Title 11

ZONING REGULATIONS

Chapter 1: GENERAL PROVISIONS

11-1-2: DEFINITIONS

See attached – Clean and Redline of four definition tables

11-1-4: Administration and Enforcement

Commented [DP1]: Compare with what exists in 11-1-5 and ensure we are still covered in this code section. Seemed to be duplicated here.

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 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.~~

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~~To

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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~~ Planning and Zoning Commission, at a public meeting, 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.

3. The City Council, at a public meeting, shall review the request and the direction from the Planning and Zoning Commission. Should the City Council approve the request to add the new use to the Use Table, then the City Council shall direct staff to provide additional code text (i.e. definitions, design standards, requirements, the zone designation allowed outright or by conditional use permit, etc.) and bring that forward through a code text amendment process as identified in 11-1-7(C).

11-1-7: AMENDMENTS:

D. Application for Zone Map Change:~~...~~

9. A statement on how the proposed amendment meets the standards of approval specified in subsection ~~11-1-7(E)(6)~~11-1-7(E)(7) of this chapter.

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.

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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. Exceptions for lighting may be applied for per Hayden City Code 11-4-5(E). Exception requests for more than ~~thirty five percent (35%)~~20% 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.

{Add Exception table here.}

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.

5. If ~~a~~ the requested exception is for lighting, then the standards for approval found in 11-4-5(F) in addition to the standards in this section must be met.

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.

11-1-9: APPEAL of ADMINISTRATIVE DECISION:

B. Procedures:

1. Appeals shall be filed within a reasonable period of time, not to exceed ~~65~~ 14 days, in accordance with 1-1-5 of this code;

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11-1-10: ADMINISTRATIVE PERMITS:

A: PURPOSE:

This section establishes the types of applications and permits the Community Development Director or their designee haves the authority to act upon and sets forth the procedures for consideration. The Community Development Director or their designee shall have the authority to make final decisions on the applications and permits provided in this chapter, subject to the right of appeal for any written final administrative decision made pursuant to this title.

B: ADMINISTRATIVE REVIEW PROCEDURES:

Administrative reviews are authorized for applications, permits, petitions, requests for reviews or interpretations, and zoning reviews that do not require a public hearing, pursuant to this title and the state local land use planning act. The following process shall be followed for administrative reviews:

A. Upon receipt of an application and fees, the Community Development Director or their designee shall examine the application for completeness with application requirements and standards of this title. If the application is determined to be incomplete, the zoning administrator shall notify the applicant in writing of the deficiencies and specify the information needed to complete the application.

B. The Community Development Director or their designee shall conduct a review of the complete application for compliance with applicable standards of this title. The Community Development Director or his/her designee shall provide a written decision either approving, approving with conditions, or denying the application, and citing the reasons for the decision, the evidence of record, and standards used to reach the decision. If denied, the Community Development Director or his/her designee shall state the actions, if any, that can be taken to obtain approval and the rights of appeal.

C: ZONING PERMIT REVIEWS:

Zoning permit reviews are associated with building permit applications and applications for placement or construction of exempt structures. Prior to the construction or placement of any structure or the remodel or modification of a structure that requires a building permit, the Community Development Director or his/her designee shall review the application for compliance with the city's zoning regulations. If the proposed structure and use are determined to be in compliance, the Community Development Director or his/her designee may sign the permit application and need not provide a reasoned statement. No zoning

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permit shall be issued for the construction, remodel, modification, or placement of any structure that is not in conformance with the use or development standards of this title.

D: COMPLIANCE REVIEWS:

A landowner may submit an application to the city to determine whether a parcel of land or lot was created, divided, adjusted, or consolidated in conformance with the city's land use laws in effect at the time of its creation, interpretations of this title, or whether an established land use meets zoning code. The application shall include a chain of title prepared by a title company, unless the Community Development Director or his/her designee determines chain of title is not necessary based upon the type of determination requested. If the Community Development Director or his/her designee determines the land in question is not in compliance with the land use laws in effect at the time of creation, the written decision shall include actions that may need to be taken to bring the land into compliance. The required actions shall be limited to the requirements of the laws in effect at the time of the parcel or lot creation.

E: ADMINISTRATIVE SITE PLAN REVIEW:

1. Purpose: The site plan review process allows the city to administratively review proposed development in a timely manner without requiring a public hearing. The administrative review ensures that future development meets the applicable standards and requirements of city code and addresses potential development impacts by setting conditions to mitigate those impacts.

B. Applicability: Certain uses and proposed development, which are not subject to the public hearing process as set forth in this title, are subject to the administrative site plan review application process. Approval of the site plan application is required prior to issuance of building permits, encroachment approval, or any other such permits allowing the development to commence. The following uses and developments require a site plan review:

1. Those specified in 11-4-7;

2. Residential developments of four (4) dwelling units or more on a single lot or parcel;

3. Commercial, industrial or light industrial new development that requires a building permit for construction, conversion, or enlargement.

4. Any development specified in the respective zoning districts as requiring a site plan review.

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C. Application: A site plan review application and applicable fees shall be filed with the city prior to any construction, building permit approvals, placement of structures, or use of a site in accordance with 11-4-7.

D. Review: The Community Development Director or their designee shall complete a review of the application consistent with procedures for administrative reviews. Copies of the application shall be provided to affected agencies, as determined by the Community Development Director or his/her designee. Agencies shall be given adequate time to review and reply, but not more than thirty (30) days, unless the Community Development Director or his/her designee determines there are extenuating circumstances that warrant additional review and comment time.

E. Decision: The determination of the Community Development Director or their designee shall be in writing. No construction or commencement of uses shall begin until the site plan is approved. The Community Development Director or their designee may approve, deny, approve with conditions, based upon the 11-4-7 (C).

F. Conditions: The Community Development Director or their designee may impose conditions of approval to:

1. Mitigate potential impacts;

2. Ensure dedication or installation of public improvements;

3. Meet zoning, health, safety, services or infrastructure standards; and

4. Other reasonable conditions are attributable to the direct impacts of the development on the city, its infrastructure, the environment, or the neighborhood.

~~G~~H. Expiration: The approval shall expire two (2) years from the date of the written decision if the use or construction has not commenced. Prior to the expiration date, the applicant may seek an extension of up to one (1) year. The written request shall be filed with the Community Development Department and may be approved by the Community Development Director or their designee upon a showing of good cause as to why the use or construction has not commenced, such as weather-related delays, unexpected construction challenges, environmental remediation, or development-related legal actions.

Commented [DP2]: We have always tied the site to the building plans. So if the building permit was in good standing then so was the site. Should we add language here to that affect?

Commented [DP3R2]: See new language under 11-4-7(F) - we could point this paragraph there? Thoughts?

Chapter 2 ZONING DISTRICTS:

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~~'s outlines a~~ picture of Hayden may be realized

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through the designation of land into eight different ~~categories~~zones, and these ~~categories~~ zones are defined as follows:

Zone (abbreviation)	Description
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~~provides 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~~provides single-family residential on larger lots and minimal agricultural uses.
Rural (R-1, R-2, R-5)	The Rural zone provides for larger tracts of land and to accommodate the rural lifestyle generally associated with larger lots located on the outskirts of the City. It provides for a very low-density development and typically, does not require the infrastructure improvements of higher-density developments. The Rural zone requires design review per section ?? of this chapter.
Single Family Residential (R1)	The Single-Family Residential zone provides for the classic Hayden neighborhood where ~~single family~~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.

11-2-3: Site Area & 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~~ an accessory structure (i.e. In the R1 zone, the house has a side yard setback of 10'; whereas ~~the~~ an accessory structure has a side yard setback of 5').

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	~~A~~	C	CBD	LI	MU			MR				R1	RS	RU			~~A~~
					MF	C	MF & C	SFD	Duplex	Town home	Cottage			RU-1	RU-2	RU-5	
Front Setback	~~25'; 35'~~	20'	10'	20'	20'	20'	20'	25'; 35'	25'; 35'	25'(2)	25'(2)	25'; 35'	25'; 35'	25'; 35'	25'; 35'	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'	10'	10'	10'	~~10'~~
Rear Setback	~~25'; 10'~~	10'	0'	10'	20'	20'	20'	25'; 5'	25'; 5'	25'**	25'**	25'; 5'	25'; 10'	25'; 10'	25'; 10'	25'; 10'	~~25'; 10'~~
Flanking Side Setback	~~15'~~	15'	10'	15'	15'	15'	15'	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)	35'; 20'(1)	35'; 20'(1)	35'; 20'(1)	~~35'; 20'(1)~~
Max Lot Coverage	~~35%~~				70%			40%	40%	70%		45%	35%	35%	35%	35%	~~35%~~
Min Lot Size	~~5 acres~~							5500 sf	7000 sf			8,250 sf	21,780 sf	1.0 acres	2.5 acres	5.0 acres	~~10.0 acres~~
Min Public or Private Street Frontage	~~20'~~	30'	30'	30'	30'	30'	30'	20'	20'	20'		20'	20'	20'(5)	20'(5)	20'(5)	~~20'~~
ADU Allowed	~~Yes~~	No	No	No	No	No	No	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	~~Yes~~

~~Notes:~~A. Specific Requirements identified in the table above:

(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 principle 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'.

(5) Minimum Lot Width and Depth: Minimum Lot Width for lots less than or equal to 2 ½ acres is 100' and Minimum Lot Width for lots greater than 2 ½ acres is 200'. Minimum Lot Depth for lots less than or equal to 2 ½ acres is 100' and minimum lot depth for lots greater than 2 ½ acres is 200'.

B~~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.

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~~B. During the planning process of the updates to the Comprehensive Plan, Sewer Master Plan, Transportation Master Plan, and Parks 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 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.~~

C. Density Provisions:

1. A maximum of one primary permanent dwelling unit and one accessory dwelling unit as allowed in the table above unless otherwise allowed by an approved conditional use permit.

2. In the Mixed Residential zone designation, no more than eight dwelling units per acre shall be allowed.

3. In the Mixed Use and Central Business District zone designation, no more than 12 dwelling units per acre shall be allowed, unless otherwise allowed by Hayden City Code 11-2-8(C)(10) to a maximum of no more than 15 dwelling units per acre.

4. Densities may be averaged using a planned unit development and lot clustering.

5. Should densities be proposed that are in excess of those identified within the zone designation and/or within various master plans, then additional studies shall be required to ensure that adequate services are available prior to development approval.

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:

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1. Allowed Uses: An "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~~chapter, and these standards apply in all districts unless otherwise specified.

2. Conditional Uses: A "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~~certain criterion and/or when ~~that criteria~~that criterion is exceeded requires a conditional use permit. For ~~example~~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.

~~3.~~

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.

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Use Category/Type	C	CBD	L-I	MU	MR	R-1	R-S	NCN	RU	A	Additional Regulations
RESIDENTIAL – PRIMARY STRUCTURES											
~~Apartment~~		~~A~~		~~A~~							
~~Condominium, Condo~~		~~A~~		~~A~~							
~~Cottage~~					~~A~~						
Dwelling, four or more family		A		A							
Dwelling, Single-family		A			A	A	A	C	A	A	
Dwelling, two & three-family		A			A						
~~Manufactured Home~~					~~A~~	~~A~~	~~A~~		~~A~~	~~A~~	
Manufactured Home	C				C	C					11-6-2
Recreational Vehicle (R.V.), Travel Trailer, Motorhome											
~~Townhome~~				~~A~~	~~A~~						
RESIDENTIAL – ACCESSORY USES											
Accessory Dwelling Unit (ADU)		A			A	A	A		A	A	11-2-5 (A)
Accessory Structure, <3,000 sf / >3,000 sf	A/A	C	A/A		A/C	A/C	A/C		A/C	A/A	11-1-2
Agricultural Uses									A	A	Parcels >5 acres
Animal Raising and/or Keeping						A	A		A	A	4-3-6
Backyard Composting					A	A	A		A	A	
Beekeeping, hobby							C		C	C	
Boarding or Rooming House / Bed and Breakfast	C			A	C	C	C		C	C	

Commented [DP4]: Where do we talk about a caretaker residence?

Commented [DP5]: Do we want to call out specific building materials as a use, state code prohibits not allowing manufactured structures sfd, mfd, prefab classrooms, etc. For that same note, do we want to call out apartment, condo, cottage, townhome, I think that this muddies the water even if we were trying to be clear.

Use Category/Type	C	CBD	L-I	MU	MR	R-1	R-S	NCN	RU	A	Additional Regulations
Community Garden	A		C	A	A	A	A	C	A	A	
Family Daycare Home (<7 children)				A	A	A	A	C	A	A	Idaho Code 39-1102
Foster Home, Group Home				C	A	C	C		C	A	
Golf Course						C	C		C	C	
Group Daycare Facility (7-12 children)		C		C	C	C	C	C	C	C	
Home Occupation, Class A / Class B		A/C		A/C	A/C	A/C	A/C		A/C	A/C	11-2-5 (F)
Kennel, Residential						C	C	C	C	C	4-3-6-1
Park / Campground, Recreational Vehicle (R.V.), Travel Trailer or Motorhome											
Parks, Recreation, Open Space	C	A		A	A	A	A		C	C	11-7-5
Processing and/or storage of agricultural products			C								
Rehabilitative Facility				C	C	C	C		C		
Residential Care or Assisted Living Facility	A			A	A	C	C		C		# OF BEDS (C)
Roadside Stands less than 300 sf	A			A			A		A	A	11-2-5(H)
Storage, indoor or outdoor				A	A	A	A	C	A	A	11-2-5 (I)
Temporary Hardship Use for Dependent Relative		C		C	C	C	C		C	C	

Commented [DP6]: I am thinking that this should be moved to a design standard rather than a conditional use permit? Thoughts? Or at the vary least at a note to design standards pointing here.

Commented [SD7]: Where does this come from?

Commented [DP8R7]: This comes from Idaho State Statute 39-3304; and from Idaho State Statute 39-35 - which defines a Certified family home as a home where a care provider certified by the department to provide housing in a family-style living environment and care to one (1) to four (4) residents. Which is stricter than the zoning code in 67-6531 which identifies a group home which serves eight (8) or fewer unrelated mentally/physically handicapped or elderly persons. Zoning laws cannot treat these homes differently than, or as a commercial business to avoid violating the Fair Housing Act. So they are allowed outright in the Commercial type zones, but they must behave like a residence or be mitigated as such to be allowed in the residential zones.

Commented [DP9R7]: Should we add something in design standards related to this use to provide direction for how and why a CUP is required?

NON-RESIDENTIAL PRINCIPAL USES											
Adult Day Care	A			A	C	C	C	C	C		
After-school Child Care in school building	A	A		A	A	A	A	A	A	A	
Animal Daycare (Small/Large)	A/C		A/C	C/-					C/C	A/A	
Animal Grooming, Small	A		A	C					C	A	
Animal Hospital/Clinic	A/C		A/C	A					C/C	A	
Animal Shelter			A								
Asphalt and concrete ready-mix plant			A								
Assemblage			A								
Auction Establishment (w/ on-site sales / w/out on-site sales)	A	A/C	A							A/C	
Auto Wrecking Yard, Junkyard			C								
Automotive, Heavy Machinery, Trailer, and Equipment Sales or Rental Lot	A		A								
Bank, Financial Institution	A	A		A				C			
Bottling and Distribution Plant			A								
Brewery, Distillery, Winery	A	A	A					C			
Building Materials, Hay, Grain, Bulk Garden Supply, Heavy Materials	A		A								

Commented [DP10]: Let's break this into two intensities of use - with distribution and without. Meaning if the intent is to create the product and distribute it, then it needs to be in Light Industrial and not in the CBD or Commercial. If the intent is to serve on site, then Commercial and CBD would be great.

Bulk Storage of Corrosive, Acid, Alkali, Explosive or Flammable Materials or Products			C								
Bus Station, Terminal / Transit Terminal	A		A	A							
Call Center	C			C							
Car Wash	A		A	C							
Caretaker Residence	C		C	C							
Cemetery							C		C	C	
Club, Lodge, Social Hall	A	C	C	C				C		C	
Community Event Facility / within 300' of residential use or zone	A/C	C	C	C							
Composting Facility			C								
Contractor Shop, Solid Fuel and Lumber	A	C	A								
Convenience Store	A	A	A	A				C			
Correctional Facility	C		C								11-7-4
Culinary Establishments, with / without drive-thru window	A/A	C/A	A/A	A/A				C/C			
Daycare Center (>12 children)	A	A		A				C			
Daycare Facility (>6 children)	A	A		A				C			
Drive-Up Establishment	A	C		C							
Explosives – Storage and Manufacturing			C								
Firing Range, Indoor	A	C									

Commented [SD11]: Do we need Solid Fuel and Lumber in this Use?

Commented [DP12R11]: No, but may be a minimum office space or number of parking spaces?

Commented [DP13]: Add in Data Centers with blanks to not allow it anywhere.

Commented [DP14R13]: Correct. Then it is isn't a new and unlisted use, but is identified and not allowed.

Commented [DP15]: Should we reference Idaho Statutes here?

Use Category/Type	C	CBD	L-I	MU	MR	R-1	R-S	NCN	RU	A	Additional Regulations
Freight Forwarding			A								
Gas Station / Fueling Station, Commercial	A/A		A/A	C/-							
Golf Driving Range	A		C	C	C	C	C		C	C	
Greenhouse / Nursery	A		A	C			C		C	A	
Grocery	A	A		A				C			
Handicapped or Minimal Care Facility	A			C	C	C	C				
Hospital	C										
Hotel / Motel	A	C		A							
Industrial Services, i.e. Battery Rebuilding, Blacksmith, Welding and Fabrication, Newspaper and Printing, etc.			A								
Juvenile Offenders Facility											11-7-4
Kennel, Commercial			C						C	C	4-3-6-1
Laundry and Dry-Cleaning Service	A	A	A	A							
Library and Cultural Facilities	A	A	A	A	C	C	C		C	C	
Lumber, Saw-, or Pulp Mill			A								
Manufacturing, Construction Components	C		A								
Manufacturing, Light	C		A								
Massage Establishment	A			A				C			

Commented [DP16]: Is this like a neighborhood grocery store? Maybe we could add a maximum square footage with respect to a NCN to give it the feel of just that to run down to the neighborhood store. Maybe look at Dalton Gardens or the one on Government Way and Harrison.

Commented [DP17]: I think that this applies here.

Commented [DP18]: Do we really want a pulp mill?

Commented [DP19]: What is the difference between light manufacturing and defining a component?

Metal Fabrication or Machine Shop			A								
Microcell Wireless Communication Facility (WCF)	A	A	A	A	A	A	A		A	A	8-6
Mobile Food Vendor Establishment											3-7 (Rep. 12/22)
Mortuary, Crematory, Funeral Homes	C		A	C							
Motor Vehicle Repair – Major / Minor	C/A		A	C							
Office, General & Medical	A	A	A	A				C			
~~Office, Medical~~	~~A~~	~~A~~	~~A~~	~~A~~				~~C~~			
Outdoor Sales Lot	A			C							
Parking Lot or Garage	A	C	A								
Personal Services	A	A		A				C			
Printing, Publishing & Reproductions, Excluding Paper Manufacturing	A	A	A	A							
Processing of Construction-Related Products			C								
Public Building or Complex	A	A	A	A	C	C	C	C			11-7-4
Railroad Transportation Lines or Spurs; Railroad Classification Yards			C								
Recreation / Entertainment Facilities	A	C	A	C	C	C	C	C	C	C	11-7-5 (?)
Recycling Drop-Off Center			A								

Commented [DP20]: Is this different than Manufacturing, Construction Components? The use zones are different?

Commented [DP21]: 11-7-4 is called public buildings, Complexes, and Correctional Facilities.

Religious Institution	A	C	C	A	C	C	C	C	C	C	
Retail Store / >60,000 sf GFA	A/C	A/C		A/C				C/-			
Sanitary Landfill, Incineration			C								
School / School, Private Commercial	A	C		A	A	C	C		C	C	
School, Trade or Vocational	A	C	A	C	C	C	C		C	C	
School, University	A	C		A	C	C	C		C	C	
Self-Storage, Mini-Storage			A								
Use Category/Type	**C**	**CBD**	**L-I**	**MU**	**MR**	**R-1**	**R-S**	**NCN**	**RU**	**A**	**Additional Regulations**
Sewage Treatment Plant			C								
Sexually Oriented Business, Non-retail			A								3-5
Sexually Oriented Business, Retail	A										3-5
Shopping Center	A										
Swap Meet, Farmer's or Flea Market	C	C	C	C				C			
Tannery, Taxidermy, Butcher / Retail	-/A		A/A								
Tavern, Lounge, Brew Pub	A	A	A	A				C			3-2
Towing Company	C		C								
Treatment Facility, Public	A			A							ID Statute 39-3
Truck Stop / Trucking Terminal	C		A								

Truck Transport Facility, Commercial / Industrial	A/-		A/C								
Urban Farm	A		A	A	C		C		A	A	
Utility Infrastructure, Major	A		A	A	A	A	A		A	A	8-4 OR 8-5
Utility Infrastructure, Minor	A		A	A	A	A	A		A	A	8-4 OR 8-5
Vehicle Customization	C		A								
Warehouse Distribution Business			A								
Wholesale Bakery	A		A						C	C	
Wholesale Business			A								
NON-RESIDENTIAL – ACCESSORY USES											
Accessory Indoor Storage of Corrosive, Acid, Alkali, Explosive or Flammable Materials or Products			C								
Accessory Retail Sales & Service Related to the Primary Use	A		A								
Accessory Structure, <3,000 sf / >3,000 sf	A/A		A/A		A/C	A/C	A/C		A/C	A/A	11-1-2
Construction Office, Temporary	A	A	A	A	A	A	A	A	A	A	
Seasonal Uses	A	C						C	C	C	
Storage – Accessory to the principal use, indoor or outdoor	A		A								11-2-5 (I)

Commented [DP22]: Maybe these are a conditional use permit or maybe they are when the size of the farm is greater than ? Acreage and is accessory to the underlying use. Thinking outside of the box for a large mixed residential complex, maybe there open space is an urban farm? Or when you have a property that is larger than ½ acre in RS? Thoughts?

Commented [DP23]: Again, think about distribution of a wholesale bakery. Is this a retail outlet for wholesale purchases, or is this a distribution center to send a fleet of trucks out with products?

Temporary Parking Lots	A		A	A	A				C	C	
Temporary Voting Place	A		A	A	A						
Uses Related to and Operated by a Religious Institution	C	C	C	C	C	C	C	C	C	C	

Commented [DP24]: So for a large event at a park, or at the airport, there may be instances where the ability to allow for temporary parking for the event in these zones would be beneficial. Thoughts?

A. Multi-family in CBD is allowed in the second or higher stories of a Commercial ~~Mixed Use~~mixed use ~~B~~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.

B. ~~The Mixed Use zone designation shall be categorized into two separate sub-categories, such that all land assigned a Mixed Use zone designation is contained in one of the two sub-categories. Such sub-categories are based on geographic location within the Future Land Use Map identified in the City's adopted Comprehensive Plan and more particularly defined below:~~

~~1. Mixed Use Type I (MU-1): This sub-category includes all parcels within the Mixed Use land use designation along Government Way, Highway 95, Hayden Avenue, and Prairie Avenue, excluding any parcels which meet the criteria for inclusion in the MU-2 designation as defined in 11-2-4(B)(2)(b)); and~~

~~2. Mixed Use Type II (MU-2): This sub-category includes all parcels within the Mixed Use land use designation and are depicted as being contiguous with the proposed Huetter Corridor. Contiguity is determined by the Mixed Use land use designation of the Future Land Use Map and not by current zone designation boundaries, parcel boundaries, or distance from the proposed Huetter Corridor. If a parcel is designated as Mixed Use on the Future Land Use Map, but is separated from the proposed Huetter Corridor by another intervening Future Land Use Map designation, it is within the MU-1 zone designation.~~

~~a. Residential uses shall not be allowed within the MU-2 zone designation until such time as the Huetter Corridor has received Notice to Proceed with Construction Approval or other similar approval which guarantees the construction of the Huetter Corridor, except:~~

~~(1) As expressly allowed in a Zoning Development Agreement, or~~

~~(2) As part of an approved Planned Unit Development.~~

~~b. Once the Huetter Corridor has received Notice to Proceed with Construction Approval or other similar approval, which guarantees the construction of the Huetter~~

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~~Corridor, any use containing multi-family dwelling units proposed in the MU-2 zone designation, shall require a conditional use permit.~~

~~c. Should the location of the proposed Huetter Corridor change from its location as depicted on the Future Land Use Map, the boundaries of the MU-2 zone designation may shift accordingly such that it is always defined by areas designated as Mixed Use on the Future Land Use Map that are contiguous with the actual proposed location of the Huetter Corridor. (Ord. 619, 4-13-2021; amd. Ord. 633, 6-14-2022; Ord. 645, 3-23-2023)~~

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 (of land or structure) 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~~standards or are allowed by or require a ~~special~~ conditional 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. ~~1.~~ An ADU is a self-contained living unit that includes its own cooking, sleeping, and sanitation facilities and that is located on the same lot/parcel as a single-family primary dwelling. An ADU may be internal, attached, or detached but does not include a motorhome, camper, recreational vehicle, tiny home on wheels, or other such similar dwellings on wheels.
2. The allowance for an ADU on properties designated as a historic property pursuant to section 67-4614, Idaho Code and zoned for single-family residential uses may be allowed through a conditional use permit.
~~1.~~ 3. The ADU shall not exceed 1,000 square feet or 75% of the primary dwelling whichever is greater. ~~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;~~

4. ~~2~~. Only one ADU either internal, attached, or detached is allowed per lot/parcel;

5~~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;

~~5~~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.

~~6~~5. Open space and setback requirements of the underlying zone shall be met in accordance with 11-2-3. The ADU shall follow front, side, and rear setbacks in accordance with the primary structure when the ADU is internal or attached to the principal structure. The ADU shall follow the front and side yard setbacks when detached from the principal structure and shall maintain a 10-foot minimum rear yard setback. When the detached ADU is within an accessory structure, the setbacks to the ADU within the accessory structure still apply ~~, 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~~ the ADU must have an entrance that is separate from that of the principal dwelling;

~~7~~6. Home O~~o~~ccupation

1. Class A is permitted ~~within an ADU~~;
~~1.~~2. Class B may be permitted by CUP;

Commented [DP25]: What do we do with the parking requirements?

~~8~~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;

~~9~~8. Water and sewer utilities shall be connected to the utilities of the principal residence. Should a request be received to allow for legal descriptions to be recorded for finance purposes, all utilities shall be placed separately from the principal residence. No subdivision of the land is allowed without an approved subdivision in accordance with Title 12.

10. No additional parking space shall be required for the ADU, unless one or more of the following is true:

a. The principal dwelling does not have off-street parking; or

b. The street is not paved; or

c. The street is not designed nor constructed for on-street parking; or

d. The principal dwelling unit is not within ¼ mile of transit, an employment area, or commercial services;

If any of the items above are true, then one additional off-street parking space is required.

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

C. Short Term Rentals shall be classified as a non-transient residential use for zoning and building code purposes and be subject to all zoning requirements applicable thereto and only to building codes adopted by the Idaho building code board. ~~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.~~

1. All sleeping areas in a short-term rental, including when applicable, basements, living rooms, and family rooms, be equipped with functioning smoke alarms;
2. That the short-term rental be equipped with a functioning fire extinguisher and a functioning carbon monoxide detector on each floor;
3. That removable escape ladders be available in all sleeping areas with a window that are located above the ground floor;
4. That maximum occupancy limits for short-term rentals do not exceed those non-transient residential limits as contained in the international building codes as adopted by the Idaho building code board; and
5. That an easily accessible informational handout be available to tenants describing the location of exits, the location of fire extinguishers, the location of any supplied first aid kits, and a phone number to contact the owner or manager of the short-term rental in the case of an emergency.
6. All short-term rental properties along with their owners and tenants shall be subject to all other city ordinances and penalties that apply to other non-sort-term rental residential uses, including but not limited to noise, parking, nuisance, curfew, and traffic regulations.

Commented [DP26]: In talking with Tyler from the Fire Department, these inspections for these items are similar to what they do for Daycare licenses. It would seem that they would be doing these inspections, but without the language adopted in City Code they don't have an enforcement mechanism. If they were looked at as a bed/breakfast then the City would include these requirements. Since bed/breakfast most likely falls within these definitions of less than 30 days stay and most bed/breakfast are within a residential zone, it would make sense to repeal and replace. Thoughts?

Additionally, should the owner/manager of a STR request a separate Certificate of Occupancy recognizing the business use rather than the SFD use - then we would require a fee under the Verification of Occupancy process. I think the inspection fees and review should require a fee as these are not required to "operate". Thoughts?

Under (5) No county or city shall require a license, fee, permit, certification, or registration to operate a short-term rental.

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G. Manufactured Home:

1. Development Standards For Manufactured Home On An Individual Lot or within a Manufactured Home Park:

a. ~~Shall~~ May be either a single section or multi-sectional and shall enclose a space of ~~not less than 1,000~~at least 400 square feet for a single section or 800 square feet for a multi-sectional manufactured home;

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, except when placed on a basement foundation;

g. Used manufactured homes ~~will~~ may be permitted to be sited 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. ~~i.~~ Shall comply with State of Idaho manufactured home installation standards.

~~i.~~ii. For development standards within an existing manufactured home park see Hayden City Code 11-3-5.

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~~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.~~

I. Outdoor Storage: All outdoor storage shall comply with the following requirements and follow the requirements of section 11-4-6(C)(10).

Replace 11-2-9 Residential Multi-Family Zone which expired on September 28, 2022.

11-2-9: RURAL DESIGN STANDARDS:

A. Applicability:

1. Rural zone designation design standards shall apply to all properties within a Rural zone designation. These standards shall apply to all new construction and renovations of the existing structures which shall include either a residential, accessory to residential, or structures necessary to provide services to the lots within this zone designation.

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; and

d. Temporary structures as allowed per zoning code, and emergency structures.

B. Minimum Lot Requirements: In addition to the lot requirements identified in Hayden City Code 11-2-3 the following applies:

1. Minimum Lot Area:

a. Five acres when served by individual well and septic systems.

b. Two and one-half acres when served by either or both community water or sewer systems with remaining service by individual system.

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c. One acre when served by both City sewer and municipal water systems and must be created by an approved planned unit development.

2. New local roads servicing lots of 2 ½ acre or larger shall be considered to be private roads in accordance with Hayden City Code 10-3-1; unless otherwise allowed by Hayden City Council.

C. Community System Defined: As used within this designation, the term "community system" shall be defined as: privately maintained water supply and distribution systems; sewage collection, treatment and disposal systems (not including individual septic tanks and drain field systems or community septic tanks and drain field systems unless subject to an approved sewer management agreement).

D. Consent to Receive City Utility Services: All development utilizing any type of community system as defined within this Code shall be required , prior to the City approving a conditional use permit, subdivision, or planned unit development or issuing a building permit, to provide recorded written consent as to the acceptance of City utility service when the services are available to the development and the City determines it will provide the services to the development. Provided, however, no development shall be required to connect to the City utility systems within five years of the development installing a like (i.e. water or sewer) community utility within an approved development. At the end of the five-year period, or at any time thereafter, the development must connect available services.

Chapter 3 NON-CONFORMING USES:

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~~Planning and Zoning Commission.

Chapter 4 GENERAL STANDARDS OF DEVELOPMENT

11-4-4: Landscaping Standards

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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~~

Type	Width	Description of Purpose	Consists Of
Type I	20'	Buffers between incompatible uses create a noise and sight obscuring barrier.	Min. 20' wide strip w/evergreen trees min. of 6' in height at time of planting, spaced to grow together in three years.*
Type I w/ Buffer Width Reduction	10' with fence or wall		Min. 10' wide strip with continuous row of evergreen trees with either a continuous 6' foot high site obscuring wood or metal fence, or a brick masonry or textured concrete wall. Evergreen trees shall be a min. of 6' in height at time of planting and spaced to grow together in three years.*
Type II	10'	Buffers to create a visual separation between similar uses.	Min. 10' wide strip with trees of which a max. of 50% may be deciduous. One tree shall be provided for each 20 lineal feet of landscaped area. May be spaced irregularly or clustered.*
Type III	5'	Transparent buffers to provide visual relief between compatible uses	Min. 5' wide strip with trees of which a max. of 70% may be deciduous. One tree shall be provided for each 50 lineal feet of landscaped area. May be spaced irregularly or clustered.*

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		and to soften the appearance of parking areas.	
Type IV - Street Frontage	10'	Buffers to create a visual separation between the property and the adjacent street.	Min. 10' wide strip with 100% deciduous trees. One tree shall be provided for each 50 lineal feet frontage. Must be spaced uniformly. On residential lots without perimeter tract, one tree for each line adjacent to the public right-of-way. Excludes areas used for access and site triangles. Discuss utilities along Government Way and need to coordinate on landscaping. Ground cover shall be grass unless an alternate is approved by the City.
Parking Perimeter	5'		Min. 5' wide strip with trees of which a max. of 70% may be deciduous. One tree shall be provided for each 40 lineal feet of landscaped area. May be spaced irregularly or clustered. **Applies if 4 spaces or more.** If reconstruction of more than 40% of the existing lot, not including surface overlays, the interior landscape requirements apply to entire lot.*
Parking Island	80 square feet and 8' inner curb to inner curb		Class II or III ANSI Z760.1 standard (unless overhead utilities, then Class I). Alternates may be proposed where there will not be safety issues at full growth. **Applies if 40 spaces or more**. Number of islands is determined by the number of trees required within the parking area or 1 tree per 1,000 square feet of parking space (excluding circulation aisles). Planter locations must be incorporated into the overall parking lot design and may be used as a component of stormwater. The soil in the planters shall be scarified to undisturbed native soil or 4' whichever occurs first.

(1) For all landscaping types identified in the table above with a "*", the following is also required: Shrubs shall be spaced and sized to augment desired screening and ground cover to provide 75% landscaped coverage of area within two years. Ground cover is not required to be live; however, the required coverage must still be achieved with respect to buffer purpose. All landscape areas shall be irrigated.

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Minimum plant sizes and maximum spacing at the time of installation:

Type	Minimum Plant Size	Maximum Spacing
Deciduous Trees	2" caliper	See Buffer Type
Multi-stemmed trees	6' height	See Buffer Type
Evergreen trees	6' height	See Buffer Type
Small shrubs	12" height	3' on center
Medium shrubs	18" height	4' on center

Tall shrubs	18" height	5' on center

11-4-5: LIGHTING STANDARDS:

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~~A photometric plan shall be submitted which demonstrates compliance with these standards for projects with an adjacent residential use, and/or when lights on poles are proposed to be used.~~.~~

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

E. Exceptions requests may be made in accordance with Hayden City Code 11-1-8 ~~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~~ provided 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 in addition to those identified in 11-1-8(D) 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,

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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.

11-4-6: Parking Standards:

(C) General Requirements

8. Required Off Street Parking Spaces:

Residential Uses	Required Spaces
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, see HCC 11-2-5(A)(9)
Detached housing, group	1 per sleeping room
Home occupation, as per residential use	2 per dwelling unit
Other	Per Community Development Director or designee

Commented [DP27]: Is this in addition to those required for the dwelling?

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

Civic Uses	Required Spaces

Civic Uses	Required Spaces
Administrative	4 per 1,000 square feet
Childcare or nursery	3.5 per 1,000 square feet
Community assembly	10 per 1,000 square feet
Community Center	4 per 1,000 square feet
Community organization	4 per 1,000 square feet

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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

Commercial / Recreational / Industrial Uses	**Required Spaces**
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 spac (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~~

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Commented [DP28]: See comment below.

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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
Recreational/Health/~~F~~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 eve 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 space 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

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Commented [DP29]: Can we consolidate this with fast food, and just call it 10 spaces/1,000 sf or 1 space/every 2 seats whichever is greater (including any outdoor seating) and 5 queuing spaces for drive-through.

Commented [DP30]: Swap Meet, Farmer's Market, Flea Market

Commented [DP31]: Can you research what other jurisdictions use here? Are we measuring outdoor seating in square feet?

Commented [DP32]: Could this be consolidated with Recreation/Health/Fitness?

What about BB courts?

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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.	

Commented [DP33]: Is there a way to make this less rows and still clear? Like 1 to 100 spaces, requires 1 space for each of 25 parking spaces. Then 101-200 requires an additional 1 space for each of 50 spaces. Then 201 to 500 requires an additional 1 space for each of 100 spaces.

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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 may 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 may apply.	(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 may apply.	(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.		

a. To request a reduction in the required parking spaces, the applicant shall submit an exception request to include a narrative as to how the required parking shall be mitigated should the request be granted. This narrative shall identify the specific reduction(s) being sought. If the request includes one or more of the exceptions as identified above, then the requested exception cannot include a blanket reduction in parking requirements as allowed

in Hayden City Code 11-1-8. If a reduction in parking is not requested from those identified specific to the CBD or the NCN, then an exception may be requested in accordance with 11-1-8. In either case, the request shall identify a plan to address future parking mitigation measures should they be needed to address overflow parking needs.

(C) General Requirements:

11. Parking Lot Grades and Drainage:

a. All off street parking shall be paved such that no surface shall exceed five ~~percent~~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 and Title 8 Stormwater requirements.

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).

1. Pedestrian access from the required parking location to the entrance of the facility being served shall be required meeting ADA accessibility requirements. This pedestrian access must be constructed in accordance with the Hayden City Code for a sidewalk, multi-modal path, etc.

~~1.~~2. If parking is located off-site, a parking agreement shall be required to be recorded for the number of spaces required for the facility being served.

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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~~their 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 following minimum dimensions of 9' x 20' for a standard space, 8' x 23' for a parallel space with no obstruction, and 10' x 23' for a parallel space where parking abuts a building or other obstructions, and 9' x 18' where no obstructions are present to allow for an overhang into landscaping.

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~~off-street parking areas shall be located, designed, constructed and maintained to ~~provide access at all times~~always provide access. Driveway, aisleway, and ~~–~~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~~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.

16. Parking Lot Landscaping Requirements:

a. Landscaping buffer type and location shall be in accordance with 11-4-4.

b. ~~: 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.~~Required landscaping for new, expanded or existing sites shall be in accordance with 11-4-7(B) and (C).

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;

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(2) The circulation plan, including the dimension of driveways, aisleways, pedestrian walkways, and queuing areas;

(3) The location and dimensions of ~~off street~~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;

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(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 as required in 8-3-5(C);

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

n. Plans that are resubmitted shall clearly identify the items that have changed that are in addition to the items changed to address the City's review comments.

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

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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~~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~~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;

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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 - New Principal Structures, Additions & Changes of Use	Yes	Yes
Residential - New Principal Structures	Yes	Yes
Residential ADU	~~Yes~~No	Yes
All other accessory uses	No	Yes ~~5~~[f]
Maintenance	No	No ~~4~~[e]

~~1~~ a. The said requirement(s) identified in the table above ~~to~~ shall be incorporated as a condition of building permit or other approval.

~~2~~ b. When an accessory structure or residential addition is to be located on a street having less than ~~a required~~the 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.

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~~3~~c. 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.

d. Should an existing principal structure be rebuilt, then it shall be treated as maintenance; however, should it be expanded by more than 40% over a 3-year period of the square footage of the original structure then it shall be treated as a new principle structure.

~~d.~~e. 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.

~~e.~~f. 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 at the time of the agreement. In the case of single-family dwelling units, if the obligation is deferred in whole or in part, this may not require a separate deferred improvement agreement but shall be incorporated as a condition of approval of the application, along with sureties as determined by the City.

f. 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

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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~~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~~applicant with a written decision letter 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~~staging 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.

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5. All construction of the site must abide by the quiet hours found in HCC 4-1-1(C), dust requirements in HCC 11-4-2, and construction site requirements for both on-site and off-site found in HCC 9-7.

F. Duration Of Site Plan Approval:

1. A ~~S~~site plan approval is ~~for~~ expires 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 one of the following occurs:

a. ~~a~~An extension of one year has been applied for by the developer specific to a Site-only permit and approved by the Director, or

b. ~~except if a~~A phased site plan for which the phasing plan was approved by City staff as part of the initial site plan approval, or

c. The building permit which includes the site has continuously been active and progress through construction and inspections is on-going. ~~After the two years have elapsed,~~

~~t~~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. The agreement shall identify those improvements required to be constructed in which phase to ensure standards of site plan approval (HCC 11-4-7(D)) are being met.

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.

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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).

Chapter 5 SIGN CODE

11-5-2: ~~Restrictions~~Requirements:

A. Sign Compliance: ~~No sign~~Signs shall not 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.~~.~~

B. Sign Defined: For the purpose of this chapter, the word "sign" does not include the flag or emblem of any nation, organization of nations, state, city, religious, fraternal, or civic organization; also, merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields.

~~A.~~C. Alteration, Enlargement, or Relocation of Signs: No sign shall be structurally altered, enlarged, or relocated except in conformity to the provisions herein, and only upon applying for and securing a permit, unless expressly authorized without a permit.

11-5-3: DEFINITIONS:

BANNER: ~~A~~ A sign composed of lightweight material that is firmly attached to a building at four or more points; often used in non-permanent setting, such as to announce a grand opening, sale, or special event. Banner signs require a permit.

TEMPORARY SIGNS:

Signs intended to be used for 90 days or less, not for a permanent installation. May include attention attracting devices, but shall ~~N~~not ~~including~~ include 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.~~

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11-5-5: SIGNS AUTHORIZED WITHOUT A PERMIT:

While subject to other applicable requirements and permits, the following signs are authorized without a sign permit but do require a location verification review.~~:~~

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.

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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 or Institutional Signs~~: Directional signs~~ that do not ~~require a sign permit~~in any way advertise a business. Signage includes, but is not limited to : signs identifying publicly accessible facilities; signs providing direction, such as parking lot entrance and exit signs; and those of similar nature.~~, but are~~ These signs 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.~~

~~4.~~5. 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~~.

5~~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 lane~~d~~ 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)

Commented [DP34]: Do we want to define a zone designation, or just let the Non-Residential zone district stand on its own - otherwise we should include the CBD and NCN in this list.

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:

Commented [DP35]: Is this beneficial here?

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A. Master Sign Plan Required: Upon site plan submittal for site development a master sign plan (MSP) shall be required to be submitted for review. ~~A master sign plan shall be required prior to the~~ No issuance of new sign permits in the development complex shall occur prior to the review and approval of the MSP. The ~~master sign plan~~MSP shall identify standards and criteria for all signs in the complex that require permits. The ~~master sign plan~~MSP 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:

1. Proposed sign location(s).
2. Materials.
3. Type of illumination.
4. Design of freestanding sign(s).
5. Size of sign(s).
6. Quantity of different sign types.
7. 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~~MSP: All applications for sign permits for signage within the complex shall comply with the approved master sign plan.

C. Review of ~~Master Sign Plan~~MSP: The ~~master sign plan~~MSP shall be reviewed in accordance with procedures for processing a ~~sing~~ sign permit application.

D. ~~D.~~ Amendments to the ~~Master Sign Plan~~MSP: Any amendments to the ~~master sign plan~~MSP must be signed by the owner(s) of the development complex before such amendment will become effective.

~~B.~~E. No Certificate of Occupancy shall be issued for the building structure until the MSP has been approved.

11-5-8: PROHIBITED SIGNS:

The following signs are expressly prohibited in all districts within the City of Hayden:

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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, public benches, streetlights, utility poles, trees 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-U, R-S, R-1, and MR zone designations, C represents non-residential uses in the C and MU zone designations)

FLAG (Permanent Pole)	
A. Description	**B. Flag Dimensions - Area**

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Means 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 eight feet (8') 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 a permanent footing, or to the roof or sides of a building. (For flags not mounted to permanent flag poles, see "Attention-Attracting Device".)	Total area, max (sf)	~~R-1, R-M/F, R-SR~~R, A	60
		C, L-I, CBD	135
	D. Pole Dimensions - Height		
	Height, max. (ft.) above ground level	R, A	45
		C, L-I, CBD	~~30~~60

11-5-10: PERMIT REQUIREMENTS AND ADMINISTRATION: The city has the responsibility to ensure that all measures of this chapter are enforced. The following standards, permit requirements, and procedures shall be met:

A. Permit Required~~ Exception~~: A permit shall be required for all signs, except those expressly authorized without a permit. Exemption from permit shall not, however, exempt the owner of the sign from responsibility for its erection and maintenance in a safe manner, and in a manner in accordance with all other provisions of this chapter.

B. Alteration, Enlargement, Or Relocation Of Signs: No sign shall be structurally altered, enlarged, or relocated except in conformity to the provisions herein, and only upon applying for and securing a permit, unless expressly authorized without a permit.

C. Application Requirements:

1. The applicant must complete and submit the City's standard sign permit application form, which shall be accompanied by authorization from the property owner, if the property owner is not the applicant;

2. The application shall include the location and dimension of all existing and proposed signs on the development lot;

3. The application shall be accompanied by a site plan, drawn to scale, depicting the dimensions of lot, location of all right-of-way, street frontages, utility easements, and ingress/egress to the site; building footprint, including size and dimensions of the building, and building facade where existing signs are located, and where proposed signs are to be located;

4. The applicant shall provide a graphic depiction, drawn to scale, of the dimension and design of all existing and proposed signs on the development lot; and

5. Construction plans required for all proposed new signs shall be drawn to scale, and shall include dimensions, materials, and required details of construction including loads, stresses, anchorage and other pertinent data. Construction plans~~Said building plans~~ shall contain the seal and signature of an Idaho registered design professional or professionals, if so required by the adopted Building Code of the City.

D. Permit Fees: Fees for sign permits, as established by resolution of Hayden City Council, shall be due and payable at the time of permit issuance.

E. Processing Of Permit Applications:

1. Within twenty (20) business days of receipt of a complete application for sign permit, the Director, or his/her designee will:

a. Approve the sign permit application;

b. Approve the sign permit application with conditions; or

c. Deny the permit application.

If the permit application is denied, staff will provide a written statement of the reasons for denial, and what, if anything, can be done to make the application approvable.

~~3~~2. 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: Permit application shall be approved by the city if all of the following standards have been met ~~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 city's adopted building codes. If the sign requires electrical, an electrical permit from the State of Idaho Division Building Safety must be issued prior to City approval.

~~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~~their designee may be appealed to City Council in accordance with the procedures detailed in ~~chapter 17~~11-1-9 of this title. ~~(Ord. 619, 4-13-2021)~~

Chapter 7 CONDITIONAL USE PERMITS

11-7-2: ~~Contents of~~ Requirements of Application ~~for Conditional Use Permit~~

A. Pre-development Meeting: The developer shall meet with City staff prior to the submission of the conditional use permit application request. The purpose of this meeting is to discuss informally the project and the requirements identified for the project in accordance with the Hayden City Code, policies, plans and standards. Additionally, the public hearing process and the standards of approval for a conditional use permit will also be discussed.

B. 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:

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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.

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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.

11-7-3: GENERAL STNADARDS 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 harmonious with and 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 essential public facilities and services such as 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 designed, ~~and planning (to include construction~~constructed, ~~operation~~ operated and maint~~en~~ained~~ance)~~ to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area; ~~of the site is compatible with the location, setting and existing uses and the intended character of the general vicinity.~~

4. The proposal shall not be hazardous or disturbing to existing neighboring uses:

5. The proposal will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

6. The proposal will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance.

Commented [DP36]: Not sure that these are necessary if we include the Comprehensive Plan Goals and Policies, I think that they are covered in those updated ones as approved and thereby addressed in Standard #1. Thoughts?

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~~11-1-7(E) of this title.

Chapter 8 VARIANCES

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~~ 11-1-7(E) of this title.

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