and type of proposed ground coverings;
    - (3) Irrigation system improvements;
    - (4) Hardscape improvements, including, but not limited to:
      - (a) Patios;
      - (b) Walkways;
      - (c) Planters;
      - (d) Benches;
      - (e) Water features;
      - (f) Public art displays; or
      - (g) Other such "fixtures";
  - g. Required landscaping to include but not be limited to buffers, parking areas, street frontage, greenways, greenbelt tracts, etc.
  - h. 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;
  - i. Utility plan, including:
    - (1) The location of existing and proposed new sewer and water service lines and connections, including locations for domestic water and irrigation meters;
    - (2) The location of existing and proposed dry utilities service lines and connections; and
    - (3) The location of all existing and proposed utility easements;
  - j. Sign plan, including:
    - (1) The location of all existing and proposed signs; and

(2) The proposed dimensions, materials, and construction details for all signage proposed;

k. Grading plan, showing:

- (1) Existing and finish elevations in 1' contours;
- (2) Compaction requirements;
- (3) Total cut and fill volumes;
- (4) Grade break lines; and

(5) The location and dimensions of all retaining structures, with structural engineering details for all retaining structures over four feet in height;

l. Stormwater management plan, including GIA standards, hydraulic calculations, impervious area, culverts and dry wells;

m. Compliance with ADA accessibility standards and requirements of local, State, and Federal Code with regard to accessibility.

3. 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 preparation by a licensed professional shall not apply to the construction of single-family residential structures.

4. 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 those identified in 12-3-4(A) (19).

B. Required Site Improvements:

Type of Site	Proposed Work	Required Improvements
New Sites		Site improvements per 11-4-7 (B)(1)
Existing Sites	a) Activity or series of activities over a three year period of time in which over 40% of the gross area of the site is reconstructed or increase of site improvements by 40% of the existing improvements being developed unless the development occurs through a master site agreement. (Does not include surface overlays of existing asphalt parking lots.)	Site improvements shall be required for the entire site.
	b) Activity or series of activities over a three year period of time in which less than 40% of the gross area of the site is reconstructed. (Does not include surface overlays of asphalt parking lots.)	Site improvements apply to any expanded portion of a site.
	c) Gravel is resurfaced.	Must be in accordance with surfacing standards.

1. Site improvements shall consist of the following in compliance with the standards of this title:

- a. Landscaping, and irrigation systems in support thereof;
- b. Lighting;
- c. Paved driving, maneuvering and parking areas;
- d. Paved and screened storage areas and/or display lots, if applicable;
- e. Screened refuse disposal and recycling areas;
- f. On site stormwater management facilities; and

g. 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.

C. Required Frontage Improvements:

1. 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 are all part of frontage improvements. Dedications and easements shall extend from the boundary of the existing right-of-way to the extent of required public improvements and utilities.

Type of Construction	Construction of Frontage Improvements	Right-of-way Dedication & Grant of Utility Easement
All New Construction of Principal Structures	Yes	Yes
Commercial Additions & Changes of Use	Yes	Yes
Residential ADU	Yes	Yes
All other accessory uses	No	Yes 5
Maintenance	No	No 4

1 The said requirement(s) to be incorporated as a condition of building permit or other approval.

2 When an accessory structure or residential addition 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.

3 New Parking Lots without a building structure, public or private, shall be required to construct all on-site and off-site improvements as may be required for any non-residential site plan to include landscaping, lighting, paving, frontage improvements, and dedications of right-of-way and granting of easements.

4 Maintenance shall not include the following: 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.

5 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 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.

6 In areas where the dedication of right-of-way or easement would create a non-conforming lot of record, the dedication of right-of-way shall be to the required setback.

**D. Standards For Site Plan Approval:**

1. In order for a site plan to be approved, the development proposal must meet the following standards:

- a. The proposed use is allowable as based upon the current zone designation of the subject property;
- b. 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;
- c. 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
- d. 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.

2. 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.

**E. Construction Of Site Improvements:**

1. Construction of improvements, as depicted on the approved site plan, shall be required as a condition placed on the building permit.

2. 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.

3. 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.

4. 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 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.

F. Duration Of Site Plan Approval:

1. Site plan approval is for two years from date of approval by City staff. Failure to complete the improvements within two 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 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 years, after which the site plan approval shall be null and void and reapplication for a new site plan application shall be required.

2. Phased Site Plan Master Agreement: Should a project be proposed to be constructed in phases, then a site plan master agreement to identify the where, when, and what of the site shall be completed in each phase of the project site.

3. 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:

- a. Off-street parking and loading areas;
- b. Improvements required for on-site stormwater treatment systems (grass swales);
- c. Landscaped areas, including any required buffers; and
- d. Any other improvement required for compliance with this title.
- e. The maintenance of landscaped areas includes irrigation, maintenance of the irrigation system, and weed and pest control.

Should the above items not be maintained as required, the City shall address the maintenance requirements per the standards identified in 11-4-4(C). (Ord. 619, 4-13-2021)

**11-4-8: VIBRATION STANDARDS:**

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 300' from an abutting residential or commercial zoning district or at least 150' from an abutting light industrial zoning district, unless such operation is controlled to prevent transmission beyond the lot lines of earthshaking vibrations perceptible to a person of normal sensitivities. (Ord. 619, 4-13-2021)

**11-4-9: ZONE REGULATION APPLICATION STANDARDS:**

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. 619, 4-13-2021)

**CHAPTER 5**

**SIGN CODE**

SECTION:

**11-5-1: Purpose**

**11-5-2: Restrictions**

**11-5-3: Definitions**

**11-5-4: General Provisions And Requirements For All Signs**

**11-5-5: Signs Authorized Without A Sign Permit**

**11-5-6: Signs Authorized With A Sign Permit**

**11-5-7: Signs For Development Complexes**

**11-5-8: Prohibited Signs**

**11-5-9: Standards For Specific Sign Types**

**11-5-10: Permit Requirements And Administration**

**11-5-1: 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. 619, 4-13-2021)

**11-5-2: 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. 619, 4-13-2021)

**11-5-3: DEFINITIONS:**

<p>ABANDONED SIGNS:</p>	<p>Signs permitted as a sign (other than a Temporary Sign or Billboard) which is attached to a building or lease space which has become vacant, or a sign which exists on a lot or parcel having no building with a valid Certificate of Occupancy for a period of 120 consecutive days.</p>
<p>ATTENTION ATTRACTING DEVICE:</p>	<p>Temporary, non-structural signs, objects or devices which move, flicker, flap flash, gyrate or make noise through the utilization of air, wind, electricity, or other means, the primary function and purpose of which is to attract the attention of the public. The following signs are examples of attention attracting devices:</p> <p>a. Air dancers.</p> <p>b. Temporary Flags, including streamers, pendants, feathers, tear drop, bow flags, pin flags, fin flags or similar devices, either tethered to or placed upon or in the ground, earth, or pavement (does not include flags intended for residential or household use, or permanent flag pole).</p> <p>c. Signs with a revolving beam, beacon of light and/or search lights.</p> <p>d. Signs with light resembling an emergency vehicle.</p> <p>e. Other signs or devices as determined by the Community Development Director or designee.</p>
<p>AVAILABLE WALL AREA:</p>	<p>The continuous portion of a building between two terminating corners not including doors/windows.</p>
<p>BILLBOARD:</p>	<p>A ground-mounted sign which exceeds the maximum height and size allowed for a monument sign and which typically displays other characteristics not authorized in this code for permanent signage.</p>
<p>BLINKING:</p>	<p>A form of flashing where a pattern of sudden illumination changes occur with more than two on-off cycles per second.</p>
<p>BUILDING MOUNTED SIGNS:</p>	<p>a. Awning Signs: Lettering that is placed upon a roof like cover extending over or in front of a door or window as a decorative shelter.</p> <p>b. Canopy Signs: Signs that are structurally part of a canopy or the skin of a canopy. It differs from an awning in that its aim is not to provide shelter.</p> <p>c. Hanging Signs: See "Projecting Signs".</p> <p>d. Mural: An image or series of images or characters constituting artwork, which is painted or affixed directly to a wall, ceiling, or window.</p> <p>e. Painted Wall Signs: Signs not meeting the definition of a wall sign or mural that are painted directly to the exterior surface of a building.</p> <p>f. Projecting Signs: Signs with at least eight feet of vertical clearance which are attached to any side of a building and which project outward or hang from the building or structure so that the main body or area of the sign is physically separate from the structure to which it is attached. Also includes "hanging signs".</p> <p>g. Roof Signs: Signs 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.</p> <p>h. Wall Signs: Signs attached to or displayed on an exterior wall in a manner parallel with the wall surface, and not projecting more than 12 inches from such surface.</p> <p>i. Window Signs: Signs 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.</p>

CHANGEABLE SIGNS:	a. Electronic Message Center (EMC): A sign that uses computer-generated messages or some other means of changing the words. These signs also include lamps, LEDs, LCDs, or flipper matrix.
	b. Message Center: A panel consisting of a durable plastic or metal backing on which moveable characters may be arranged to create a message.
	c. Marquee Signs: Marquee signs may include the following:
	1. Signs mounted on a permanent canopy. 2. A traditional industry term for the variable-message section of a canopy sign. 3. Integral signs and permanent canopy.
DIRECTIONAL SIGNS:	Any sign that is designed and erected for the principal purpose of providing direction and/or orientation for vehicular or pedestrian traffic. The following are examples of directional signs:
	a. Traffic Signs: Official signs erected as required by government for public safety purposes.
	b. Drive Entrance/Exit Signs: Signs placed on private property at entrance points or along internal circulation routes. Generally not exceeding 30 inches in height.
	c. Wayfinding Signs: A type of sign that allows users to find their way, using information provided along the travel path.
DOUBLE FACED SIGNS:	Signs with two faces, back to back or in the shape of a "V", with identical messages and images.
ENTRYWAY SIGNS:	Signs used to identify the entrance to a development or subdivision.
FACADE:	The continuous portion of a building between two terminating corners including doors/windows.
FLAG (Permanent Pole):	A piece of cloth or similar material, typically rectangular or square, attachable along no more than one side at two or more points to a permanent flag pole by means of a durable rope or cord and providing a minimum of eight feet of clearance from the ground to the lowest point of the flag while at rest. A permanent flag pole shall be attached to the ground by means of permanent footing, or to the roof or sides of a building.
	a. For flags designed to be attached on more than one edge, including changeable or seasonal flags mounted on light poles or standards, see "Banner".
	b. For flags not mounted to permanent flag poles see "Attention-Attracting Device."
FLASHING SIGNS:	Signs with an intermittent flashing light source. Generally, a message is continuously repeated with the sign used as an attention-getting device.
FREESTANDING SIGNS:	Signs principally supported by a structure affixed to the ground, and not supported by a building, including pole signs, monument signs, and ground signs.
	a. Monument Signs: A ground sign with low overall height of no more than five feet.
	b. Pole/Pylon Signs: A freestanding sign with visible pole support.
FRONTAGE, STREET:	The length of the property line(s) of a single premise along a public or private right-of-way.
HEIGHT OF SIGNS:	Height of signs shall be measured from the grade at the base of the sign to its maximum height not including any devices or attachments such as solar panels, antennas, or lighting rods.
ILLEGAL SIGNS:	A sign that fails to meet the current codes and regulations when erected. It differs from a non-conforming sign, which is legal when created, but as laws and ordinances change, it no longer conforms to the codes.
MANSARD:	A type of roof that includes two slopes on each of its sides.
MARQUEE:	A permanent canopy often of metal projecting over an entrance. Often including a changeable message.
NONCONFORMING SIGNS:	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 SIGNS:	A sign that is not located on the property of the business which it is advertising. Also known as a third-party sign or outdoor advertising.
OFFICIAL SIGNS:	Signs erected or required by a governmental entity.
	Any non-illuminated sign or advertising device that rests on the ground and is not designed to be permanently attached to a building or permanently anchored to the ground.

PORTABLE SIGNS:	a. A-FRAME SIGNS: A double-faced portable sign with an A-shaped frame, no greater than four feet in height and seven square feet per sign face, composed of two sign boards attached at the top and separated at the bottom, and not supported by a structure in the ground.
	b. LAWN SIGNS: A small sign approximately 24" by 24" in size that sticks into an unpaved surface with a single or double post.
	c. STANDARD PORTABLE SIGNS: A small movable sign no greater than four feet in height and seven square feet per sign face, used for a temporary period of time.
PROHIBITED SIGNS:	Signs not specifically allowed by this chapter.
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.
SANDWICH BOARD SIGNS:	See "A-Frame Sign".
SIGN:	Any device, structure, fixture, painting, or visual image using words, graphics, symbols, numbers, or letters designed for the purpose of conveying information or attracting attention.
SIGN AREA/FACE:	The area of a sign on which words and images are placed.
TEMPORARY SIGNS:	Signs intended to be used for 90 days or less, not for a permanent installation. Not including portable signs.
	a. Banner: A sign composed of lightweight material that is firmly attached to a building at four or more points; often used in a non-permanent setting, such as to announce a grand opening, sale or special event.
	b. Attention attracting devices as defined in this chapter. (Ord. 619, 4-13-2021)

**11-5-4: 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.

B. Sign Setbacks, Generally: All permanent signs shall be located outside of all utility easements. Shall be a minimum of five feet behind the right-of-way. Shall not be located within two feet of sidewalk. Sidewalk, right-of-way, and utility easement locations shall be defined by the current Transportation Master Plan. An administrative exception may be requested for sites with space restrictions.

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. (See code § 6-1-4 Visibility at Intersection).

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 they will withstand wind pressure of at least 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, shall be within six feet of any electrical conductor, electrical light pole, electrical 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.

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, Non-maintained or Abandoned Signs: All signs 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 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 non-conforming 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 50% of the replacement value of the sign.

2. The legal, non-conforming sign may not be replaced, except with a sign conforming to the requirements of this chapter.

3. The legal non-conforming 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 50% of its replacement value, it must be brought into compliance with this chapter or removed within 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.

I. Illumination of signs shall be controlled as not to shine directly into the window of any residential premises. (Ord. 619, 4-13-2021)

#### **11-5-5: SIGNS AUTHORIZED WITHOUT A SIGN PERMIT:**

While subject to other applicable requirements and permits, the following signs are authorized without a sign permit:

##### **A. Sign Type:**

1. Official Signs: Signs erected or required by a governmental entity, including but not limited to:

a. Traffic control signs authorized by any governmental agency.

b. Signs, notices, placards, certificates and official papers, authorized or required by any statute, government agency, public school or court.

c. Public utility warning and underground line identification signs. Underground utility warning signs and other safety signs including flags placed in the ground for the purpose of marking under utilities.

d. Historical markers/commemorative plaques or cornerstones.

2. Temporary Signs: Signs for temporary use shall meet the following requirements:

a. Signs are not intended to be used as a substitute for permanent signage.

b. Signs shall have a durable backing and shall be fastened to the ground or structure. When attached to the ground, they shall be driven firmly into the ground to prevent theft and loss due to wind.

c. Signs may carry any lawful message.

d. No temporary sign shall remain on the property for longer than 90 days.

e. Three temporary signs may be authorized per lot.

f. Signs shall not exceed seven square feet in gross area and shall not be illuminated.

g. Prior to placing a new temporary sign on a property, any existing temporary signage along the same street frontage shall first be removed if the placement of the new sign will cause the number of temporary signs to exceed the number allowed on the property.

h. The City is authorized to require the removal of a temporary sign if, the temporary sign is or has become dilapidated, obsolete, or is a nuisance to the public.

i. Temporary signs shall be placed on private property only with the consent of the property owner. Any signs placed within easements, public right-of-way, or on private property without permission of the owner, are subject to removal without compensation.

3. Directional Signs: Directional signs do not require a sign permit, but are subject to the following limitations:

a. Only one exit/entrance directional sign shall be authorized per legal approach.

b. Directional signs shall not exceed two square feet in gross area.

c. Not more than 25% of the area of such sign shall be devoted to personal or business identification or logs.

d. Regulatory and/or traffic control signs shall not be considered directional signs, as defined herein.

e. 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.

4. Commercial, Mixed Use, and Light Industrial Zone Signs: In non-residential zone districts where a drive-through window is allowed, in addition to the freestanding signs allowed, businesses with a drive-through window may have two additional freestanding signs located adjacent to the drive-through land and oriented toward the occupants of the vehicle, provided they have secured all other required building and/or electrical permits. (Ord. 619, 4-13-2021)

#### **11-5-6: 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:

Allowed Signage (see standards for specific sign type)				
	A	MR, R-1, R-S non-residential uses	C, MU	L-I
Allowed Signage (see standards for specific sign type)				
	A	MR, R-1, R-S non-residential uses	C, MU	L-I
Building Mounted Sign	Not to exceed 10% of the area of the façade that the sign will be placed on.			
	(The allowed square footage can be made up of any combination of the following sign types)			
Awning/Canopy	Yes	Yes	Yes	Yes
Mural	No	No	No	No
Painted Wall Sign	Yes	Yes	Yes	Yes
Projecting Sign	Yes	Yes	Yes	Yes
Roof Sign	No	No	No	No
Wall Sign	Yes	Yes	Yes	Yes
Window Sign	Yes	Yes	Yes	Yes
Freestanding Signs	One freestanding sign shall be permitted for every one hundred (100) linear feet of street frontage		One freestanding sign shall be permitted for every one hundred fifty (150) linear feet of public street frontage.  Maximum of three (3) freestanding signs per lot	
Monument/Ground Sign	Yes	Yes	Yes	Yes
Pole/Pylon Sign	Yes	Restricted to Civic Uses	Yes	Yes
Flag (Permanent Pole)	Yes	Yes	Yes	Yes
Changeable Signs				
Electronic Message Center	Yes	Restricted to Civic Uses	Yes	Yes
Message Center	Yes	Restricted to Civic Uses	Yes	Yes
Zone Designations: A - Agricultural Zone, R-1 - Residential Zone, MR - Mixed Residential, R-S - Residential - Suburban Zone, MU - Mixed Use, C - Commercial Zone, L-I - Light Industrial Zone.				
CENTRAL BUSINESS DISTRICT (see standards for specific sign type)				
Building Mounted Signs:	Primary Façade:		Not to exceed 15% of the area of the façade that the sign will be placed on.	
	Rear and Side Façade:		Not to exceed 10% of the area of the façade that the sign will be placed on.	
	The allowed square footage can be made up of any combination of the following sign types  *This shall include building mounted changeable signs.			
Awning/Canopy	Yes			
Mural	No			
Painted Wall Sign	Yes			
Projecting Sign	Yes			
Roof Sign	No			
Wall Sign	Yes			
Window Sign	Yes			
Freestanding Signs:				
Monument/Ground Sign	1 permitted for every public street frontage, up to a maximum of three per lot.			

Flag (Permanent Pole)	Yes
Pole/Pylon Sign	No
<b>Changeable Signs:</b> Changeable signs placed on the façade of the building will be included in the max area % allowed.	
Electronic Message Center	Yes
Message Board	Yes
<p>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</p> <ol style="list-style-type: none"> <li>Signs that obscure architectural detail;</li> <li>Signs that project from the roof or parapet;</li> <li>Illuminated awnings or canopies unless the awning/canopy material is opaque;</li> <li>Inflatable signs and novelties; and</li> <li>Freestanding pole signs.</li> </ol>	

(Ord. 619, 4-13-2021)

**11-5-7: 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 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:

- Proposed sign location(s).
- Materials.
- Type of illumination.
- Design of freestanding sign(s).
- Size of sign(s).
- Quantity of different sign types.
- Uniform standards proposed for all signage, including signage that does not require a permit (e.g. direction 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 shall 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. (Ord. 619, 4-13-2021)

**11-5-8: 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.

F. Revolving Signs.



G. Off Premises Signs: Off premises signs, as defined in this chapter.


H. Roof Signs.

I. Billboard Signs. (Ord. 619, 4-13-2021)

**11-5-9: STANDARDS FOR SPECIFIC SIGN TYPES:**

Building Mounted Signs: (R represents non-residential uses in the R-S, R-1, and MR zone designations, C represents non-residential uses in the C and MU zone designations)

<b>AWNING SIGNS</b>			
<b>A. Description</b>	<b>B. Street Type and Frontage</b>		
<p>A building mounting sign that provides shelter.</p> <p><b>Acceptable: Down lighting</b></p>  <p><b>Not Acceptable: Internally lit</b></p> 	Permitted on all street types.		
	<b>C. Sign Dimensions - Area</b>		
	Total sign area, max (%)	R, A	10% of the façade
		C, L-I	10% of the façade
		CBD	15% of primary façade 10% of side and rear facade
	Sign lettering and logos shall not comprise more than thirty percent (30%) of the total exterior surface of the awning.		
	<b>D. Sign Dimensions - Height</b>	Not to exceed the height of the structure.	
	<b>F. Setbacks and Spacing</b>		
	Setbacks	N/A	
	Vertical clearance	Minimum 8 feet above ground level and maximum 14 feet ground level.	
<b>H. Illumination</b>	Shall not be internally lit. Down lighting or similar lighting may be permitted.		
<b>I. Electronic Message Centers/Message Board</b>			
Not allowed			
<b>Additional Standards</b>			
<ol style="list-style-type: none"> <li>1. The area of the signage shall be counted towards the maximum wall sign area allowed for each façade.</li> <li>2. Sign shall consist of individual lettering or graphics applied directly to the surface of the awning.</li> <li>3. Awning signs are permitted only on the first floor of the building.</li> <li>4. Awnings must be professionally constructed. The use of vinyl as a material is not permitted.</li> </ol>			


<b>CANOPY SIGNS</b>			
<b>A. Description</b>	<b>B. Street Type and Frontage</b>		
<p>Canopy signs may be used on canopies attached to buildings. Wall signs may be used in combination with canopy signs.</p> <p><b>Acceptable</b></p>  <p><b>Also Acceptable</b></p>	Permitted on all street types.		
	<b>C. Sign Dimensions - Area</b>		
	Total sign area, max (%)	R, A	10% of the façade
		C, L-I	10% of the façade
		CBD	15% of primary façade 10% of side and rear facade
	<b>D. Sign Dimensions - Height</b>	Not to exceed the height of the structure.	
	<b>F. Setbacks and Spacing</b>		
	Setbacks	N/A	
	Vertical clearance	Minimum 8 feet above ground level and maximum 14 feet ground level.	
	<b>H. Illumination</b>	Lettering may be internally or externally lit.	
<b>I. Electronic Message Centers/Message Board</b>			
Permitted as a marquee sign			




**J. Additional Standards**

1. The area of the signage shall be counted towards the maximum wall sign area allowed for each façade.
2. Flashing lights, or exposed raceways, conduits, or transformers are prohibited.
3. Shall not extend above the second floor ceiling or the top of the roof, whichever is less.
4. Canopy signs are permitted only on the first floor of the building.
5. Awnings must be professionally constructed.


**PAINTED WALL SIGNS**


<b>A. Description</b>	<b>B. Street Type and Frontage</b>	
<p>Painted wall signs are generally signs or graphics that are painted or placed on walls. <b>Acceptable</b></p> 	Permitted on all street types.	
	<b>C. Sign Dimensions - Area</b>	
	Painted Wall Signs	
	R, A	10% of the façade
	C, L-I	10% of the façade
	CBD	15% of the primary façade 10% of rear and side facade
	<b>H. Illumination</b>	
	Goose neck lighting or similar lighting may be used	
	<b>I. Electronic Message Centers/ Message Board</b>	
	Not allowed	
<b>J. Additional Standards</b>		
<ol style="list-style-type: none"> <li>1. Any such sign shall be painted out or removed within 30 days of change of occupancy.</li> <li>2. Exceptions may be granted to landmark and mural signs that may be preserved and maintained if they are of historic significance.</li> <li>3. Maintenance shall be required for portion of the painted wall sign that is unreadable or unsightly due to weather, sunlight or graffiti.</li> </ol>		

**PROJECTING SIGNS**

<b>A. Description</b>	<b>B. Street Type and Frontage</b>		
<p>Projecting Signs are generally attached perpendicular to the face of the building extending outward. <b>Acceptable</b></p> 	Permitted on all street types except local streets.		
	<b>C. Sign Dimensions - Area</b>		
	Total wall area, max (%)	R, A	10% of the facade
		C, L-I	10% of the façade
		CBD	15% of the primary facade 10% of the rear and side facade
	<b>D. Sign Dimensions - Height</b>		
	<p>If attached to a single story building, the height of the top of the edge of the signboard shall not exceed the height of the wall from which the sign projects. If attached to a multi-story building, the height of the top edge of the signboard shall not exceed the height of the sill or bottom of any second story window. Not to exceed height of structure</p>		
	<b>E. Sign Dimensions - Width</b>		
	All street types, max. (ft.)	3 feet	
	<b>F. Number of Signs</b>		
Signs per building max	1 per tenant		
<b>G. Setbacks and Spacing</b>			
Setbacks	N/A		

	Vertical Clearance	8 feet
<b>H. Illumination</b>		
Lighting may be: internal or external		
<b>I. Electronic Message Centers/Message Board</b>		
Not allowed		
<b>Special Conditions</b>		
1. For buildings with multiple commercial tenants, each business may be permitted one projecting sign.		

<b>WALL SIGNS</b>			
<b>A. Description</b>	<b>C. Street Type and Frontage</b>		
<p>Wall signs are permanent signs constructed of a durable material such as metal, acrylic, or other engineered product. Wall signs are structurally attached to a building along a plane that is parallel to the building face to which the sign is attached.</p> <p><b>Acceptable: meets all requirements</b></p> 	Permitted on all street types.		
	<b>D. Sign Dimensions - Area</b>		
	Total façade area per wall, max (%)	R, A	10
		C, L-I	10
		CBD	15% of the primary façade 10% of rear and side facade
	<b>E. Sign Dimensions - Height</b>		
	Not to exceed the height of the structure.		
	<b>G. Setbacks and Spacing</b>		
	Setbacks	N/A	
	<b>H. Illumination</b>		
Lighting may be: internal and external			
<b>I. Electronic Message Centers/Message Board</b>			
Permitted (See Electronic Message Center)			
<b>Special Conditions</b>			
1. Shall be mounted flush and fixed securely to a building wall.			
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.			
3. 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			
4. Wall signs shall be constructed of a rigid durable material such as metal or acrylic and shall be structurally mounted to the façade of a building.			
5. Electrical componentry shall be concealed behind the sign or cabinet.			
6. Multiple wall signs shall be permitted, provided that the signage for each façade does not exceed the maximum permitted area and that the number of distinct attached sign types does not exceed three (3).			


<b>WINDOW SIGNS</b>			
<b>A. Description</b>	<b>B. Street Type and Frontage</b>		
<p>A window sign is generally affixed to a window for the purpose of being viewed from the exterior of a building.</p> <p><b>Acceptable: meets all requirements</b></p>  <p><b>Not Acceptable: fluorescent colors and obscures visibility into tenant</b></p>	Permitted on all street types.		
	<b>C. Sign Dimensions - Area</b>		
	Total façade area per wall, max (%)	R, A	10% of the façade
		C, L-I	10% pf the façade
		CBD	15% of the primary façade 10% of rear and side facade
	<b>D. Sign Dimensions - Height</b>		
	Height, max. (ft)	N/A	
	<b>E. Sign Dimensions - Width</b>		
	Width, max. (ft)	N/A	
	<b>F. Setbacks and Spacing</b>		
Setbacks	N/A		

space



<b>H. Illumination</b>
Not allowed
<b>I. Electronic Message Centers/Message Board</b>
Permitted - see Electronic Message Center
<b>J. Additional Standards</b>
<ol style="list-style-type: none"> <li>1. Window signs should not obscure the visibility into a tenant space.</li> <li>2. No fluorescent colors or reflective material shall be used for window signs.</li> <li>3. Window signs are only permitted on the first story of a building.</li> </ol>

Changeable Signs:

<b>ELECTRONIC MESSAGE CENTER</b>			
<b>A. Description</b>	<b>B. Street Type and Frontage</b>		
<p>An electronic message center are signs that are self-illuminated, primarily through the use of LEDs, and are capable of displaying static and dynamic images.</p> <p><b>Acceptable: meets all requirements</b></p> 	Permitted on all street types.		
	<b>C. Sign Dimensions - Area</b>		
	Building Mounted Signs: See Building mounted sign standards		
	Total area, combined max (sf) per facade	R, A	10
		C, L-I	10
		CBD	15 (primary) 10 (rear and side)
	Freestanding Signs		
	Freestanding Signs: See freestanding sign standards		
	<b>D. Interchangeable Message - Area</b>		
	Message center shall comprise no more than half of the allowed signage per façade and no more than half of an individual freestanding sign.		
<b>H. Illumination</b>			
<p>All EMC shall be equipped with technology that automatically dims the electronic message center according to ambient light conditions.</p> <p>Display shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot-candle meter at a pre-set distance. The pre-set distances to measure the foot-candles is calculated using the formula:</p> <p>Measurement Distance = <math>\sqrt{\text{Area of Sign} \times 100}</math></p>			
<b>Additional Standards:</b>			
<ol style="list-style-type: none"> <li>1. Legal non-conforming signs can replace an existing message sign component with replacement messaging component so long as it is consistent with these standards.</li> <li>2. Frequency of Message Change: All signs, including public service signs and temperature message centers, must hold each displayed message a minimum of two (2) seconds before changing to the next image. No sign which either directly or apparently flashes or blinks shall be erected or maintained.</li> <li>3. Information required: Every electric sign and message center shall have placed thereon within easy view the following information in letters at least one inch (1") in height: permit number, power consumption including voltage and amperage; Underwriters Laboratory labels on all electrical signs.</li> <li>4. Distracting or Hazardous Electric Sign Prohibited: No illuminated signs shall be erected or maintained which create an unduly distracting or hazardous condition to a motorist, pedestrian, or the general public. No strobe type lights shall be erected or maintained on the interior of a window or door attached to any other area of a building facing a public street or venue.</li> <li>5. Message centers shall meet the same requirements for interchangeable message area.</li> </ol>			

Freestanding Signs:

<b>ENTRYWAY SIGNS (Residential Neighborhood)</b>	
<b>A. Description</b>	<b>B. Street Type and Frontage</b>
	Permitted on public and private street frontage.
	<b>C. Sign Dimensions - Area</b>

An entryway sign identifies the entryway to a single-family or multi-family subdivision and serves to provide an identity for said community. These signs do not provide for changeable tenant panels, Electronic Message Boards, or Message Centers.  
**Acceptable: meets all requirements**



Total sign area, max (sf)	24
Structural support elements, max (%)	50% of the message portion
<b>D. Sign Dimensions - Height</b>	
Height, max. (ft.)	5
<b>E. Number of Signs</b>	
Signs per street frontage (per entrance)	2
<b>F. Setbacks and Spacing</b>	
5 feet behind the right-of-way. Outside of all utility easements and not within two feet (2') of the sidewalk. See general provisions.	
<b>H. Illumination</b>	
Lighting may be: internal or external	
<b>I. Electronic Message Centers/Message Board</b>	
Not allowed.	

**Special Conditions**

1. Landscaping shall meet the design standards as identified in Chapter 11 of this title.
2. The support structure shall be clad in materials that's are similar to the materials of the primary building or buildings.
3. Limited to monument signs.
4. When two signs are proposed at one entrance the max signage for each sign shall meet the sign dimensions identified above.

**MONUMENT SIGNS**

<b>A. Description</b>	<b>B. Street Type and Frontage</b>		
<p>Monument Signs stand directly on the ground and are freestanding, which means they are structurally independent from any building or structure. A maximum of one tenant may be included on a single sign structure. See Multi-Tenant Monument Signs if two or more tenant panels are planned on a single sign structure.  <b>Acceptable: meets all requirements</b></p>	One monument sign shall be permitted per street frontage on all street types with a minimum street frontage of one hundred feet (100').		
	<b>C. Sign Dimensions - Area</b>		
	Area, max (sf)	A, R	32
		C, L-I	32
		CBD	32
	Structural support elements	50% of the message portion	
	<b>D. Sign Dimensions - Height</b>		
	Height, max. (ft.)	5	
	<b>E. Number of Signs</b>		
	Signs per street frontage	1	
<b>F. Setbacks and Spacing</b>			
5 feet behind the right-of-way. Outside of all utility easements and not within two feet (2') of the sidewalk. See general provisions.			
<b>H. Illumination</b>			
Lighting may be internal and external			
<b>I. Electronic Message Centers/Message Board</b>			
EMCs may be a part of the monument sign. See Electronic Message Center			

**Special Conditions**

1. One Single-Tenant Monument Sign shall be permitted per lot, per street frontage, provided that there are not pole signs on the lot. Two monument signs may be permitted along a single street frontage of 400 or more linear feet. The total area of both signs shall not exceed the maximum sign area permitted if a single sign were erected. The minimum separation between signs shall be at least 150 feet.
2. The support structure shall be clad in materials that are similar to the materials of the primary building or buildings.

**MULTI-TENANT MONUMENT SIGNS**

<b>A. Description</b>	<b>B. Street Type and Frontage</b>
	Permitted on public street frontage.



Multi-Tenant Monument Signs stand directly on the ground and are freestanding, which means they are structurally independent from any building or structure.

**Acceptable**



<b>C. Sign Dimensions - Area</b>	
Total wall area, max (sf)	32
Structural support elements	50% of the message portion
<b>D. Sign Dimensions - Height</b>	
Height, max. (ft.)	5
<b>E. Number of Signs</b>	
Signs per street frontage	1
<b>F. Setbacks and Spacing</b>	
5 feet behind the right-of-way. Outside of all utility easements and not within two feet (2') of the sidewalk. See general provisions.	
<b>H. Illumination</b>	
Lighting may be internal and external	
<b>I. Electronic Message Centers/ Message Board</b>	
EMCs and message boards may be a part of the monument sign. See Electronic Message Center	

**Special Conditions**

1. Master Sign Plan is required.
2. Multi-Tenant Monument Signs must include the address block where the sign is situated, but the space required for the address block is not included in the sign dimension calculation.
3. One Multi-Tenant Monument Sign shall be permitted per street frontage, provided there are no other freestanding signs on the lot.
4. Two Multi-Tenant Monument Signs may be permitted along a single street frontage of 400 or more linear feet. The total area of both signs shall not exceed the maximum sign area permitted if a single sign were erected. The minimum separation between signs shall be at least 200 feet.
5. A Multi-Tenant Monument Sign shall not occupy the same platted lot as a Single-Tenant Monument Sign, unless the lot has multiple street frontages, in which case a Single-Tenant Monument Sign may be permitted on each additional street frontage.
6. The tenant panels shall be designed in accordance with the following:
  - a. Panel design and material shall be consistent across all tenant panels;
  - b. Vacant tenant panels or damaged panel which expose the interior of the sign shall be prohibited and shall be repaired in a timely manner.
7. All Multi-Tenant Monument Signs require an address block. If there is more than one street number, the number range and street name shall be shown.
8. The support structure shall be clad in materials that's are similar to the materials of the primary building or buildings.
9. Flashing, animated, revolving and/or neon signs of any type are prohibited in agricultural and all residential zones.

<b>POLE/PYLON SIGNS</b>				
<b>A. Description</b>	<b>B. Street Type and Frontage</b>			
<p>A pole sign is a sign placed upon one or more individual poles for support.</p> <p><b>Acceptable: meets all requirements</b></p>	Permitted on all street types			
	<b>C. Sign Dimensions - Area (Per Sign) based on street frontage</b>			
	R, A	32 square feet		
	C, L-I	Feet of Street Frontage On U.S. 95		
		Less than 300	301 To 600	Greater Than 600
		100 sf	200 sf	300 sf
		Feet of Street Frontage On All Other Streets		
		Less Than 150	150 to 300	Greater Than 300
		85 sf	100 sf	150 sf
	<b>D. Sign Dimensions - Height, Max (Per Sign) based on street frontage</b>			
R, A	10 feet			
	Feet of Street Frontage Per Sign			
	Less Than 300	301 to 600	Greater Than 600	



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. 619, 4-13-2021)

## CHAPTER 6

### PLANNED UNIT DEVELOPMENT

SECTION:

**11-6-1: Intent**

**11-6-2: Purpose And Goals**

**11-6-3: Effect Of Other Ordinance Provisions**

**11-6-4: General Requirements**

**11-6-5: Procedure For Approval Of PUD**

**11-6-1: 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 non-residential 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 standards for a conditional use permit and the procedures and standards of a subdivision. (Ord. 619, 4-13-2021)

**11-6-2: 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. 619, 4-13-2021)

**11-6-3: 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. 619, 4-13-2021)

**11-6-4: 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 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 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;

(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. Non-Residential Uses:

a. When a PUD includes commercial uses, commercial buildings and establishments, light industrial uses, recreation uses, etc. those uses shall be planned as groups having common parking areas and common ingress and egress points.

b. Side yard and rear yard setbacks of 25', and planting screens and visual landscaping buffers, as required Hayden City Code 11-4-4 of this title, shall be required if the commercial building is located adjacent to an abutting residential use (i.e., existing residence in any zone, a residential PUD, etc.), 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. Landscaping required abutting residential uses must be maintained until the abutting residential use ceases to operate as a residence and/or is converted to a non-residential uses; at which time the PUD property owners association may request a review to determine if the landscaping buffer can be altered or removed.

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 10% of the gross land area of a non-residential PUD may be utilized as 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.

When measuring for the secondary use not allowed within the underlying zoning district, it is determined by 10% of the gross acreage of the zone district in question. For example, in a PUD which has more than one underlying zone, and the placement of a non-residential component is within a residential zone district, up to 10% of the gross acreage of the residential zone district may be utilized for the non-residential use.

3. 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. Common Open Space:

1. Required Open Space: A minimum of 10% of the gross land area in any PUD project shall be reserved for consolidated areas of common open space for the occupants of the area being developed. Land dedicated for public use (i.e. City, Schools, Art, and Park) may also be considered to meet this requirement. 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 acres in size in which case the 10% open space can be combined with required landscape buffers, the perimeter setback area, and greenbelts. In solely non-residential PUDs, common landscaped areas, the 25' PUD setback and Type II landscaped buffer, walking paths, and other features that contribute to a "campus like effect", may be counted as open space. Where a non-residential PUD abuts a non-residential use, the 25' PUD setback may be waived as long as all other buffer and landscape requirements are met.

2. Dedication of Land for Public Use: The required amount of common open space land reserved under a PUD shall be deeded to the property 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 a property 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 property owners' association shall be created at the time of final approval, with association documents to be recorded with the final PUD plan.

E. 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.

3. Dedication of Land: To provide an incentive for quality PUDs, a density bonus of up to 20% of the allowable number of dwelling units may be permitted. Character, identity, architectural style and variation, creative physical design, and variety of housing choices may be considered good aesthetics but are not considered for a density bonus. Provided that the applicant demonstrates that the factors identified in 3 (a through e) make a substantial contribution to the overall quality of the development and objectives of the PUD, then the following density bonus may be requested:

a. Incorporation of community art in common areas, design of plazas and public meeting areas, and preservation of unique natural features (10 % maximum density bonus);

b. Dedication of land to public entities for required community services (i.e. Fire, School, Police, Interstate Transportation Facilities) without reimbursement for land costs (10% maximum density bonus);

c. Housing that addresses special needs populations, which accounts for not less than 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% maximum density bonus);

d. Dedicated, affordable workforce housing, which accounts for not less than 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 30% of 140% of Kootenai County's median household income for that year, as estimated and reported by the U.S. Bureau of the Census (20% maximum density bonus); or

e. Provision of significant recreational area improvements as identified in the Park Strategic Plan without reimbursement by park impact fees (10% maximum density bonus).

4. Setbacks and Side Yard Requirements:

a. In no event shall the setback from the exterior boundary be less than 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;

(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, and all other applicable City codes, policies, and standards. (Ord. 619, 4-13-2021)

#### **11-6-5: PROCEDURE FOR APPROVAL OF PUD:**

The granting of a permit for a PUD shall require a pre-development 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. Pre-development 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:

- 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. Copy of the most recent deed of the property;
- e. Description of existing use;
- f. The zoning district(s) of the project site;
- g. 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;
- h. A preliminary development plan, City at 1" = 40' scale and overall site plan to fit on one 11" x 17" sheet, showing:
  - (1) Topography at one foot intervals;
  - (2) Location and type of all 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;
- i. Proposed schedule for development of the site, including a phasing plan, if applicable;
- j. 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 Hayden City Code 11-1-4(D).

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
- d. The proposed development at the proposed location meets the standards for approval of a conditional use permit as set

forth in section 11-7-3 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).

a. 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.

b. If condominiums are proposed within the PUD, an application for the condominium/townhome plat, meeting the submittal requirements as required by code, shall be submitted once the conditions have been met according to title 12, chapter 9.

c. At a minimum, the application for final plan approval shall contain the following information:

(1) 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;

(2) 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;

(3) 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;

(4) Site plan, showing building footprints, various functional use areas and their relationship, and circulation plans and patterns;

(5) 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;

(6) Landscaping plans; and

(7) 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.

(8) Any items specifically required to be submitted by the City Council's approval in principal of the preliminary PUD.

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 development is consistent with the goals and purposes of a planned unit development, as defined in section 11-6-2 of this chapter, all standards and requirements of this chapter, the intent and purpose of the Hayden Zoning Ordinance and the Comprehensive Plan.

2. The proposed PUD provides for adequate utilities, services, and parking to service the proposed development by;

a. Providing a public water supply system that has adequate supply to serve the proposed development; and

b. Providing a public wastewater collection system that is designed in accordance with the City's adopted Collection System Master Plan and has sufficient capacity to accommodate the proposed sewer flows; and

c. Providing for public and/or private stormwater system that is designed in accordance with the City's adopted Stormwater policy and sufficient capacity to accommodate the required stormwater Hayden City Code; and

d. Providing adequate accommodation for other utilities to include but not be limited to electrical, gas, phone, solid waste, etc. necessary to support the proposed development; and

e. Providing sufficient parking throughout the development to adequately meet the parking needs of all uses proposed in the PUD.

3. The proposed PUD provides for an integrated transportation network that adequately serves the proposed development by:

a. Providing for the continuation of arterial and collector streets, meeting City standards for traffic volume, in a manner consistent with the City's adopted Transportation Master Plan; and

- b. Providing a local street network that allows adequate traffic circulation and snow storage throughout the entire development; and
- c. Providing a pedestrian and bicycle system designed to provide adequate circulation throughout the entire development and to all open space areas; and
- 4. The proposed PUD provides enhanced community design by:
  - a. Conserving and incorporating the sites significant natural, scenic and/or historical features in the development, if any; and
  - b. Integrating a mix of compatible land uses in the development and adequately buffering and/or separating any incompatible uses in the development; and
  - c. Locating the proposed uses and lot sized in the proposed PUD in a manner that blends with the surrounding uses, neighborhoods, and public facilities located in the City; and
  - d. Providing at least 10% of the gross land area for open space that meets the recreational needs of the users of the development and provides for a variety of recreational uses consistent with the City's adopted Parks Master Plan; and
- 5. The proposed PUD provides for timely development of the property and security for future completion and maintenance by:
  - a. Ensuring that each development block contains all the necessary elements to exist independently from future blocks; and
  - b. Ensuring that each building in the development lot has sufficient access around the structure to allow for continual maintenance of the building and access for emergency services; and
  - c. Ensuring that a funding mechanism exists to adequately maintain common areas that are not publicly maintained.
- 6. In order to achieve the purposes of this section, the developer may request modification (or exceptions) to the following development standards:
  - a. Any provision pertaining to the height, bulk, setback or maximum dimensions of any facility.
  - b. Any provision establishing buffering, landscaping or other similar requirements pertaining to site design.
  - c. Any provision pertaining to the minimum or maximum dimensions of lot(s).
  - d. Any provision of this title regarding driveways, local streets, and sidewalks except accessibility standards.

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:**

1. Single Phase PUD: 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 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 12-3-4(I)(3) of this Code. After the two 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 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.

2. Phased subdivision: The application for the first plat in a phased subdivision within the PUD shall be made in accordance with section 11-6-5(E)(1) and 12-3-4 of Hayden City Code and the final plat application for the final phase of a phased subdivision shall be submitted no later than five years after the date of City Council approval of the master development agreement which approved the entire subdivision in concept unless extensions of one year have been applied for by the developer and approved by the City Council or if some other time frame has been agreed to in the master development agreement. (Ord. 619, 4-13-2021)

**CHAPTER 7**

**CONDITIONAL USE PERMITS**

**SECTION:**

- 11-7-1: Purpose**
- 11-7-2: Contents Of Application For Conditional Use Permit**
- 11-7-3: General Standards Applicable To All Conditional Uses**
- 11-7-4: Public Buildings, Complexes, And Correctional Facilities**
- 11-7-5: Public Sites And Open Spaces**
- 11-7-6: Supplementary Conditions And Safeguards**
- 11-7-7: Public Hearing By Planning And Zoning Commission**
- 11-7-8: Action By The Commission**



### **11-7-9: Notification To Applicant**

### **11-7-10: Appeal**

### **11-7-11: Failure To Comply**

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

A. The conditional 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 of 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 conditional use permit application as specified in this title. The Commission may approve, conditionally approve or deny a conditional use permit under the conditions as herein specified and considering such additional safeguards as will uphold the intent of this title. (Ord. 619, 4-13-2021)

#### **11-7-2: CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT:**

A. An application for conditional use permit shall be filed with the Community Development Department 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 City 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 of the conditional use request on adjoining property; and how the conditional use request meets the standards of approval in 11-7-3.

7. 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 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. 619, 4-13-2021)

#### **11-7-3: GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL 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 meets the following:

1. The proposal is in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or the zoning ordinance;

2. The location, design, and size of the proposal are such that the development will be adequately served by 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;

3. The design and planning (to include construction, operation and maintenance) of the site is compatible with the location, setting and existing uses and the intended character of the general vicinity. (Ord. 619, 4-13-2021)

#### **11-7-4: PUBLIC BUILDINGS, COMPLEXES AND CORRECTIONAL FACILITIES:**

A. As defined in this title, any Public Building or Complex and Correctional Facility shall apply to the Community Development Department for a conditional use permit and shall be subject to a public hearing in accordance with the procedures set forth in 11-7-7, with the City Council.

B. A Memorandum of Understanding regarding the conditions of approval for the project shall be entered into prior to any construction for the project in accordance with Hayden City Code 11-1-3(C).

C. Specific design standards as identified in Hayden City Code 11-2-5 shall be addressed within the conditions of approval.

D. All other requirements of this chapter shall apply to the requests for a conditional use permit before the City Council. (Ord. 619, 4-13-2021)

#### **11-7-5: 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 30 days of the date of notice, the public agency may request the governing body to suspend consideration of the permit for 60 days from the date of the request; however, if an agreement between the property owner and the public agency is not reached within 60 days the Commission shall resume consideration of the conditional 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. 619, 4-13-2021)

**11-7-6: 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. 619, 4-13-2021)

**11-7-7: PUBLIC HEARING BY PLANNING AND ZONING COMMISSION:**

As soon as is practical following the filing of the application and prior to granting a conditional use permit, at least one public hearing in which interested persons shall have an opportunity to be heard shall be held according to the procedures set out in 11-1-6. (Ord. 619, 4-13-2021)

**11-7-8: 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 conditional use permit listing the specific conditions specified by the Commission for approval;

B. Upon granting of a conditional use permit, conditions may be attached to a conditional 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 conditional 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 conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional 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. 619, 4-13-2021)

**11-7-9: NOTIFICATION TO APPLICANT:**

Within 10 days after a decision has been rendered, the City shall provide the applicant with written notice of the action on the request. (Ord. 619, 4-13-2021)

**11-7-10: 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. 619, 4-13-2021)

**11-7-11: FAILURE TO COMPLY:**

The approval of a conditional use permit is valid for two 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 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 conditional use permit has been issued is discontinued or abandoned for one year then the conditional use permit shall be considered null and void. Continued operation of a use requiring a conditional use permit after such conditional use permit expires or is in noncompliance with any condition of a conditional use permit, shall constitute a violation of the zoning ordinance. (Ord. 619, 4-13-2021)

## CHAPTER 8

## VARIANCE

SECTION:

**11-8-1: Purpose**

**11-8-2: Application And Standards For Variances**

**11-8-3: Supplementary Conditions And Safeguards**

#### **11-8-4: Public Hearing By Planning And Zoning Commission**

#### **11-8-5: Action By The Planning And Zoning Commission**

#### **11-8-6: Notification To Applicant**

#### **11-8-7: Appeal**

#### **11-8-1: 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. 619, 4-13-2021)

#### **11-8-2: 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 Community Development Department 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:
  - 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.
5. 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 300' of the external boundaries of said land. The cost of the title report shall be the sole responsibility of the applicant).
6. Legal description of the property from the most recent deed.
7. Other items as may be required by staff to complete the application request.

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. 619, 4-13-2021)

#### **11-8-3: 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. 619, 4-13-2021)

#### **11-8-4: 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 in accordance with 11-1-6 of this title. (Ord. 619, 4-13-2021)

**11-8-5: 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. 619, 4-13-2021)

**11-8-6: NOTIFICATION TO APPLICANT:**

Within 10 days after a decision has been rendered, the City shall provide the applicant with written notice of action on the request. (Ord. 619, 4-13-2021)

**11-8-7: 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. 619, 4-13-2021)

**TITLE 12**  
**SUBDIVISION REGULATIONS**

**CHAPTER 1**  
**GENERAL PROVISIONS**

**SECTION:**

**12-1-1: Title**

**12-1-2: Purpose**

**12-1-3: Authority**

**12-1-4: Fees And Mitigation**

**12-1-5: Enforcement And Penalties**

**12-1-6: Interpretation And Conflict**

**12-1-7: Condition Based Exceptions**

**12-1-8: Development And Construction Agreements**

**12-1-1: TITLE:**

These regulations shall officially be known and cited as the *SUBDIVISION ORDINANCE OF THE CITY OF HAYDEN* (Ord. 339, 4-8-2003)

**12-1-2: PURPOSE:**

These provisions are adopted to provide for the orderly division of land within the city, and:

- A. To protect and provide for the public health, safety, and general welfare of Hayden;
- B. To guide the future growth and development of the city in accordance with the comprehensive plan;
- C. To encourage the order and beneficial development of the community's land;
- D. To guide public and private policy in order to provide adequate and efficient streets, sewerage, drainage, parks and public facilities;
- E. To establish standards for development and installation of improvements for subdivisions, including water, sewer, streets and drainage;
- F. To further the orderly layout and use of land, and to ensure proper legal description and monumentation of subdivided land;
- G. To ensure that public facilities and services are available concurrent with development and will have sufficient capacity to serve the subdivision;
- H. To ensure that the community will bear no more than its fair share of any cost of providing services by requiring the developer to pay fees, furnish land, or establish mitigation measures to provide a fair share of capital facilities needs generated by the development;
- I. To assure the adequacy of drainage facilities to safeguard the water table, and to encourage the wise use and management of natural resources to preserve the stability and beauty of the community and the value of the land;
- J. To provide open space through the most efficient design and layout of land, while preserving the density of development as established in the zoning ordinance of Hayden. (Ord. 339, 4-8-2003)

**12-1-3: AUTHORITY:**

A. This title is adopted pursuant to the authority delegated to the city pursuant to article 12, section 2 of the Idaho constitution, Idaho Code, title 67, chapter 65 and title 50, chapter 13.

B. The provisions of this title shall be administered to ensure orderly growth and development and shall supplement and implement provisions of the Hayden comprehensive plan, this code and the capital improvements plan. By virtue of this title the city council, planning commission and administrative staff of Hayden are vested with the authority to review, approve, approve with conditions, or disapprove applications for subdivision of land. (Ord. 339, 4-8-2003)

**12-1-4: FEES AND MITIGATION:**

A. The city council may, by resolution, adopt reasonable fees related to the cost of services associated with review, processing and inspection of subdivision of land.

B. The city may, as a condition of approval of a subdivision, require mitigation of the effects of development on the ability of the city, and other political subdivisions, to deliver services without compromising quality or imposing substantial additional costs to current residents. As a complement thereto, the developer may pay development impact fees, which will be used by the City to mitigate such impacts. (Ord. 339, 4-8-2003)

**12-1-5: ENFORCEMENT AND PENALTIES:**

A. No building permit will be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations or State platting statutes, nor shall the City have any obligation to issue any certificates of occupancy or to provide utility services to any lot or tract created or established in violation of these provisions. (Ord. 582, 7-10-2018)

B. No construction of infrastructure shall commence until preliminary subdivision approval has been issued, and development agreements and construction improvement agreements, as required by chapter 7 of this title, have been approved and executed.

C. Violations of the provisions of this title will be deemed a misdemeanor crime, with each day such violation continues constituting a separate offense. The City shall have recourse to such civil remedies in law and equity as may be necessary to ensure compliance with the provisions of these regulations. (Ord. 398, 8-31-2005, eff. 10-1-2005)

**12-1-6: INTERPRETATION AND CONFLICT:**

A. In their interpretation and application, the provisions of this title shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that such standards are necessary to protect the public health, safety and welfare.

B. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, the provision which is more restrictive or imposes the standards most likely to protect the public health, safety and general welfare shall control. (Ord. 339, 4-8-2003)

**12-1-7: CONDITION BASED EXCEPTIONS:**

A. Where strict compliance with these regulations and/or the purposes of these regulations may be better served by an alternative proposal, the City Council may approve condition based exceptions to these regulations. The granting of an exception shall not have the effect of nullifying the intent and purpose of these regulations. The City Council will not permit exceptions to conditions unless it finds, based upon the evidence presented to it in each specific case, that:

1. The granting of the condition based exception will not be detrimental to the public safety, health or welfare or injurious to other property; and
2. The conditions upon which the condition based exception request is based are unique to the lands for which the relief is sought and are not applicable generally to other lands; and
3. Because of the particular physical surroundings, shape or topographical conditions of the specific lands involved, a particular and unnecessary hardship to the owner or the public would result if these regulations are strictly applied; and
4. The change sought will not be contrary to the zoning ordinance or comprehensive plan.

B. In approving condition based exceptions, the City Council may require conditions that will secure the purposes of this title. A condition based exception is any alternative design, or deviation from subdivision ordinance requirements that is requested by the developer. The exception requested must be in writing and must be included in the notice to be given pursuant to chapter 3 of this title and reviewed as an integral part of the overall review process as outlined in this title and the recommendation and decision made on the requested exception should be at the time the subdivision is reviewed by the Planning Commission. (Ord. 339, 4-8-2003)

**12-1-8: DEVELOPMENT AND CONSTRUCTION AGREEMENTS:**

It shall be a requirement of compliance with this title that a development agreement and a construction improvement agreement be entered into and approved by the City prior to initiating physical construction of subdivision improvements or recordation of a subdivision plat and that a warranty agreement be entered into prior to acceptance of the improvements by the City. (Ord. 398, 8-31-2005, eff. 10-1-2005)

**CHAPTER 2**  
**DEFINITIONS**

SECTION:

**12-2-1: Words Defined**

**12-2-2: Interpretations**

**12-2-1: WORDS DEFINED:**

For the purposes of this title, the following terms, phrases and words will have the meanings given in this chapter or as defined in Idaho Statute:

**ALLEY:** A right-of-way designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

**BLOCK:** A group of lots or tracts within well defined and fixed boundaries established by plat.

**CONDOMINIUM:** An estate consisting of an undivided interest in common real property, together with a separate interest in a unit in a project in accordance with title 55 of the Idaho Code.

**CUL-DE-SAC:** A street closed at one end by a circular area of sufficient size for turning vehicles around.

**DEDICATION:** An act conveying property rights or interests.

**FINAL PLAT:** The final drawing of the subdivision and dedication prepared for filing for record with the County Recorder and containing all elements and requirements set forth in the Idaho Code and this title.

**LOT:** A designated parcel of land established pursuant to title 50, chapter 13 of the Idaho Code.

**OFF SITE:** Not located on the property that is the subject of a development application nor on a contiguous portion of a street or right-of-way.

**ON SITE:** Located on the lot in question or on the land being subdivided.

**OPEN SPACE:** Land, essentially free of structures, set aside, dedicated, designated, or reserved for the public or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

**PARCEL:** A unit of land of contiguous quantity in the ownership of one person or entity and constituting a separate tract of land. The act of the County Assessor assigning a parcel number to land does not create a lot of record.

**PLAT:** A reproducible or permanent drawing of a subdivision and dedications and easements, prepared for filing and recording with the County Recorder in accordance with provision of title 50, chapter 13, Idaho Code.

**PRIVATE STREET:** A privately owned and maintained right-of-way that provides vehicular and pedestrian access to two (2) or more subdivided parcels, which is not publicly dedicated and accepted for public use, and is not maintained by the City of Hayden.

**SEWERAGE SYSTEM:** All sewerage collection systems, community septic tank and drainfield, pump stations, interceptor and appurtenances that are utilized or will be utilized to transport, treat and dispose of sewage.

**STREET:** A public right-of-way, which provides vehicular and pedestrian access to adjacent properties, that dedication of which has been officially accepted by the City of Hayden. The term "street" also includes the terms highway, parkway, road, avenue, lane, place, drive, trail, way, court, loop, circle and other such terms.

**SUBDIVISION:** The division of any parcel of land into two (2), or more lots, parcels, tracts or sites that meet the criteria for the purpose of sale, lease, transfer or development, subject to the exemptions set forth in this title.

**SUBDIVISION PLAN:** Both written information and all maps, plans or plats that together fully describe a proposed subdivision as required by this title.

**WILL SERVE LETTER:** A letter from the utility provider, generally water or sewer, confirming that the provider has the current availability, capacity, authority and willingness to service the proposal with the requested service. A proper will serve letter will contain the name of the provider, the date of issuance, a brief description of the proposed project, and will state that the provider has the current availability, capacity, authority and willingness to service the proposal with the requested service. The letter must be signed by an authorized representative of the provider. (Ord. 398, 8-31-2005, eff. 10-1-2005; amd. Ord. 578, 1-9-2018; Ord. 582, 7-10-2018)

#### **12-2-2: INTERPRETATIONS:**

When not inconsistent with the context, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory, unless the express language of the ordinance provides otherwise. Except as expressly defined herein, words used in this title shall be given their ordinary meaning consistent with common usage and context. (Ord. 339, 4-8-2003)

## **CHAPTER 3**

### **SUBDIVISIONS**

**SECTION:**

#### **12-3-1: Applicability**

#### **12-3-2: Exemptions**

#### **12-3-3: Application**

#### **12-3-4: Procedures**

#### **12-3-1: APPLICABILITY:**

Every division of land into two (2) or more lots, tracts, parcels, sites or divisions, whether immediate or future, for the purpose of sale, lease, transfer or development within the incorporated area of Hayden that does not meet the criteria for a minor subdivision under

chapter 5 of this title shall proceed in compliance with this chapter. This shall include divisions made for condominium purposes. (Ord. 578, 1-9-2018)

### **12-3-2: EXEMPTIONS:**

The provisions of this chapter shall not apply to the following:

A. The transfer of land between two (2) adjacent property owners, which does not result in the creation of any additional building site and/or lot, provided that a covenant and agreement form for previously platted lots, approved by the City has been executed and recorded with the Kootenai County Clerk, which shall serve to permanently combine the subject lots and the requirements identified in 12-10-1 are met.

B. Any division of land made by testamentary provision or the laws of descent. Lots or tracts so created must comply with lot size, frontage, and other standards established by this Code and other applicable laws to be eligible for a building permit or to qualify for establishment of an authorized land use.

C. Divisions resulting from the conveyance of a lot or tract of land to a taxing district, government agency, or utility regulated by the Public Utilities Commission, providing the lot or tract will not be used for habitable structures such as offices, service centers or fire stations, provided that one of the following conditions have been met:

1. The improvements, as provided in chapter 6, "Required Subdivision Improvements", of this title, are constructed, or have been constructed on the lot or tract being conveyed, prior to the actual conveyance of said property;

2. With the approval of the City Council, construction of said improvements, as required in chapter 6 of this title, are deferred for a period not to exceed five (5) years, with the owner providing surety, in a form approved by the City Attorney, in the amount of one hundred fifty percent (150%) of the estimated cost of the improvements; or

3. In the event that the lot or tract being conveyed is less than four thousand (4,000) square feet, and has a right-of-way frontage of less than one hundred (100) linear feet, the City may accept payment in lieu of improvements, for improvements as required in chapter 6 of this title.

In all cases, construction plans for required improvements, and cost estimates, as may be required, shall be prepared by the entity requesting such exemption, for review and approval by the City Engineer prior to the commencement of any construction. In the case of actual construction of improvements by the requesting entity, all construction inspections, acceptance of infrastructure, and warranty requirements, as provided for in subsections 12-3-4K and L of this chapter, shall be applicable. (Ord. 582, 7-10-2018; amd. Ord. 615, 12-29-2020)

### **12-3-3: APPLICATION:**

A. Prior to submittal of a formal subdivision application, the developer shall have completed a preapplication meeting with City staff to review the proposal. A developer seeking a preapplication meeting shall submit a copy of a concept plan to the Planning Department. A preapplication meeting will be scheduled at the earliest available date, upon receipt of the required conceptual plans and application by the City. The scope of the preapplication meeting shall include, but not be limited to:

1. The general subdivision process.
2. Overall design, lot sizes, and street layout.
3. Preliminary utility design.
4. Conformity to this Code, City standards, and policies.
5. Potential off site impacts/mitigations.
6. Off site/on site improvements.

Additional preapplication reviews may be scheduled when, in the collective judgment of staff, the proposed subdivision is extraordinarily complex, proposes large impacts to City infrastructure, or requires extraordinary staff time. When all issues have been adequately addressed, staff shall issue a written notice to proceed with subdivision application.

B. Following the completion of the preapplication meeting, a completed application for a subdivision plan approval may be submitted to and accepted by the City. Said application shall be on a form provided by the City. Along with the application the developer shall submit three (3) copies of the subdivision plan on eighteen inch by twenty seven inch (18" x 27") paper, one copy on eleven inch by seventeen inch (11" x 17") paper, and one copy on eight and one-half inch by eleven inch (8<sup>1</sup>/<sub>2</sub>" x 11") paper. Details and specifications shall conform to the standards described in section 12-3-4 of this chapter and the Idaho Code.

Each application shall be accompanied by a fee in an amount to be established by the resolution of the Council. (Ord. 542, 1-27-2015)

### **12-3-4: PROCEDURES:**

A. Subdivision Plan Standards: Every subdivision plan shall consist of one or more maps, prepared by an engineer or surveyor licensed in the State of Idaho and drawn to a scale that is reasonable and legible with written data which considered together, they shall fully and clearly disclose the following information:

1. The name of the proposed subdivision;
2. The legal description of the land contained within the subdivision;
3. The names, mailing addresses, telephone numbers, fax numbers and e-mail addresses of the applicant and all persons, firms and corporations holding interests in said land;
4. Proof of ownership and consent from all property owners and lienholders granting authorization to subdivide the property and the name and contact information of the authorized agent;

5. A list, prepared by a title company licensed to do business in the State of Idaho, of the names and mailing addresses of all property owners whose property is within or adjacent to the area bounded by lines three hundred feet (300') from the external boundary of the entire proposal area. Such list shall be provided on self-adhesive labels in the number of copies necessary for the hearing(s) scheduled. Said list shall be accompanied by a date stamped tax map prepared by Kootenai County;

6. The name, a mailing address, telephone number, fax number, and e-mail address of the Idaho licensed engineer that prepared the plan;

7. The location of the boundary lines of the proposed subdivision in relation to section, quarter section and quarter-quarter section lines and any adjacent corporate boundaries of the City which are part of the legal description of the property;

8. The boundaries and dimensions of all blocks and lots within the proposed subdivision together with the numbers proposed to be assigned each block and lot. A lot utilized for open space, placement of utility infrastructure such as a lift station, and the like shall be titled a "tract";

9. A data table showing the number of lots, the smallest, largest and average lot area within the proposal site, the total acreage of the entire proposal area, and the density in lots per acre;

10. A statement of proposed provisions for irrigation/domestic water supplies and sewage disposal in the form of a will serve letter from the applicable purveyor, and the Idaho Department of Environmental Quality approved facility plan, if applicable;

11. A sketch map of the general vicinity in which the land proposed for subdivision lies prepared at a scale of not more than four hundred feet (400') to the inch. The vicinity map shall show all adjacent lots and shall show how the streets and alleys in the proposed subdivision connect with existing and proposed streets and alleys in neighboring subdivisions and unplatted property;

12. Any existing or proposed easements and right-of-way dedications, easements to be labeled with the name of the recipient and purpose of the easement;

13. All existing and proposed streets. Show plan, profile and cross sections along with street names (existing and proposed);

14. All adjacent streets. Show existing right-of-way width, and the location of centerline, swales, curbs and sidewalks, and trees;

15. Show location of existing structures such as septic tanks, drainfields, underground storage, wells, houses and outbuildings with notes to indicate if they will remain or be removed along with setbacks from proposed lot lines and streets. Additionally, show the location of any natural features such as wooded areas, streams, drainageways, flood hazard areas identified on the flood insurance rate map, rock outcroppings, or other sensitive, hazardous, or difficult to develop areas;

16. Location, dimensions and area of all tracts of land to be set aside for parks, open space, or other public use or for the use of property owners in the proposed subdivision. Include information on park amenities and uses demonstrating compliance with the City's park plan, annexation agreements, development agreements and the like;

17. Provide a graphic and narrative depicting and explaining development phases, or stages, if the project will be done over several years;

18. Provide preliminary construction plans (typically 50 - 70 percent design unless otherwise approved by the City Engineer) for the subdivision demonstrating constructability and functionality which shall include:

a. Proposed utility infrastructure plan indicating locations, sizes and approximate centerline grades;

b. General grading plan showing existing and proposed topography, identifying areas of cut and fill of over two feet (2') along with and existing and proposed all surface water flow patterns. Conceptual stormwater management plans for all proposed subdivision infrastructure shall be provided;

c. Pedestrian and bicycle circulation plans;

d. A general right-of-way landscape plan;

e. Proposed mailbox locations;

f. Traffic studies;

g. Snow storage and removal plan;

h. Geotechnical or similar study, if required by the City Engineer.

19. 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 project review process. Such studies may include, but not be limited to, the following:

a. Additional transportation impact analysis shall be required for all development as identified in the currently adopted Traffic Impact Analysis policies.

(1) The 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.

(2) The applicant shall be responsible for all costs associated with a transportation impact analysis and potential mitigation as defined in the study.

b. Additional infrastructure plans and feasibility analyses may be required for submittal to the City for sewer collection and pretreatment infrastructure as required by the City's currently adopted Master Sewer Plan.

c. Additional infrastructure plans and feasibility analyses may be required for submittal to the City for stormwater collection infrastructure in accordance with the City standards and Idaho Department of Environmental Quality standards.



d. Additional geotechnical and/or environmental studies may be required to be completed by the applicant for submittal as part of the project review process, in circumstances where:

(1) 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;

(2) The proposed project 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%), where said conditions create the need for special precautions during site construction; or

(3) The project contains a documented and unmitigated environmental hazard, including, but not limited to, underground storage tanks, illegal dump sites, contaminated soils, or other such "brown field" conditions as may be documented.

B. Agency And Public Notice: Once the City staff has reviewed the application and the staff has determined that the application is complete and that sufficient information regarding the proposal can be provided, notice will be provided to involved public agencies, as identified by the City. This notice shall allow fourteen (14) days for agency comment and the results of the agency comment shall accompany and be incorporated in summary in the staff report. At least fifteen (15) days prior to the public hearing notice of the public hearing, shall be published in the official newspaper of the City and shall be provided by mail to those property owners owning land within three hundred feet (300') of the external boundaries of the land being considered along with any additional properties that may be substantially impacted by the proposed subdivision, said determination of substantial impact is to be made by the Planning and Zoning Commission. When notice is required to two hundred (200) or more property owners, extraordinary notice may be given as provided by State law. Notice will also be provided, posted and maintained in accordance with the standards of section 11-12-4 of this Code. The applicant shall bear all costs of publication, mailing of the notices, and posting on the property. The assessors' maps and the title company search will be current within the sixty (60) days prior to issuing notice to the public agencies. If the information is more than sixty (60) days old at the time the notice is issued, the applicant shall provide current information.

C. Planning and Zoning Commission Public Hearing: At, or prior to, the public hearing, the City staff (Planning, Engineering, and other staff as required) shall provide a Staff Review for the Planning and Zoning Commission. This staff review shall address the request based on the standards of approval and City Code, adopted facility plans, including but not limited to transportation, sewer and parks, policies and standards, and provide staff recommended conditions of approval to ensure compliance with the City's requirements.

D. Planning And Zoning Commission Recommendation: After the Planning and Zoning Commission has reviewed the subdivision plan at the public hearing, the commission shall forward a written recommendation to the City Council. The commission shall recommend approval, approval with conditions, or disapproval of the subdivision as soon as practicable. The City staff shall provide the written recommendation of the commission to the developer and shall advise the developer that the subdivision will be placed on the agenda of the City Council at the earliest practicable date, only upon the developer's written request.

E. City Council Decision: Upon receipt of a written request that the subdivision be placed on the Council agenda, the subdivision request will be placed on the next available Council agenda. The City Council, upon receipt of recommendations from the Planning and Zoning Commission, and after opportunity to review the file and minutes from the public hearing, shall act upon the request. The City Council may approve, approve with conditions, or disapprove the subdivision. City staff will notify the developer in writing of the decision of the City Council. Should the Planning and Zoning Commission recommend a substantive change to the preliminary subdivision plan involving a significant change, including, but not limited to, substantial changes in layout, density, or points of access, a public hearing may be required before the City Council, with proposed revisions as recommended by the commission subject to agency and public notice requirements for a public hearing, as detailed in subsection B of this section.

Should the applicant wish to contest the recommendations of the Planning and Zoning Commission, the applicant may provide a written statement of their objections regarding the Planning Commission recommendations for inclusion in the City Council deliberations on the subdivision request. Such written statements must be received at least five (5) days prior to the scheduled City Council meeting.

F. Standards for Planning and Zoning Commission or City Council Approval: The applicant has demonstrated that all existing and proposed infrastructures meets or can be constructed prior to final plat or within the approval duration identified in 12-3-4(G) from the date of City Council approval of the master development agreement which approves the preliminary plat to meet the following standards:

1. Infrastructure can be constructed to function in a manner that promotes the public health, safety, and welfare.
2. Infrastructure can be constructed and located in an orderly manner that accommodates ongoing maintenance needs when taking into consideration collocation of other infrastructure.
3. Infrastructure is or will be in compliance with applicable City, State, and Federal policies and regulations as follows:
  - a. Provisions have been made for a water supply system that satisfies City, Idaho Department of Environmental Quality (IDEQ) and Northern Lakes Fire District requirements.
  - b. Provisions have been made for a public sewage system in accordance with the City and Hayden Area Regional Sewer Boards (HARSB) adopted Sewer Master Plans, as amended, that satisfied City, HARSB, and IDEQ requirements and that the existing or proposed systems can accommodate the proposed sewer flows.
  - c. Provisions have been made for snow storage that satisfies the City Public Works Department as the design relates to snow storage and removal practices. If snow storage is proposed to be co-located with stormwater, it shall only be in roadside swale areas and not in regional detention basins unless approved administratively by the City Engineer who shall determine that the likelihood of flooding is minimal.
  - d. Provisions have been made for stormwater systems that satisfy the City and IDEQ requirements.
  - e. Provisions have been made for streets that are consistent with the adopted transportation plan, as amended, and the transportation element of the adopted Comprehensive Plan, as amended and that satisfies the City, ITD, adjacent jurisdictions, and

local highway district requirements. Where cul-de-sacs are proposed, they are required to be approved administratively by the City Engineer who shall determine that they are limited to portions of developments in which street continuity is not foreseeable due to property configurations and/or that they are needed to address site specific conditions. A cul-de-sac shall be limited to four hundred feet (400') in length measured from the edge of adjacent street right-of-way to the back of the cul-de-sac, unless an exception to this standard is allowed by the City Engineer.

f. Provisions have been made for parks and open space that are consistent with the adopted Parks Master Plan, as amended, and that satisfies the City's requirement.

4. Provisions have been made for erosion controls and geohazards stabilization both during construction and as needed for permanent controls to the satisfaction of the City.

5. Provisions have been made for gas, power, telecommunications, mailboxes, and similar infrastructure.

6. Provisions have been made for driveway locations that take into consideration the width and location of the driveway in relation to the location of snow storage, utility boxes, crosswalks, adjacent roads, mailboxes and the like.

7. The area proposed for subdivision is zoned for the proposed use and the use conforms to other requirements found in this Code.

8. The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by paying fees, furnishing land, or providing other mitigation measures for off site impacts to streets, parks, and other public facilities within the community. It is the expectation that in most cases, off site improvements will be dealt with through the agreements.

G. Approval Duration: Failure to file the final plat application within two (2) years after the date of City Council approval of the master development agreement which approved the preliminary plat shall cause all approvals of said subdivision 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, except as provided for in subsection 13 of this section. 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 plat approval shall be null and void and reapplication for a new preliminary plat application shall be required.

#### H. Changes, Alterations Or Deletions:

1. Upon issuance of agency and/or public hearing notices, and prior to approval of the preliminary subdivision plan by the City Council, any alterations of the plan must be reviewed by the Community and Economic Development Director or his/her designee to determine if the alterations are considered substantive. If the amendment is major or involves a substantial or significant change to the plan, said changes may be subject to agency and public notice requirements as detailed in subsection B of this section.

2. After approval of the subdivision plan and before approval of a final subdivision plat, the City Engineer may, in writing, approve minor changes of the plan. If an amendment is major or involves a substantial change in the conditions of approval, the same procedures for a public hearing for subdivision plan approval must be followed to address the requested amendment. The public hearing on the proposed amendment shall be limited to the proposed amendment, and the commission shall make a decision to recommend approval, approval with conditions, or denial. The recommendation will be brought forward for City Council decision as an addendum to the development agreement.

#### I. Phasing Of Subdivisions:

1. Subdivisions may be phased, to be developed in portions periodically according to a proposed schedule, so long as each phase contains all of the necessary improvements to function as a subdivision without the completion of any of the other phases. The developer shall indicate plans for phasing at the time of application. The plans shall show proposed phasing boundaries, proposed interim or temporary solutions to sanitary sewer systems and to the handling of traffic on local streets within the subdivision and shall be accompanied by a narrative description of assurance of completion of permanent system improvements.

2. A phasing plan shall coordinate required infrastructure systems, dedications, off site improvements, open space/parks, landscaping, private utilities, or other elements of a subdivision. The plan may indicate times of triggering mechanisms for improvements.

3. Approval duration for phased subdivision: The application for the first plat in a phased subdivision shall be made in accordance with section 12-3-3 of this chapter and the final plat application for the final phase of a phased subdivision shall be submitted no later than five (5) years after the date of City Council approval of the master development agreement which approved the entire subdivision in concept unless extensions of one year have been applied for by the developer and approved by the City Council or if some other time frame has been agreed to in the master development agreement.

J. Commencement Of Construction: Upon approval by the City Council, subsequent review and approval of the final construction plans by the City Engineer, which substantially conform to the subdivision plans approved by the Council, execution of the construction improvement agreement as required in chapter 7 of this title, and completion of a preconstruction conference between the developer, the City, affected agencies and utility providers, the developer may proceed with construction of the subdivision. No construction of any kind, other than that authorized with a site disturbance permit, shall take place on the site prior to those actions. During construction, the City has the authority to conduct periodic inspections of the project site and the required infrastructure improvements. (Ord. 578, 1-9-2018)

#### K. Completion Of Construction And Acceptance Of Infrastructure:

1. Prior to scheduling the final inspection of the required subdivision infrastructure improvements for completion, the developer's engineer shall submit preliminary record drawings and construction documentation of the required infrastructure improvements, in accordance with the design standards and policies for the City of Hayden as approved by the City Council, for review and approval by the City Engineer. Upon approval of the record drawings, the developer's engineer shall submit two (2) full sized twenty four inch by thirty six inch (24" x 36") copies, one half-size eleven inch by seventeen inch (11" x 17") copy, and one electronic copy of the

record drawings.

2. The final inspection of the required subdivision improvements for conformance to the approved construction plans will not take place until the preliminary record drawings and construction documents have been received by the City Engineer.

3. Upon the City Engineer's approval of the constructed public infrastructure improvements, the developer shall execute and file with the City a warranty agreement as required in chapter 7 of this title, between the developer and the City of Hayden. The agreement shall also contain a provision that the developer shall be responsible for the successful operation of and all repairs to the public infrastructure improvements for a period of eighteen (18) months following the acceptance of infrastructure. The eighteen (18) month warranty shall be accompanied by surety consisting of a cash deposit, certified check, irrevocable letter of credit or other form of security approved by the City Attorney, in an amount equal to twenty five percent (25%) of total cost of all public improvements.

4. a. Public Infrastructure: Upon approved completion of the required infrastructure improvements, submission of approved record drawings and construction documentation, completion of the final platting process as required in chapter 4 of this title, and execution of the warranty agreement and warranty surety for public infrastructure, the developer shall apply to City for acceptance of infrastructure.

b. Private Infrastructure: Upon approved completion of the required infrastructure improvements, and submission of approved record drawings and construction documentation, the developer shall complete the final platting process as required in chapter 4 of this title. The approval of the final plat as described in section 12-4-5 of this title shall constitute the completion of the project.

c. Public And Private Infrastructure: Where the required improvements for a single development consist of both public and private infrastructure, the developer shall be required to follow the procedures for public infrastructure, excepting that the conditions of the warranty agreement and surety, and the City's acceptance of infrastructure shall only apply to public infrastructure improvements.

5. Staff review of the application for acceptance of public infrastructure, completion of all required terms and conditions, and payment of all required fees, payment in lieu of improvements, and surety, must be accomplished before the request for acceptance of infrastructure will be forwarded to the City Clerk, with staff's recommendation that it be scheduled for City Council approval.

L. Warranty Inspection And Release Of Surety: Sixty (60) days prior to the completion of the eighteen (18) month warranty period, the developer shall request that the City Engineer conduct a warranty inspection of the required subdivision improvements. Those infrastructure improvements that are identified as in need of repair shall be corrected by the developer, at his own expense before the end of the eighteen (18) month period. The warranty will not be released until the developer receives inspection approval from the City Engineer.(Ord. 542, 1-27-2015; amd. Ord. 578, 1-9-2018; Ord. 615, 12-29-2020)

## CHAPTER 4

### FINAL PLAT APPROVAL

SECTION:

**12-4-1: Submittal**

**12-4-2: Final Plat Requirements**

**12-4-3: Agreement And Bond/Guarantee For Improvement**

**12-4-4: Council Review**

**12-4-5: Recordation**

**12-4-6: Building Permits And Certificates Of Occupancy**

**12-4-1: SUBMITTAL:**

A. Final Plat Preliminary Approval: Upon review and approval of the construction plans, and prior to submission of the final plat to the County for review and approval, three (3) copies of the final plat shall be submitted to the City for review by the City Engineer to determine that the plat meets all of the requirements of the Idaho Code, this title and the subdivision plan approval, including any conditions imposed by the City Council. (Ord. 542, 1-27-2015)

B. Application For Final Plat Approval: Upon completion of the County review process, the developer may request final plat approval by the City. The City shall verify that all required on site and off site public improvements have been completed and are ready for acceptance by the City or have been suitably guaranteed; and, that all private improvements have been completed in accordance with the approved construction plans. No final plat shall be recorded until a certificate of approval has been issued pursuant to Idaho Code 50-1326 so that sanitary restrictions are not in place at the time of recording. The application shall include one reproducible eleven inch by seventeen inch (11" x 17") reduced copy of the final plat, as approved by the County, any payment in lieu of improvements, and surety where required. (Ord. 578, 1-9-2018)

**12-4-2: FINAL PLAT REQUIREMENTS:**

Every final plat required by this title shall be prepared in accordance with title 50, chapter 13 of the Idaho Code as it now exists or is subsequently amended. (Ord. 542, 1-27-2015)

**12-4-3: AGREEMENT AND BOND/GUARANTEE FOR IMPROVEMENT:**

A. Before recordation, the developer shall install all required public and private infrastructure improvements and restore any existing streets and other public facilities damaged in the development of the subdivision, or execute and file with the City an agreement between the developer and the City of Hayden, for completion of all required public improvements and repairs to public infrastructure associated with the subdivision. The agreement shall specify the period within which required public infrastructure improvements and repairs shall be completed, and specify all improvements that shall be completed prior to the issuance of certificates of occupancy within the subdivision. Based on the need to maintain access to existing infrastructure, public safety needs,

and the like, the City Engineer shall determine which improvements can be bonded for and, if applicable, those which shall be constructed prior to final plat recordation. The agreement shall be accompanied by surety, consisting of a cash deposit, certified check, irrevocable letter of credit or other form of security approved by the City Attorney, in the amount of one hundred fifty percent (150%) of an engineer's stamped estimated cost of construction accompanied by detailed support documentation for the public improvements to be completed. In the event that the developer does not meet timely completion of the improvements, the City may proceed against the guarantee. If the cost of completion of the improvements exceeds the amount of the guarantee, the City may recover the full cost and expenses thereof from the developer. (Ord. 578, 1-9-2018)

B. For a phased subdivision, the required surety shall be for the phase which is being developed. (Ord. 542, 1-27-2015)

#### **12-4-4: COUNCIL REVIEW:**

When staff review of the final plat application is completed and all required terms and conditions are satisfied, and all required fees, payment in lieu of improvements, and surety have been paid, staff may forward the final plat to the City Clerk with staff's recommendation that it be scheduled for City Council review. The City Clerk shall place the request for plat approval on the next available City Council agenda. The Council shall review the subdivision and plat and, upon finding that all of the requirements have been satisfied, shall authorize the Mayor and the City Clerk to sign the plat. The City Engineer's signature shall be the final approval assigned to the plat. (Ord. 542, 1-27-2015)

#### **12-4-5: RECORDATION:**

After the plat is signed by the Mayor, City Clerk and City Engineer, the City shall record the plat with the County Recorder, and provide the City with a reproducible copy of the recorded plat. (Ord. 542, 1-27-2015)

#### **12-4-6: BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY:**

A. No building permits will be issued for lots depicted on the final plat until the final plat has been recorded, and a copy of the recorded plat has been received by the City and the interior monuments have been set in accordance with Idaho Code.

B. No certificates of occupancy will be issued until all required infrastructure improvements have been constructed, the public infrastructure has been accepted by the City, record drawings of all public infrastructure, signed and stamped by the project engineer have been received by the City, and the interior monuments have been set in accordance with Idaho Code. (Ord. 542, 1-27-2015)

## **CHAPTER 5**

### **MINOR SUBDIVISIONS**

#### **SECTION:**

**12-5-1: Applicability**

**12-5-2: Exemptions**

**12-5-3: Application**

**12-5-4: Procedures**

**12-5-5: Preliminary Plat Approval**

**12-5-6: Appeal**

**12-5-7: Construction**

**12-5-8: Project Completion; Acceptance Of Infrastructure**

**12-5-9: Warranty Inspection**

**12-5-10: Approval Duration**

**12-5-11: Changes, Alterations Or Deletions**

**12-5-12: Phasing Of Subdivisions**

#### **12-5-1: APPLICABILITY:**

The division of a tract of land or a lot that is five (5) acres or less in size or a division of a tract of land or lot into six (6) or fewer lots, tracts or sites, shall meet the criteria outlined in this section. These criteria shall also apply to condominium plats. If any one of the following criteria is not met, the developer must file a subdivision as outlined in this title. A minor subdivision shall be subject to all development improvement standards established by this title.

A. Comply with all minimum standards and requirements of the zoning ordinance, and no zone change is required.

B. All lots shall have access onto an existing public street or an approved private street. Dedication of additional right-of-way for future improvements may be required as a condition of approval. (Ord. 582, 7-10-2018)

#### **12-5-2: EXEMPTIONS:**

The provisions of this chapter shall not apply to the following:

A. The transfer of land between two (2) adjacent property owners, which does not result in the creation of any additional building site, provided that a covenant and agreement form for previously platted lots, approved by the City, or a combination and segregation form for unplatted lots, approved by the City, has been executed and recorded with the Kootenai County Clerk, which shall permanently combine the subject lots.

B. Any division of land made by testamentary provision or the laws of descent. Lots or tracts of land so created must comply with lot size, frontage, and other standards established by this Code and other applicable laws to be eligible for a building permit or to

qualify for establishment of a regulated land use.

C. Divisions resulting from the conveyance of a lot or tract of land to a taxing district, government agency, or utility regulated by the Public Utilities Commission, providing the lot or tract will not be used for habitable structures such as offices, service centers or fire stations. These exemptions shall only apply if the improvements as provided in chapter 6, "Required Subdivision Improvements", of this title, are either constructed prior to conveyance of said property, or, with the approval of the City Council, construction of the required improvements is deferred for a period not to exceed five (5) years, with the owner providing surety, in a form approved by the City Attorney, in the amount of one hundred fifty percent (150%) of the estimated cost of the improvements. Construction plans for required improvements shall be reviewed and approved by the City Engineer prior to the commencement of any construction, and all construction inspections, acceptance of infrastructure, and warranty requirements, as provided for in subsections 12-3-4K and L of this title, shall be applicable. (Ord. 582, 7-10-2018)

#### **12-5-3: APPLICATION:**

A. Prior to submittal of a formal minor subdivision application, the developer shall have completed a preapplication conference to review the proposal. The requirement for a predevelopment conference for a minor subdivision may be waived, at the discretion of the Director.

B. An application for a minor subdivision must be submitted to the City using the application process established in subsections 12-3-3A and B of this title; with a property owner's report meeting the noticing distance requirements of this chapter, and meeting the subdivision plan standards of subsections 12-3-4A1 through A18 of this title. (Ord. 578, 1-9-2018)

#### **12-5-4: PROCEDURES:**

A. Upon receipt of a completed minor subdivision application, City staff will review the application to determine if it is complete and if it meets the criteria for a minor subdivision, and optionally may schedule a minor subdivision review with the developer. (Ord. 559, 7-12-2016)

B. The City will provide copies of submitted documents, as necessary, to outside agencies and jurisdictions, which, in the opinion of staff, may be affected by the proposal. In addition, the City will provide written notice to the owners of property adjacent to the property proposed for development. The notice shall provide the property owners within one hundred feet (100') of the exterior boundary of the plat if six (6) lots or fewer and three hundred feet (300') of the exterior boundary of the plat if greater than six (6) lots, a plan of the minor subdivision, general information concerning the proposal, and the time frame for submitting written comments. The period of time for comment or response for agencies, jurisdictions and adjacent property owners shall not be less than fourteen (14) days from the date of notice. (Ord. 578, 1-9-2018)

C. The Director, or his/her designee shall act as Hearing Officer and shall conduct a minor subdivision review, along with appropriate staff, to ensure that all applicable ordinance provisions are followed or completed. (Ord. 559, 7-12-2016)

#### **12-5-5: PRELIMINARY PLAT APPROVAL:**

The Director, or his/her designee shall, by written decision, approve, approve with conditions, or deny the preliminary plat for the minor subdivision pursuant to the subdivision standards for approval in subsections 12-3-4F1 through F8 of this title, except when the applicant has proposed to serve the subdivision via a private street. In the case of proposed minor subdivisions with private streets, City staff shall recommend approval, approval with conditions, or denial of proposed private streets to the City Council prior to making a decision to approve, approve with conditions, or deny the preliminary plat for the minor subdivision. Said recommendation regarding proposed private streets shall be placed on the agenda for the next available City Council meeting for City Council action. Notice of the action taken shall be mailed to the owners of real property adjacent to the minor subdivision. A decision to deny shall indicate the reasons for denial and indicate what steps are necessary to obtain approval. In the case of approval or approval with conditions, a memorandum of understanding shall be prepared that details the conditions of approval and the responsibilities of the developer. The memorandum of understanding shall be signed by the Director, or his/her designee and the developer prior to proceeding to construction plan review and final plat procedures. (Ord. 578, 1-9-2018)

#### **12-5-6: APPEAL:**

The developer or any affected party may appeal the decision of the Director, or his/her designee by filing a notice of appeal with the City Council no later than fourteen (14) days after the date of the decision. The appeal shall set forth in clear and concise fashion the basis for appeal. The appeal shall be set for consideration before the City Council at the next regularly scheduled meeting of the City Council at which it can be accommodated. The Council shall render a decision either affirming or reversing the decision. (Ord. 559, 7-12-2016)

#### **12-5-7: CONSTRUCTION:**

Upon preliminary plat approval by the City, execution of the memorandum of understanding, subsequent review and approval of the final construction plans by the City Engineer, which substantially conform to the minor subdivision plans approved by the City, and completion of a preconstruction conference between the developer, the City, affected agencies and utility providers, the developer may proceed with construction of the minor subdivision. No construction of any kind, other than removal or stripping of topsoil, shall take place on the site prior to those actions. The staging or mobilizing of equipment or establishing a temporary construction office or equipment storage yards shall not be considered to be "construction" for the purposes of this section. During construction, the City may conduct periodic inspections of the project site and the required infrastructure improvements, in accordance with the design standards and policies for the City of Hayden as approved by the City Council, to verify conformance to said standards. (Ord. 559, 7-12-2016)

#### **12-5-8: PROJECT COMPLETION; ACCEPTANCE OF INFRASTRUCTURE:**

The process for completion of construction and acceptance of infrastructure for minor subdivisions shall conform to the process as detailed in subsection 12-3-4K of this title for subdivisions. (Ord. 559, 7-12-2016)

#### **12-5-9: WARRANTY INSPECTION:**

The process for warranty inspection for minor subdivisions shall conform to the process as detailed in subsection 12-3-4L of this title for subdivisions. (Ord. 559, 7-12-2016)

#### **12-5-10: APPROVAL DURATION:**

Approval duration for a minor subdivision shall be pursuant to subsection 12-3-4G of this title. (Ord. 559, 7-12-2016)

**12-5-11: CHANGES, ALTERATIONS OR DELETIONS:**

Changes, alterations or deletions for a minor subdivision shall be pursuant to subsections 12-3-4H1 and H2 of this title. (Ord. 559, 7-12-2016)

**12-5-12: PHASING OF SUBDIVISIONS:**

Phasing of a minor subdivision shall be pursuant to subsections 12-3-4I1 through I3 of this title. (Ord. 559, 7-12-2016)

**CHAPTER 6**

**REQUIRED SUBDIVISION IMPROVEMENTS**

**SECTION:**

**12-6-1: Required Dedications And Improvements**

**12-6-2: Construction Plans**

**12-6-1: REQUIRED DEDICATIONS AND IMPROVEMENTS:**

The following dedications and improvements shall be required of all subdivisions and minor subdivisions:

**A. Right-Of-Way Improvements And Dedications:**

1. Additional required right-of-way shall be dedicated on the face of the plat for all contiguous existing or proposed streets, with said dedication based upon the adopted City street standards and the functional classification of street as identified in the City's transportation plan.

2. In subdivisions and minor subdivisions where contiguous or adjacent streets are not constructed to City street standards as based upon the functional classification identified in the City's adopted transportation plan, the developer shall be required to make improvements to said streets consistent with the City street standard. Said improvements may include widening or replacement of pavement, and construction of curbs, swales, sidewalks and/or bicycle paths, along the frontage of the subject property.

3. Subdivision improvements shall include the design and construction of streets to provide for the continuation of public streets existing in adjoining subdivisions, and the projection of new streets into areas that are not presently subdivided.

4. Payment in lieu of required right-of-way improvements may be permitted in circumstances where the City has a planned public improvement project that would address required improvements, and the City deems such payment to be consistent with the public interest. If payment in lieu of improvements is approved, said payment shall be based upon cost estimates for said improvements, as provided by the developer and approved by the City Engineer, future valued to the date of scheduled City sponsored improvements, as based upon the "Engineering News-Record (ENR) 20-Cities Construction Index" or other construction cost index as may be approved by the City Engineer. In no event, however, shall future valuing exceed a period of ten (10) years. Said payment shall be placed in a reserve account for future street improvements.

5. Right-of-way dedications for all new public streets serving the development shall be dedicated on the face of the plat, in accordance with the adopted City street standards.

6. All new public streets serving the development shall be constructed to City street standards.

7. Private streets serving the subdivision shall be constructed in conformance with standards as detailed in title 10, chapter 3 of this Code, and shall meet all other requirements as detailed therein.

**B. Other Required Improvements And Dedications:**

1. Water service shall be provided to meet required flows for domestic and fire protection purposes. Water lines shall be installed in accordance with the requirements of the applicable water purveyor, and fire hydrants shall be installed in accordance with the requirements of the fire district. All required water line easements shall be dedicated on the face of the plat.

2. All lots shall be served by Municipal sewer, or other private sewer collection system as may be approved by City Council. Required sewer easements shall be dedicated on the face of the plat.

3. Sewer collection lines shall be extended the length of the subdivision boundary along all adjacent street frontages as indicated on the City's current Sewer Master Plan, or in other such manner approved by the City Engineer as to ensure service to properties that would otherwise have been so served by Municipal sewer.

4. Stormwater management systems shall be provided, in accordance with the requirements of title 8, chapter 3 of this Code.

5. Underground electric and communication utilities shall be provided to all lots within the subdivision. Utility easements shall be dedicated on the face of the plat.

6. Streetlights shall be installed by the developer at locations approved by the utility provider and the City Engineer.

7. Street identification and traffic control signage meeting MUTCD standards shall be installed by the developer.

8. Sight obscuring fencing, and/or landscaping may be required as a mitigation in cases where potentially incompatible land uses are adjacent.

9. Construction and dedication of pedestrian or bicycle pathways providing connectivity to proximate pathways, parks, schools, or community facilities shall be required if determined to be consistent with the City's adopted Comprehensive Plan, or necessary to provide connectivity. (Ord. 559, 7-12-2016)

10. A thirty foot (30') greenbelt tract, measured from the back of curb, or if no curb, from the edge of pavement and meeting the

standards of a type III visual relief buffer in terms of deciduous vs. evergreen ratios, tree spacing, and ground cover requirements (with the exception that as an approved alternative, ground cover may consist entirely of turf grass) shall be provided in subdivisions located along the frontage of those streets delineated within the City's transportation plan as having a thirty foot (30') landscape buffer requirement. A greenbelt tract does not qualify for a buffer width reduction. Where such greenbelt tracts are required, the developer shall install landscaping and irrigation systems in conformance with City design standards as a required subdivision improvement; said greenbelts may be utilized to meet requirements for pedestrian or bicycle connectivity, if so required and may also be combined with required street tree buffers. The developer shall be required to form a property owners' association prior to final plat, with said greenbelts to be owned and maintained by a perpetual property owners' association. Alternatively, a property owners' association will not be required for the ownership and maintenance of the greenbelt tract, if the greenbelt is platted as a separate tract of land, to be owned by the property owner fronting the tract, and a nonrevocable covenant, approved by the City, is recorded against the property fronting the greenbelt which memorializes the obligation of all present and future property owners to maintain the greenbelt tract as an unbuildable, landscape buffer, and the obligation that ownership of said greenbelt tract shall be conveyed together with ownership of the lot upon which it fronts.

11. Type II-ST landscaping is required in accordance with the requirements of title 11 of this Code.

C. Property Owners' Associations:

1. Composition; Establishment: Where property owners' associations are required by this Code, as based upon the required or proposed subdivision improvements, said property owners' association shall include the owners of all property served by the required or proposed improvements, with said association established in accordance with the following provisions:

a. The association shall own and be responsible for the maintenance of private streets, associated drainage facilities, required parks, greenbelts, and other commonly owned properties and improvements.

b. The developer shall provide written assurance to the City that the association has perpetual existence and will be responsible for maintenance during its existence.

c. The association documents shall be filed of record prior to the signing of the final plat.

d. A legal instrument providing a mechanism for funding the perpetual maintenance of the commonly owned property shall be recorded with the County prior to the recordation of the final plat.

2. Separate Lots Required: Commonly owned property and infrastructure improvements must be legally described as a separate lot or lots owned by the property owners' association. The location of such commonly owned property shall be clearly depicted on the face of the plat, and notes shall be included on the face of the plat which shall:

a. Act to convey to each property owner within the subdivision to be served by the improvement the perpetual right of use and access;

b. Provide that such perpetual easement shall run with the land.

3. Protection Of Public Health, Safety And Welfare: The Mayor may, in the reasonable exercise of his/her discretion, direct the owners or the entity responsible for the maintenance of any commonly owned property or improvements approved in accordance with the provisions of this section to undertake such repair and maintenance activities as it may determine is necessary to protect the public health, safety, or welfare and make such expenditures from the funds reserved therefor as may be required. The owner or entity responsible shall be deemed, as a condition of approval of any such commonly owned improvement, to have agreed to comply with any such order and to reimburse the City of all its costs, including attorney fees, incurred in obtaining or enforcing any such directive. Any directive entered by the Mayor pursuant to this subsection may be enforced by a court of competent jurisdiction, and the City shall be entitled to recover its costs and attorney fees incurred in connection therewith. (Ord. 559, 7-12-2016; amd. Ord. 572, 6-13-2017; Ord. 615, 12-29-2020)

**12-6-2: CONSTRUCTION PLANS:**

It shall be the responsibility of the developer of every subdivision or minor subdivision to have prepared by a registered engineer, a complete set of construction plans, including profiles, cross sections, specifications and supporting data, for all required streets, streetlights, utilities and other facilities. Such construction plans shall be based on the approved subdivision, and shall be prepared in conjunction with the final plat. The planned improvements must be constructed prior to filing of said final plat, or in accordance with terms of surety accepted by the City. All construction plans shall be prepared in accordance with the public agencies' standards or specifications, and shall be installed in conformance with the following conditions and specifications:

A. Monuments shall be set in accordance with the Idaho Code and all street monuments shall be installed in monument boxes approved by the City;

B. Water line construction shall be governed by the standards of the water purveyor and shall include a separate water meter to each lot. Public water supply shall be provided in conformance with the standards of the applicable water purveyor and the Idaho Department of Environmental Quality;

C. Sewer line construction shall be governed by the requirements of title 8, chapter 2 of this Code, and sewer standards and policies as adopted by the City Council. Any sewerage system shall be provided in conformance with the Sewer Master Plan of Hayden, State law and sewer policies and procedures approved by the City Council;

D. Stormwater management facilities shall be designed in conformance with title 8, chapter 3 of this Code, and constructed in accordance with the design standards and policies for the City of Hayden approved by City Council;

E. Adequate provisions for fire protection shall be made in accordance with the International Fire Code adopted by the City;

F. Sidewalks and streetlights shall be constructed pursuant to City policies and design standards, as approved by City Council. Pedestrianways and bicycle paths, streets and stormwater drainage systems shall be constructed in accordance with the design standards and policies for the City of Hayden approved by the City Council. Electric and communication utility lines shall be installed underground. (Ord. 559, 7-12-2016)

## CHAPTER 7

### DEVELOPMENT AGREEMENTS

#### SECTION:

#### **12-7-1: Purpose**

#### **12-7-2: General**

#### **12-7-3: Elements Of Agreement**

#### **12-7-4: Agreement To Be Recorded**

#### **12-7-5: Third Party Rights**

#### **12-7-6: Limitations On Liability**

#### **12-7-7: Construction Improvement Agreement**

#### **12-7-8: Warranty Agreement**

#### **12-7-1: PURPOSE:**

The purpose of a development agreement is to specify the means by which the subdivision requirements will be accomplished and to establish terms of mitigation, to describe the scope of construction improvements and an understanding between the city and the developer. (Ord. 339, 4-8-2003)

#### **12-7-2: GENERAL:**

A development agreement shall constitute a binding contract between the developer and property owner of a proposed subdivision and the city and shall contain those terms and conditions agreed to by the parties and those required by this title and other legal requirements. The staff of the city, in conjunction with the city attorney, is authorized to negotiate development agreements on behalf of the city. Minor subdivisions shall be exempt from this requirement, unless special conditions of approval require the execution of a development agreement, as determined by staff. (Ord. 398, 8-31-2005, eff. 10-1-2005)

#### **12-7-3: ELEMENTS OF AGREEMENT:**

The development agreement shall contain a brief statement describing the subdivision, which shall include its location, legal description, number of lots, and the date of subdivision approval by the city council. The agreement shall also include, but not be limited to, the following:

- A. Any conditions of approval from the review and approval process.
- B. Time limit, and provisions for extension and extinguishing the agreement.
- C. Phasing plans, if any, including the proposed phasing schedule, triggering mechanisms for the timing of infrastructure improvements, and a description of any required temporary improvements and the terms of those improvements.
- D. A description of construction improvements to be installed on site and off site.
- E. Covenants, if any, made by the developer and/or the city.
- F. Details of dedications and improvements beyond those required in this title.
- G. Addenda, to include a construction improvement agreement and a warranty maintenance agreement as detailed in sections 12-7-7 and 12-7-8 of this chapter. (Ord. 398, 8-31-2005, eff. 10-1-2005)

#### **12-7-4: AGREEMENT TO BE RECORDED:**

The development agreement shall be recorded and shall run with the land and bind all successors, heirs, and assignees of the developer. The development agreement will expire at the agreed upon date set forth in the agreement, or upon the filing, by the city, of a release with the county recorder when the terms of the agreement have been satisfied or are no longer valid, whichever comes first. (Ord. 339, 4-8-2003)

#### **12-7-5: THIRD PARTY RIGHTS:**

Except as otherwise expressly provided in a development agreement, the development agreement shall create no rights enforceable by any party not a party to the development agreement. Purchasers of lots in approved subdivisions are not deemed to be third party beneficiaries of development agreements. (Ord. 339, 4-8-2003)

#### **12-7-6: LIMITATIONS ON LIABILITY:**

Any breach of a development agreement by the city shall not give rise to monetary damages, but shall be enforceable only by resort to an action for specific performance. No provision of any development agreement which is contrary to law may be enforced. (Ord. 339, 4-8-2003)

#### **12-7-7: CONSTRUCTION IMPROVEMENT AGREEMENT:**

A. A construction improvement agreement shall be an addendum to, or component of, a development agreement and shall be executed prior to the commencement of any construction relating to the subdivision. Staging or mobilizing of equipment or establishing a temporary construction office or equipment storage yards shall not be considered to be "construction" for the purposes of this section.

B. The construction improvement agreement shall set forth the specific public improvements to be constructed in the subdivision, the manner and timing of the construction, duties and responsibilities of the developer, including the developer's duty to pay for the costs of operation of the streetlights within the development for a period of eighteen (18) months following the acceptance of the public improvements by city council, the estimated costs of the improvements, performance guarantees, maintenance warranty, and



standards. (Ord. 398, 8-31-2005, eff. 10-1-2005)

**12-7-8: WARRANTY AGREEMENT:**

A. A warranty agreement shall be an addendum to, or component of, a development agreement and shall be executed prior to the acceptance of the public improvements by the city. All public capital improvements shall be guaranteed for eighteen (18) months from the date of formal acceptance for operational maintenance by the city council by a surety acceptable to the city.

B. The warranty agreement shall set forth the duties and responsibilities of the developer regarding the ongoing maintenance of the public improvements that are installed by the developer that are in excess of those required by the city and are installed for the purpose of enhancement of the aesthetics of the development. (Ord. 398, 8-31-2005, eff. 10-1-2005)

## CHAPTER 8

### SURVEY REQUIREMENTS

SECTION:

**12-8-1: Survey**

**12-8-1: SURVEY:**

All surveys for subdivisions, minor subdivisions or other projects within the city limits of Hayden shall be based upon the city of Hayden horizontal control network. The survey shall contain or be accompanied by the following information:

A. The initial point and at least two (2) government corners approved by the city engineer or the engineer's designee.

1. The initial point shall be tied to at least two (2) public land survey corners, or in lieu of public land survey corners, to two (2) monuments recognized by the city engineer and shall give coordinates based on the Idaho coordinate system west zone.

2. All horizontal coordinate values shall be grid coordinates based upon the North American datum of 1983 (NGS 1992 adjustment) as determined from control points established by a global positioning system (GPS) geodetic control survey for the city of Hayden and Kootenai County, on file in the official 1998 records of the city.

3. Other control points or public land survey corners having coordinate values determined from a traverse or triangulation performed so as to produce accuracy meeting the specification of second order, class II traverses or triangulation, as published by the National Oceanic and Atmospheric Administration (NOAA), in classification standards accuracy and general specifications of geodetic control surveys could be used. Any coordinate value must be accepted or published by the city.

B. A complete set of field construction notes may be required showing original or reestablished corners with descriptions of the actual traverses showing error or closures and method of adjustments and a sketch showing all distances, angles and calculations required to determine distances and corners of the plat boundary. The error of closure shall be in accordance with Idaho Code, title 50, chapter 13.

C. The base of bearing of all plats shall be rotated to the Idaho coordinate system as presented by the city datum. Coordinate values shall be grid coordinates.

D. The city of Hayden datum is based upon the following format:

1. City of Hayden 1997 survey control program map.

2. GPS locations of section corners and quarter corners Township 51 North, Range 4 West, Boise Meridian dated November 13, 1998, or official revisions. (Ord. 339, 4-8-2003)

## CHAPTER 9

### CONDOMINIUM TOWNHOME PLATTING PROCEDURES

SECTION:

**12-9-1: Applicability**

**12-9-2: General Requirements**

**12-9-3: Application For Preliminary Plat**

**12-9-4: Preliminary Plat Review**

**12-9-5: Final Plat Approval**

**12-9-1: APPLICABILITY:**

Every division of an existing or permitted building under construction, or building and land in combination, into two (2) or more distinct lots or tracts of ownership, in such a manner as to create a common ownership interest in any portion of the structure, or structure and lands in combination, or otherwise creating boundaries of ownership along a common wall or structural separation between stories of a structure, shall proceed in compliance with this chapter. (Ord. 582, 7-10-2018; amd. Ord. 619, 4-13-2021)

**12-9-2: GENERAL REQUIREMENTS:**

A. Condominium subdivisions, with each unit or a portion of the original lot independently owned, having lot lines along common walls, may be permitted in any zone, providing that:

1. The parent lot, including all areas of land and building proposed for common and independent ownership, when considered as a whole, meets the minimum lot size and all building setback requirements for the type of structure within the existing zoning designation. As a special exception, condominium platting of structures determined to be nonconforming by reason of restrictions on area, lot coverage, height, building setback or location on the lot may be allowed, if said nonconformity is not further increased by the proposed division, and the proposed condominium plat is not found to be contrary to the public interest.

2. The proposed condominium subdivision does not result in the creation of any additional development sites.

3. All applicable City, State, and Federal building regulations and Fire Codes pertaining to common wall and zero lot line construction shall be complied with.

4. Common walls shall be adequately soundproofed in accordance with International Building Code requirements.

5. Electric, domestic water supply, sewer service, heating and air conditioning systems, and all other incorporated utility systems shall be appropriately designed for each unit of occupancy.

6. 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.

7. 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.

8. The development otherwise complies with all requirements of Idaho Code title 55, chapter 15, and title 11, "Zoning Regulations", of this Code and all other applicable City ordinances and codes. (Ord. 416, 5-9-2006)

#### **12-9-3: APPLICATION FOR PRELIMINARY PLAT:**

A. At any time after the issuance of the building permit for a proposed condominium structure and the installation of footings for the permitted structure that include sufficient detail to determine where each of the exterior walls for the individual units will be located, a preliminary condominium plat for the permitted structure may be submitted to the City for review.

B. For buildings under construction at the time of application, 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.

C. Condominium plats for an existing building or building under construction shall be subject to application fees as established by City Council.

D. Applications for condominium plat pursuant to this title shall include:

1. All applicable fees, as established by City Council.

2. Diagrammatic floor plans of the building, as approved, and any associated lands, in sufficient detail to identify:

a. 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;

b. Each unit, its dimensions and relative location;

c. All relevant floor elevations, referenced to the City's established vertical datum, where multilevel or multi-story structures are diagrammed; and

d. Common and limited common areas shall be designated on said diagrams.

3. 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.

4. A declaration of condominium, articles of incorporation and bylaws, pursuant to Idaho Code title 55, chapter 15. (Ord. 416, 5-9-2006)

5. A preliminary condominium plat showing the subject lot(s) or tract(s), with the location of the building in sufficient detail to identify each unit and its relative location within the lot(s) or tract(s). 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: (Ord. 582, 7-10-2018)

a. 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.

b. Location, dimensions and area of all proposed units to be developed as condominium units.

c. Existing wells, springs, drainage channels, overhead and underground utilities lines, structures, sanitary sewer lines and culverts immediately within the tract and adjacent thereto.

d. All easements of record, including sufficient recording data (recordation number, book, and page) to identify conveyance.

e. All portions of the building or associated lands intended to be dedicated as common areas, with the uses indicated.

f. Any other information as may be deemed necessary for consideration of the application. (Ord. 416, 5-9-2006)

#### **12-9-4: PRELIMINARY PLAT REVIEW:**

A. 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:

1. The proposed plat is in conformance with all applicable City Development Code standards and policy, and the provisions of this chapter.

2. The application is in conformance with the requirements of Idaho Code title 55, chapter 15.

B. Approval of the application by City staff may be conditioned upon revisions necessary to meet the above listed standards. (Ord. 416, 5-9-2006)

C. Preliminary condominium plat approval shall have approval duration of one year from date of notification. Upon written request by the applicant to the Planning Department, the Director may approve an additional one year extension of preliminary condominium plat approval, provided it is determined that said extension will not be detrimental to the public interest.

D. Any decisions or determinations made by City staff in the administration of the provisions of this section may be appealed to City Council, in accordance with section 11-1-9 of this Code. (Ord. 416, 5-9-2006; amd. Ord. 572, 6-13-2017; Ord. 619, 4-13-2021)

**12-9-5: FINAL PLAT APPROVAL:**

A. Upon preliminary condominium plat approval, the applicant shall submit a final condominium plat, meeting all requirements of:

1. Chapter 4 (final plat requirements) of this title;
2. Chapter 8, "Survey Requirements", of this title;
3. Idaho Code title 55, chapter 15; and
4. All conditions of preliminary plat approval.

B. Final condominium plat approval shall follow procedures detailed in chapter 4, "Final Plat Approval", of this title. (Ord. 416, 5-9-2006)

## CHAPTER 10

### BOUNDARY LINE ADJUSTMENTS

SECTION:

**12-10-1: Applicability**

**12-10-2: Application**

**12-10-3: Review And Approval**

**12-10-4: Issuance Of Building Permits**

**12-10-1: APPLICABILITY:**

A. The provisions of this chapter establish the requirements for adjustment of common boundary lines of platted lots or legally created un-platted lots and not to lots that are being consolidated. An application for a boundary line adjustment may be submitted to adjust a boundary between adjoining lots or parcels if the proposed boundary adjustment does not

1. Create any additional lots;
2. Include any lots or parcels which are not legal lots, as defined by city ordinance;
3. Already have a boundary line adjustment which had been completed on the subject lot(s) within the previous 365 calendar days other than minor revision as determined by the Community Development Director; or
4. Contain land, where an application for a subdivision be proposed within three (3) years; unless the application for a subdivision includes:
  - a. All lots that were part of the boundary line adjustment; or
  - b. For the lot not included in the subdivision, the frontage improvements and sewer connections at a minimum shall be included unless this is a part of a Phased Subdivision, Condominium Plat or Planned Unit Development pursuant to Hayden City Code Title 11 and 12. (Ord. 572, 6-13-2017; amd. ord. 615, 12-29-2020)

**12-10-2: APPLICATION:**

A. An application for a boundary line adjustment must be filed with the City on a designated form along with such other information as may be required. Required submittal shall include but may not be limited to the following: Current Deed(s), draft deed of conveyance, resulting deeds, record of survey, vicinity map, a certificate from a title insurance company licensed under the laws of the State of Idaho, issued no later than thirty (30) days prior to the date of the application submittal for each of the affected properties and a scaled drawing of the proposed adjustment showing the following:

1. All existing and proposed boundaries of the affected lots with dimensions;
2. All existing structures with dimensions and distances from both eaves and foundation lines to existing and proposed boundaries;
3. Existing sewer and water services to the affected lots;
4. Existing street frontages and accesses to each lot;
5. Existing easements and their purposes. (Ord. 559, 7-12-2016; amd. Ord. 572, 6-13-2017; Ord. 615, 12-29-2020)

**12-10-3: REVIEW AND APPROVAL:**

A. Once the application has been accepted, reviewed, and has been determined by the staff to be complete so that sufficient information regarding the proposal can be provided, notice will be provided to outside agencies and jurisdictions which in the opinion

of staff, may be affected by the proposal, and lienholders of record, as identified in the title policy submitted with the application. Said notice shall include: one copy of the completed application, a vicinity map, and the proposed plan. Agencies, jurisdictions and lienholders will have thirty (30) days from the date that the materials have been mailed to submit comments. The Community Development Director or his/her designee will approve the boundary line adjustment only after determining that all of the following conditions have been met:

1. Nothing impacts the ability to consolidate two (2) or more lots into one.
2. If one or both existing lots are currently nonconforming as to lot size, setbacks, and lot coverage, they may be adjusted so long as neither resulting lot exceeds the original degree of nonconformity of the other and so long as no additional nonconformities are created if the lots currently conform to this Code.
3. The lot line adjustment does not result in lots spanning a public right-of-way or private road easements unless such a condition(s) existed pre- boundary line adjustment.
4. The lots being adjusted were legally created.
5. No additional lots are being created.
6. The accompanying deed of conveyance accurately describes the property to be transferred and the remainder property. Said deed shall also include new aggregate legal descriptions of the adjusted areas. A statement shall be included on the deed of conveyance indicating that the instrument is being recorded for lot line adjustment purposes, and that the portion of property being transferred is not of itself a buildable lot.
7. No existing easements or accesses have been impaired without appropriate remedy.
8. Adjusted lots that are currently served by sanitary sewer and water services have not been adjusted so that they do not, or cannot, have sewer and water services that conform to applicable City policies and standards.
9. The record of survey has been prepared by an Idaho licensed surveyor in conformance with the requirements of Idaho State Statutes and this chapter.
10. All new property corners have been monumented as required by this title and Idaho Code.

Upon determining that all of the above requirements have been met the boundary line adjustment will be approved for recordation by the Community Development Director or his/her designee. (Ord. 578, 1-9-2018; amd. Ord. 615, 12-29-2020)

**12-10-4: ISSUANCE OF BUILDING PERMITS:**

No building permits will be issued on lots or tracts whose boundaries have been adjusted without the approval of the City. (Ord. 582, 7-10-2018)