

**AGENDA OF THE PLANNING AND ZONING COMMISSION MEETING
FOR THE CITY OF HAYDEN, KOOTENAI COUNTY, IDAHO**

Monday, June 1, 2026

Commission Meeting: 5:30 PM
Hayden City Hall Council Chambers, 8930 N. Government Way, Hayden, ID 83835

**CALL TO ORDER
ROLL CALL OF COUNCIL MEMBERS
PLEDGE OF ALLEGIANCE
ADDITIONS OR CORRECTIONS**

1. **CALL FOR CONFLICTS OF INTEREST**
2. **CONSENT CALENDAR *All items on the consent calendar are Action Items***
 - A. Approval of Planning & Zoning Commission Regular Meeting Minutes from May 18th, 2026

**MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING
FOR THE CITY OF HAYDEN, KOOTENAI COUNTY, IDAHO**

Monday, May 18, 2026

Commission Meeting: 5:30 PM
Hayden City Hall Council Chambers, 8930 N. Government Way, Hayden, ID 83835

CALL TO ORDER

The meeting was called to order at 5:30 PM by Chair Shawn Taylor.

ROLL CALL OF COMMISSION MEMBERS

Present: Tony Grano, Chris Morris, Shawn Taylor, Vince Vargas, Ron Walters.

Staff Present: Donna Phillips, Community Development Director, Fonda Jovick, City Attorney, Shannon Drappo, City Planner, and Dulci Kau, City Engineer.

PLEDGE OF ALLEGIANCE

Commissioner Walters led the pledge of allegiance.

ADDITIONS OR CORRECTIONS

New Business Item 4A on the Agenda: Coeur d' Alene Airport District Overlay Discussion and Direction, will be postponed to a later date.

CALL FOR CONFLICTS OF INTEREST

None

CONSENT CALENDAR *All items on the consent calendar are Action Items*

Approval of Planning & Zoning Commission Regular Meeting Minutes, 04-06-2026

Motion to approve the Consent Calendar as presented. This motion, made by Vice-Chair Morris and seconded by Commissioner Grano; Carried.

Tony Grano: Yes
Shawn Taylor: Yes
Chris Morris: Yes
Vince Vargas: Yes
Ron Walters: Yes

PUBLIC HEARING (Public Testimony will be received for these items)

A. PZE-26-0035 Monaghan Estates Subdivision **ACTION ITEM** - This public hearing is a request for a: 20 lot single family home subdivision located at the address currently known as: 751 E Honeysuckle Avenue, Hayden, ID 83835.

Chair Taylor opened the public hearing at 5:32 PM.

Staff Introduction:

Donna Phillips, Community Development Director, gave an overview of the proposed subdivision stating the applicant and the Engineer of record are Olson Engineering and Jeremy Terzulli will be presenting on behalf of the owners, Aspen Homes LLC.

The request is for a 20-lot subdivision on two lots, that are approximately 8.6 acres in size. Access is to be from W. Honeysuckle Road and N. Secretariate Lane. A future road, "road A" is to be named at some point. The "dotted line down the middle" of the property was referenced and was explained that there are two taxing entities across this property. The existing site has several outbuildings on this property, that the Historical Preservation Commission (HPC) went out and looked at for historical significance based on the age of the buildings. This was referenced also in the Staff Analysis. Most of the buildings on this property have demolition permits associated with them. Meaning that they will be removed from the property, or they will be burned as part of the Fire Departments training, leaving the land bare before this subdivision begins construction.

Applicant's Presentation:

Jeramie Terzulli, a land use consultant with the collaboration of Olson Engineering, on behalf of Aspen Homes, presented. He began by referencing the Staff Report, and that he would be mentioning parts of it during his presentation. Mr. Terzulli showed a side-by-side diagram of the current cul-de-sac design that is being proposed (shown on the right), and the previous approved design, showing a "hammer head" style fire truck turn around (shown on the left) at the end of "future Road A". He went on to explain that the old design caused Lot #7 to be an "odd shape", so he worked with the Engineer to change the design to this cul-de-sac option which has the appropriate fire truck turn around space, and snow storage to the east. Next, Mr. Terzulli showed an overlay of the subdivision on the Kootenai County GIS Map which showed the lot sizes compared to neighboring lots and how this subdivision "would finish the build out of this area of town". Mr. Terzulli addressed the standards of subdivision approval as follows:

Review Criteria: Infrastructure/Utilities:

Mr. Terzulli stated that Avondale Irrigation District will be the water purveyor for the subdivision and has provided a will serve letter stating so.

Sewer will be provided by the City of Hayden, and a will serve letter has been provided and capacity is available as of the date of the will serve letter. Mr. Terzulli stated that the extension of Secretariate Lane means that power and natural gas are already there and stubbed at the end of that road and would continue down to this subdivision along with internet and communication providers.

Multiple dry utility providers will be part of the subdivision, and the Engineer will coordinate with providers during the construction design phase.

Review Criteria: Streets:

Mr. Terzulli went on to explain the connectivity from the terminus of Secretariate Lane to the North, and the final output through the "future road A" onto Honeysuckle Avenue. Which will be a right-in, and right-out onto Honeysuckle Avenue. Mr. Terzulli said that there are no deviations from the City's standard for streets, other than the "hammer head" to cul-de-sac change, which either design is adequate for Northern Lakes Fire to maneuver around. He continued by saying that 10' street side swales will be used in accordance with the city standard, and there is no request for a private

road in this subdivision. There are multiple mailbox location options, and they will work with the US Postal Service to determine the best location. It was determined that a Traffic Impact Analysis was not needed for this subdivision per the city standard.

Parks:

Mr. Terzulli displayed a slide with the 2040 Parks Master Plan map and showed where the subdivision site is in relation to two proposed parks in the area. The city will be collecting Impact Fees from this project, to help in land acquisition and future parks. There will be a recreation/gathering spot within the development that will be managed by the HOA. He went on to show the plan for the multimodal pathways that will connect out onto Honeysuckle Avenue, and continue out to Honeysuckle Beach, McIntire Park, and down along Fourth Street as well allowing true pedestrian connectivity.

Zoning Standards of Approval:

Mr. Terzulli stated that this is an R-1 zoned subdivision that is already within the city limits and does not require annexation. The lot sizes exceed the City's minimum lot size of 8,250 square feet with their smallest lot being a bit larger than 8,300 square feet, and the largest lot being 18,000 square feet. The use is consistent with the current zoning, and neighboring subdivisions.

He went on to reference the Staff Report saying that there was a request to keep some of the historical aspects of the property with a historical board placed somewhere on the property. He showed a potential location for this board near the roundabout within the city right of way.

Summary:

Mr. Terzulli said that in summary they feel that all of the engineering criteria have been met and exceeded, and that the impact fees, utility hook ups, all infrastructure is at the developer's expense and they respectfully request approval.

He then asked if the Commission had any questions for him. To which Chair Taylor asked how they will prevent left turns in and out of the development onto Honeysuckle Avenue, since it is proposed to be a right-in and right-out? And will there be a barrier there?

Mr. Terzulli said that there will be at a minimum signage there to assist in preventing people from turning left, and if the city feels it is warranted they could put in something "sort of a pork chop" there to handle that, which would be determined by the city engineers.

Chair Taylor also asked about the historical board, and if they would be installing that in the city's right of way? Mr. Terzulli said they would not be the ones to install it, and that they were just suggesting that particular spot per their discussions they have had with the Historic Preservation Commission.

Vice-Chair Morris asked a clarifying question in regard to the cul-de-sac, about the fire department "not allowing a cul-de-sac with that many lots or that size" to which Mr. Terzulli clarified that is a city requirement, and that city code states that cul-de-

sacs are “capped” at 400’ from its nearest intersection to the end of the cul-de-sac. He showed on his slide show presentation where they had initially thought about putting a cul-de-sac and not creating that connectivity and went on to say that is a city code, and not a fire code. The fire department “doesn’t care as long as they can get their fire truck in and spun around.”

Commissioner Grano asked about the proposed recreational area and if there will be a pavilion or pickle ball courts. To which Mr. Terzulli said there will be one pickle ball court, and a pavilion. He clarified that the pavilion will not have a restroom, and this area will be owned and maintained by the HOA.

Chair Taylor asked how the lot lines of each lot line up with the properties off of Finucane Drive? Mr. Terzulli showed the overlay slide again in his presentation, which shows how the lots line up with those other properties. Noting that they do not line up identically, but they start out that way and then off set to the North.

Staff Presentation:

Ms. Phillips started by introducing Dulci Kau, City Engineer, to the Commission in case they have any questions for her during the public hearing. She began her presentation by saying that there are eight standards of approval for a subdivision. She referenced the Staff Analysis, stating that her presentation is a summary of the Staff Analysis. She went on to say that there is one extra public comment in addition to the public comments that the commission already had available to them. And that she will hand out the additional public comment during her presentation.

A Conditional Will Serve Letter was provided by Avondale Irrigation District (AID) in March 2026. AID confirmed that they would be able to serve this subdivision, and in the Agency Comments they said they did not have any further comments.

Northern Lakes Fire District provided a short list of requirements for this subdivision prior to the start of construction.

A Will Serve letter was provided by the City in March 2026 for sewer requirements and identified that the sewer is in the H-1 sewer basin.

Ms. Phillips went on to say that the Stormwater & Snow Storage Requirements were covered by Mr. Terzulli’s presentation, and he showed where the stormwater and snow storage is proposed to go. The street typical, and snow storage locations, are all reviewed in depth at the time of construction plan review in accordance with title eight.

She also discussed the cul-de-sac change with Dulci Kau, City Engineer, who confirmed that she did work with the applicants engineer on this new design. Ms. Phillips went on to state that this change was not a part of her original Staff Analysis but is now a part of the record.

Ms. Phillips explained that a trip generation letter was requested to show the commission what that looks like, and to also confirm that this subdivision does not require a traffic impact analysis per the findings of the trip generation letter. The

impact fees collected at the time of the subdivision for circulation would be the only mitigation that would be required for the subdivision should it be approved.

Next, she referenced Road A which is a “right-in, right-out” road, and she stated that frontage improvements will be completed in accordance with the typical section and will include the multimodal pathway. She stated that the park impact fees will be collected at the time of permit issuance.

On the next slide, Ms. Phillips explained erosion control and that the Geo-hazards stabilization will be reviewed during construction to the satisfaction of the city. The utilities will be placed underground, and the mailboxes will be located on internal public streets. Driveway placement is also reviewed during time of building permit.

This subdivision is proposed to be a Single-Family Residential (R-1) subdivision. All lots are larger than the minimum lot size is required to be. The smallest lot size is approximately 8,300 square feet, and the largest is 18,000 square feet. The average lot size is 14,000 square feet. Director Phillips referenced the Goals and Policies of Comprehensive Plan provided here and summarized (in her slideshow).

The next slide references on-site and off-site improvements and how it is required by the Developer to include extension of infrastructure per the adopted City codes, standards, and plans, and mitigating improvements as required.

She went on to identify the agencies’ which were noticed and their responses: Notice was sent to 21 Agencies with six comments back. Panhandle Health District (PHD) will require a full subdivision application submitted and all fees paid prior to final plat. Idaho Department of Water Resources identified that Avondale Irrigation District is going to serve this property however, North Kootenai Water District could have also serviced this property. Idaho Fish and Game (IDFG) did not have any comments at this time.

Director Phillips then referenced the public comments that are available on BoardBook. She then handed out one public comment that was submitted Friday afternoon after the other comments were submitted to Boardbook. She asked that it be read into the record when the time is right. She went on to provide the staff recommended conditions of approval, identifying that they are in addition to the subdivision requirements of Hayden City code. Any dedications and easements will be on the plat, or on a separate document and then noted on the plat. She referenced other agencies who must do their reviews, and the developer must comply with those requirements. All approvals run with the land should it be approved. The recreational area needs to provide the HOA documents and a legal instrument for the funding of that, and maintenance of that. Those documents will be required as part of their final plat requirements, along with the deed to transfer the land from the current owner to the HOA will also be required.

Ms. Phillips continued with her presentation stating that all lots will be accessed from internal roads of the subdivision, and there will be no lots with access onto Honeysuckle Avenue.

She identified the construction plan requirements, and that the developer is required to use the city’s sewer with accordance to city code and the sewer lines must follow

the road alignment. Regarding the mailbox placement, there are no mailboxes allowed along Honeysuckle Avenue.

Ms. Phillips mentioned landscaping requirements, and how the landscaping plans are required at the time of construction plan submittal. Dry grass seed mix is required as part of the landscaping, along with planting a tree in front of each lot is required as part of the street frontage landscaping. Street frontage for the HOA maintained recreational area, and the multimodal pathway landscaping is also required to be submitted during the subdivision construction.

She mentioned the Historical board site and showed the proposed location which is a corner point of the old railroad track which went down to Honeysuckle Beach where they collected logs and continued up to Strayhorn to the Hayden Lake Country Club. It is not proposed to be in the city's right-of-way, but instead to be inside an easement or tract unless the city engineer approves it in a different location (such as the right of way).

She stated that the developer is required to comply with the Northern Lakes Fire Protection District requirements that are listed in the public comments, and she also mentioned the Airport usually requires an avigation easement but that she has not received that request yet from them.

She stood for questions.

Questions from the Commission:

Commissioner Vargas asked about the utilities being placed underground, and if that included electrical power? Ms. Phillips replied yes. To which Commissioner Vargas said "no telephone poles?" and Ms. Phillips said "that is the goal".

Chair Taylor asked City Engineer, Dulci Kau, if there are requirements for how close ingress or egress can be to a roundabout? Ms. Kau answered that there is, which is why this is an access controlled right-in, right-out road to eliminate the conflicting turning movements of left turns.

Chair Taylor also asked about the historical board and the proposed city right of way spot for it, to which Ms. Kau stated that the city definitely wants that to not be located in the city right of way as there are multiple mains in this vicinity.

Chair Taylor also asked legal counsel, Fonda Jovack, if the historical board was placed in the city right of way, could there be a document stating that the subdivision HOA be responsible for the maintenance of that area? To which Ms. Jovick responded saying no, but the city and the applicant have a goal of providing signage in the most practical location.

Vice Chair, Morris asked about the access off Honeysuckle Avenue, and if the utilities must travel with the street? And mentioned is there a plan to bring the path "all the way through." Ms. Kau answered by saying that she cannot recall what the water provider's design was through that area, but she went on to say that there is no gravity sewer in that vicinity. She stated that it really is for transportation; vehicular and pedestrian.

Ms. Phillips left a slide up on the projector screen showing the development layout. Public comments were then taken.

Public Comments: 5 minutes allotted for individuals, 15 minutes allotted for groups.

FOR:

A letter was read into record by Chair Taylor on behalf of a public comment for:

Matt Lambert: 732 Ripatti Way, Hayden, ID 83835. "I am writing in support of the Monaghan Estates Subdivision. I think this is a logical use of property in our area to get some incremental housing supply. As a resident of The Fields, I would like to see the city consider Monaghan Estates as a supporting factor in developing a sidewalk that would run along the East side of North Maple Street from Ripatti Way to Hayden Avenue. We already have a number of children in The Fields walking to Hayden Meadows along the roadside. Drivers are courteous here, but it will still be much safer to have dedicated sidewalk on Maple Street that would connect these subdivisions to the sidewalk on Hayden Avenue and provide a more suitable walking path for children heading to Hayden Meadows."

John Avla: 8600 North 4th Street Hayden, ID 83835: Is for the proposal, but has numerous problems with speed limit on 4th Street. Would ask that the commission look at the speed limit between 4th street and Honeysuckle Avenue which currently is 35 MPH. Has lived at his residence for seven years, and there have been multiple fatalities on 4th street including pedestrians and deer. Mr. Avla thinks the increase in traffic will cause more issues, and requests changing the speed limit to 25 MPH.

NEUTRAL:

Bill Brizee: 12201 N Strahorn Road, Hayden, ID 83835. Member of the Hayden Historic Preservation Commission and was not there in that capacity for comment. He started his comment by thanking the developer for allowing the commission to go in and take photos of this property for its historical value. He mentioned the "historical marker" and the historic commission wanting to make sure that the story of that property gets told. He went on to mention the demolition permit that was pulled for the current structures on this property, and saving some windows, doors, and trim in order to re-use them and preserve the story of this property. He thanked the developer again for accommodating the historic preservation commission.

Kelly Ham: 8843 North Finucane Drive, Hayden, ID 83835. He asked questions during his allotted time. Asking, will there be a fence put in around this subdivision? What is the projected average cost of these homes? He also mentioned the speed limit on Honeysuckle Avenue, and said people usually drive 45 MPH and do not slow down for the roundabout. He also asked if all the trees will be removed from the property? And when they start building these homes, where will they start? He ended by saying "thank you."

Rosie Ham: 8843 North Finucane Drive, Hayden, ID 83835. She began her time by pointing out which house was hers on the map pulled up on the projector screen. Stating that her property is the one that would be right behind the proposed pavilion area for this subdivision. She has concerns about privacy, and noise. She

appreciates the historical value of that area and was curious to know if the “mature healthy trees” on that property will be preserved or not.

AGAINST:

Barth Arotca: 9506 N Secretariat Lane, Hayden, ID 83835. Began by thanking the developer for not building high density housing, and for using Aspen Homes, which he states has a good reputation as a builder in the area which he appreciates. He has questions and concerns about access to Honeysuckle Avenue. He thinks the best access onto Honeysuckle Avenue is through the roundabout, not from the proposed “Road A” as many people speed on Honeysuckle Avenue, and he thinks accessing straight into the roundabout will help prevent high speed accidents, and if accidents to happen they will be at a lower speed. He stated that if the right-in, right-out will be posted by street signs or painted lines, people will ignore those “suggestions” and still make left turns. He requests that a barrier be developed on “Road A” to prevent left turns.

Walt Horn: 9429 North Secretariat Lane, Hayden, ID 83835. Stated that he is an Idaho native and believes in habitat preservation. The property where this subdivision is proposed is a major habitat for local wildlife. He has concerns about the overdevelopment of Hayden, and mentioned seeing this in Phoenix, AZ when he lived there. He believes this kind of building will decrease home values, and crime rates will increase. He stated the development of forest areas is following and mentioned the increase in trash along the roadways.

Applicant Rebuttal:

Mr. Terzulli began his rebuttal regarding putting in a sidewalk on Maple Street and stated that impact fees that are collected from this subdivision will help with the build out of things like this. He appreciates the comment, as he has always felt attention was needed on Maple Street but does not see how it is applicable to this specific subdivision.

He went on to say that there is likelihood of a fence being installed around this subdivision, especially around the recreational/pavilion area and there is no plan to add lights in that area. He also mentioned the mature trees on the property, and the developer’s intention is to preserve as many of them as possible, especially on the perimeter of the subdivision.

Regarding the safety onto Honeysuckle Avenue, he “tends to let the engineer’s figure that out” because he “is not a traffic engineer” but does understand the safety there. He mentioned that it was the discretion of the city engineer who determined that this (Road A) was the best location and connectivity onto Honeysuckle Avenue.

Next, Mr. Terzulli stood for questions and stated that he believes this subdivision meets and exceeds all standards and can be built safely and, in a manor, to promote public health and safety and recommends approval of this proposal.

Chair Taylor asked about the pickle ball courts stating that sometimes the noise can be “pervasive” and if the pickle ball equipment standards could be a part of the CCR’s and if the residence could be required to us “less noisy equipment.” To which Mr. Terzulli stated that they would entertain the idea of residence possibly using “ours.”

Chair Taylor closed the public hearing at 6:38 PM and asked the commissioners if they would like to proceed with deliberations or postpone them to another night? To which the commissioners all agreed to proceed to deliberations.

Deliberations

Commissioner Grano said that he shares the views with a lot of people in the room, and loves the small town feel of Hayden. He continued by saying that this project does meet all of the criteria and even exceeds it. He stated he does not have any means to disapprove of it, and it is a good plan.

Commissioner Walters said he agrees with Commissioner Grano.

Vice Chair Morris said that he appreciates the lot size and acknowledged the concern for access onto Honeysuckle Avenue to which he said that it sounds like it was addressed already. He mentioned concerns for the speed limit on Honeysuckle Avenue as well to which legal counsel Fonda Jovack responded saying that the applicant does not have any control over the speed limit through there and that is a City Council decision. She noted that council will be watching the recording of this public hearing and the deliberations of the Planning and Zoning commission as this project comes forward to them. Council will not adjust speed limit during this time, but it will be brought to their attention for consideration at a later date.

Commissioner Vargas noted that everyone has been very nice during the public hearing, and mentioned bringing the speed limit down to 25 MPH. Other than that, he said “he was good with it.”

Chair Taylor differed to the city engineer for the final decision in regard to the right-in, right-out and if they would rather add a fourth leg onto the roundabout instead. He went on to say that the lot sizes are manageable growth, and he sees nowhere that the commission would see any reason to not approve this project.

Motion to approve PZE-26-0035 Monaghan Estates Subdivision preliminary plat request with the recommended conditions of approval. Finding the request is in accordance with the standards of Hayden City code based upon testimony received at the Planning and Zoning Commission public hearing and the record of request. This motion, made by Commissioner Grano and seconded by Vice Chair Morris; Motion carried.

Tony Grano: Yes
Shawn Taylor: Yes
Chris Morris: Yes
Vince Vargas: Yes
Ron Walters: Yes

Chair Taylor explained that this motion was approved to recommend approval to City Council.

NEW BUSINESS

Item 4A: Coeur d' Alene Airport District Overlay Discussion and Direction is postponed to a later date.

Item 4B: New & Unlisted Use – Mobile Food Truck Complex Discussion:

This item was presented by Shannon Drappo, City Planner. She stated there was a mobile pilot program that was during 2020-2021, and it was repealed in 2021. Since then, there have been multiple calls, e-mails, and walk in interest for a mobile food establishment. Ms. Drappo said that this use is not on the list of approved uses as of today. She stated that city staff wanted to bring this to the attention of the Planning and Zoning Commission to see how they felt about adding this to the uses table. And would like to start the discussion to see if they would like city staff to add this to code.

Chair Taylor said yes that he thinks all of the commissioners would agree that having more food options in the area is a great idea.

Commissioner Grano said that he likes food trucks and mentioned the uniqueness that it brings to the area.

Vice Chair Morris agreed shaking his head yes and saying, "on the record."

Commissioner Walters also agreed and asked if there would be a mobile food truck complex in a permanent set up or just a temporary spot where people could park for a weekend and then move it after that. Mr. Drappo and legal counsel confirmed that this was the point of the discussion tonight, was to see how the commission felt about either of those options because it could be one or the other, or both options, or none.

Vice Chair Morris stated that he would be in support of staff putting both options (permanent mobile food truck complex and a temporary option) back into code. All other commissioners shook their heads or stated "yes" in agreement.

REPORTS

Community Development Director's Report

Director Phillips reported that the Coeur d' Alene Airport Director was meant to attend the meeting but was called away unexpectedly so that is why he was unable to attend. She confirmed that he does wish to present to the commission and is on the agenda for the 1st meeting in June.

She continued by saying that there is a plan for a joint workshop between PZC and City Council regarding the new code amendments for the second meeting in June. Commissioner Grano confirmed the date of this workshop. The date is confirmed to be June 15th, 2026.

Legal Counsel, Fonda Jovick stated that they can send out the new legislation ahead of the meeting time, so that their commissioners have a chance to look it over before the workshop. Director Phillips confirmed that it will be sent out to the commissioners.

Ms. Jovick went on to say that the city has an obligation to enact or amend the city code by February 27th, 2027, and the comprehensive plan has to be amended.

Director Phillips said that with the collaboration of city council and PZC, that will help with the code amendments.

The workshop meeting date was confirmed again as June 15th, 2026.

Chair Taylor asked if there were any public hearings coming up, to which Ms. Phillips said no, not yet.

Ms. Phillips continued by saying that she met with each of the commissioners from PZC to go over Ms. Jovick's PowerPoint presentation that she would have presented during the last meeting, had that meeting not been canceled. She said that if the Commissioners have any questions about the presentation that they can reach out to her or they can ask now. The highlights that she mentioned were the violation of due process rights, bias, ex parte communication, and conflicts of interest.

Vice Chair Morris asked if it would have been better to call ahead of time and ask questions before the public hearing?

To which Ms. Jovick said yes, always calling ahead of time to give city staff enough time to come up with a well-reasoned response is good, and you can still ask your question during the public hearing as well. She went on to say the other thing you could have done once the applicant completed the rebuttal and the public hearing was closed, during deliberations you could have asked staff questions, and could have asked the city engineer about the round-about. Clarifying to Vice-Chair Morris, that those questions cannot be asked now because it is an open record still occurring, but for future reference.

ADJOURNMENT

Chair Taylor adjourned meeting at 6:55 PM

Respectfully submitted,

Sadie Roe, Clerk

B. Approval of Written Recommendation for PZE-26-0035 Monaghan Estates
Subdivision

WRITTEN RECOMMENDATION

Preliminary Plat Request

PZE-26-0035 Monaghan Estates Subdivision Preliminary Plat

The application of **Olson Engineering, Inc, on behalf of the owner, Aspen Homes and Development, LLC**, requesting approval for the Preliminary Plat of a 20-lot single family residential subdivision to be known as PZE-26-0035 Monaghan Estates Subdivision and located north of West Honeysuckle Avenue and North Fourth Street was recommended by the Planning and Zoning Commission to the City Council to **APPROVE** with Conditions.

Planning and Zoning Commission Motions on May 18, 2026: At the conclusion of the hearing, the Planning and Zoning Commission deliberated the proposal and Commissioner Grano moved and Vice-Chair Morris seconded the motion, to recommend approval of the file PZE-26-0035 Monaghan Estates Subdivision with staff recommended conditions of approval, finding the request **IS** in accord with the standards of Hayden City Code, based upon testimony received at the Planning and Zoning Commission hearing and the record of the request.

FINDINGS:

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

HCC §12-3-4 (F) (1): Infrastructure can/cannot be constructed to function in a manner that promotes the public health, safety, and welfare.

HCC §12-3-4 (F) (2): Infrastructure can/cannot be constructed and located in an orderly manner that accommodates ongoing maintenance needs when taking into consideration collocation of other infrastructure.

Staff: *Standard #1 & #2 may be addressed throughout the remainder of the staff analysis and the applicant's narrative.*

HCC §12-3-4 (F) (3): Infrastructure is/is not or will/will not be in compliance with applicable city, state, and federal policies and regulations as follows:

- a) Provisions have/have not been made for a water supply system that satisfies city, Idaho Department of Environmental Quality (IDEQ), and NLFPD requirements.

Applicant: *See applicant's narrative on page 28.*

Staff: Avondale Irrigation District (AID) provided a Conditional Will Serve Letter dated March 23, 2026. Idaho Department of Water Resources identified the project would be served by Avondale Irrigation District and had no concerns with the proposal. They also noted the project could be served by North Kootenai (found on page 9). NLFPD provided comments as shown in Public Comments attached in Boardbook.

- b) Provisions have/have not been made for a public sewage system in accordance with the city and Hayden Area Regional Sewer Board's (HARSB) adopted sewer master plans, as amended, that satisfied city, HARSB, and IDEQ requirements and that the existing or proposed systems can accommodate the proposed sewer flows.

Applicant: See applicant's narrative on page 28.

Staff: City of Hayden provided a Will Serve Letter dated March 13, 2026. The project site is wholly within the H-1 basin. "The intent and willingness of the City of Hayden to serve and treat sewer for the property described in this letter. However, this service is limited based on capacity available at the time of connection in the City's collector sewer lines [in the H-1 Basin] and capacity for treatment at the Hayden Area Regional Sewer Board's treatment facility. Please be advised that the City of Hayden has no singular jurisdictional authority over treatment and capacity at the sewer treatment plant and therefore cannot independently or expressly authorize expansion, enlargement, or extension of the facility, should capacity at the treatment plant be reached at the time of connection."

- c) Provisions have/have not been made for stormwater systems that satisfy the City and IDEQ requirements.
- d) Provisions have/have not been made for streets that are consistent with the adopted transportation plan, as amended, and the transportation element of the adopted comprehensive plan, as amended and that satisfies the City, ITD, adjacent jurisdictions, and local highway district requirements. Where cul-de-sacs are proposed, they are required to be approved administratively by the City Engineer who shall determine that they are limited to portions of developments in which street continuity is not foreseeable due to property configurations and/or that they are needed to address site-specific conditions. A cul-de-sac shall be limited to 400' in length measured from the edge of adjacent street right-of-way to the back of the cul-de-sac, unless an exception to this standard is allowed by the City Engineer.
- e) Provisions have/have not been made for parks and open space that are consistent with the adopted parks master plan, as amended, and that satisfies the city's requirement.

Applicant: Applicant: See applicant's narrative on page 28.

Staff: See staff analysis beginning on page 3.

PZC Hearing:

Applicant: Jeramie Terzulli, representing the applicant and owner, opened his presentation identifying the possible turn-around on Road “A” from a hammerhead to a cul-de-sac. Both are identified as turn-around options for the fire department and the city. The reason for the change was to address lot design and building envelopes. He identified the City’s standard for streets would be utilized to include the street side swales. Mailbox locations would be worked out with the postal service. He also identified that a transportation impact analysis was not needed for this subdivision. A recreational/gathering spot within the subdivision and managed by the HOA would be provided at the eastern end of Road “A”. He went on to identify the multi-modal pathways at Honeysuckle Avenue and Fourth Street connected this subdivision to McIntire Park to the west, Honeysuckle Beach to the east and Finucane Park to the south.

Chair Taylor asked about entrance onto West Honeysuckle Avenue from within the subdivision and how that was going to be controlled. Mr. Terzulli noted that it was proposed to be right-in, right-out, which could be controlled with a median and signage. **Chair Taylor** asked if the lots lined up with the adjacent neighborhood. Mr. Terzulli noted they weren’t exact, but they were close.

Vice-Chair Morris asked if the fire department would not allow a cul-de-sac instead of the through street to Honeysuckle Avenue. Mr. Terzulli noted that a cul-de-sac cannot be on a road longer than 400 feet from the nearest intersection.

Commissioner Granno asked about the proposed recreational area and if it would include a pavilion or pickle ball courts. Mr. Terzulli stated it was anticipated to be one pickle ball court and a pavilion, but no rest rooms. It would be owned and maintained by the homeowner’s association.

Staff: Ms. Phillips identified that she had confirmed with Dulci Kau, City Engineer, that a cul-de-sac would work in this location instead of the hammerhead originally identified. This change was anticipated in the staff analysis; however, it was a part of the record here.

Vice-Chair Morris asked if the access from Honeysuckle Avenue into the subdivision was for utilities or could it be a path through and not a full street. Ms. Kau identified the purpose for the connection is really about transportation – both vehicular and pedestrian.

Public Comments:

For: M Lambert commented in favor of the project and hoped the project could be a catalyst to provide for pedestrian connectivity up Maple Street to Hayden Avenue and then to the school.

For: J Avla commented that he is for the proposal, but his concern is more with respect to speed limit on 4th street which is now 35 mph, and he believes it should be 25 mph.

Against: B. Arotca provided comments regarding where the intersection was on Honeysuckle Avenue and identified the best connection would be at the round-about.

Rebuttal (Applicant): Mr. Terzulli commented that he appreciated the comment regarding Maple Street but does not see how it is applicable to this specific subdivision. He provided insight regarding a possible fence around the subdivision but noted that for the recreational area that a fence was proposed and that no additional lights were planned for this area. He identified that it was the developer's intent to preserve as many trees as possible especially on the perimeter of the subdivision. With respect to the final road design and connectivity into Honeysuckle Avenue, he would defer that to the engineers to resolve.

Chair Taylor asked about the possible noise from the pickle ball courts. Mr. Terzulli identified the CCRs could identify "less noisy equipment" for use in this area.

HCC §12-3-4 (F) (4): Provisions have/have not been made for erosion controls and geo-hazards stabilization both during construction and as needed for permanent controls to the satisfaction of the city.

HCC §12-3-4 (F) (5): Provisions have/have not been made for gas, power, telecommunications, mailboxes, and similar infrastructure.

HCC §12-3-4 (F) (6): Provisions have/have not been made for driveway locations that take into consideration the width and location of the driveway in relation to the location of snow storage, utility boxes, crosswalks, adjacent roads, mailboxes and the like.

Applicant: See applicant's narrative on page 28.

Staff: See Staff Analysis page 7.

PZC Hearing (Applicant):

PZC Hearing (Staff): No individual access will be allowed from Honeysuckle Avenue.

Commission Vargas asked if the utilities would be placed underground to include electricity. Ms. Phillips confirmed he was correct that all utilities would be placed underground. Commissioner Vargas asked if the intent was to remove the telephone poles. She confirmed that it was.

Chair Taylor asked Ducli Kau, City Engineer if their were requirements related to the proximity of the ingress/egress and the round-about? Ms. Kau identified that there were and why the requirement for the right-in, right-out to eliminate conflicting left turn turning movements.

HCC §12-3-4 (F) (7): The area proposed for subdivision is/is not zoned for the proposed use and the use conforms to other requirements found in this code.

Applicant: See applicant's narrative on page 28.

Staff: See Staff Analysis beginning on page 7. As the purpose of the zoning ordinance is made in accordance with a comprehensive plan, the analysis includes much of the comprehensive plan.

This analysis begins on page 7 of the staff analysis. Additionally, as always, the full Goals and Policies may be found in the Appendix beginning on page 24.

PZC Hearing (Applicant): Mr. Terzulli stated the project was in the Single-Family Residential Zone designation. The lot sizes exceed the minimum with the smallest lot being 8300 square feet and the largest lot being 18,000 square feet. These lots are consistent with the neighboring subdivisions.

Public Comment:

Neutral: K. Ham asked if developer would fence the property, if the existing landscaping would remain, and identified concerns related to speed on Honeysuckle Avenue.

Neutral: R. Ham noted the location of their property was directly east of the proposed recreational area and identified concerns about privacy and noise.

Against: W. Horn stated this area is a major habitat for local wildlife and he has concerns about the overbuilding of the area.

HCC §12-3-4 (F) (8): The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by paying fees, furnishing land, or providing other mitigation measures for off-site impacts to streets, parks, and other public facilities within the community. It is the expectation that in most cases, off-site improvements will be dealt with through the agreements.

Staff: *All on-site and off-site improvements shall be required of the Developer to include various agreements, infrastructure per the adopted City Code, standards, and plans.*

PZC Hearing:

Applicant: Mr. Terzulli went on to note the request from the Hayden Historic Preservation Commission for a historical board to be placed somewhere on the property and provided an idea of where it could be located north of the roundabout.

Chair Taylor asked the applicant about the historical board and if they would be installing it. Mr. Terzulli identified a possible location for placement north of the Honeysuckle roundabout. Chair Taylor asked staff about the location of the historical board. Ms. Kau stated that the city definitely does not want the signage to be located in the right-of-way as there are multiple sewer mains in the vicinity. He went on to ask Fonda Jovick, legal counsel, if the HOA would be required to maintain the area of the signage. Ms. Jovick identified the city, and the applicant has a goal of providing signage in the most practical location.

Public Comment:

Neutral: B. Brizee provided comments regarding the story of Hayden and the importance of preserving that story through the re-use of building components and interpretative signage. He thanked the developer for accommodating the historical preservation commission and their requests in this regard.

Deliberations:

Commissioner Grano noted that he shares the view of people in the room and loves the small town feel of Hayden. He identified the project meets the standards of approval as identified. He thinks it is a good plan.

Commissioner Walter agreed with Commissioner Grano.

Vice-Chair Morris appreciated the lot sizes and acknowledged a concern for the access onto Honeysuckle Avenue. He mentioned concerns for the speed limits, which Ms. Jovick noted was not a decision point for the Planning and Zoning Commission but rather a City Council decision at a later point in time should they wish to review it.

Commissioner Vargas noted how polite everyone was during the public hearing and agreed on lowering the speed limit.

Chair Taylor differed to the city engineer for the final decision in regard to the connectivity of the road to Honeysuckle Avenue. He went on to not the lot sizes are a manageable growth, and believes the project meets the standards.

Staff Recommended Conditions of Approval (begins on page 9 of the staff analysis):**General Conditions of Approval:**

1. The Developer shall be required to reflect all necessary permanent dedications and/or easements (to include but not be limited to avigation, sewer, stormwater, water, utilities, etc.) on the face of the final plat of the subdivision and to record as a separate document all necessary temporary easements and to identify to whom the dedication and/or easement is to be granted and for what purpose.
2. All permits from outside agencies (ie. CDA Airport, HARSB, AID, IDEQ, NLFDP, and PHD) shall be obtained prior to construction of any future development or building permit issuance.
3. This approval shall run with the land for the term approved herein regardless of whether the property ownership, applicant and/or design professionals noted herein remain the same, whether collectively or individually.
4. Home Owners Association (HOA) documents and legal instrument providing a mechanism for funding shall be required prior to the recordation of the final plat to maintain the open space and landscaping island areas to be owned or maintained by the HOA.
5. Deeds for transfer of ownership of property to become owned by the home owners' association shall be provided to the City in the form acceptable to the City at the completion of any required infrastructure to be recorded concurrent with the final plat free of all liens and encumbrances.

Access Conditions of Approval:

6. All lots shall be accessed from the internal roads of the subdivision. No lot shall have any form (primary, secondary, for accessory buildings, etc.) of direct individual access onto Honeysuckle Avenue. The final location of all driveways shall be subject to the review and

approval of the City. Particular attention will be paid to location of utility pedestals in relation to driveway and snow storage needs and to those lots at intersections to avoid conflict with the required traffic flow.

Construction Plan Requirements:

7. The construction plan submittal shall include those requirements as identified in Hayden City Code §12-6 and more specifically as follows:
 - a. The Developer shall use the City of Hayden Sanitary Sewer system to serve future development in accordance with the adopted Sewer Master Plan. No cross country sewer alignments are allowed.
 - b. No USPS mailboxes shall be allowed on Honeysuckle Avenue. A letter (e-mail) from the US Postal Service with respect to mailbox locations shall be provided, with the intent to place the mailboxes within the subdivision on the internal streets.
8. Landscape Plans: Detailed landscaping plans conforming to the requirements of City Code, shall be submitted for the entire development with construction plans for required subdivision improvements for review and approval by the City. All disturbed areas shall be stabilized with dryland grass or other approved BMP.
 - a. Individual Lots: The landscape plans shall include a dryland grass mix and shall be applied until individual lots are constructed and the hydro-seeding, installation of the irrigation system and required landscaping are completed.
 - b. Street Frontage: Along all street frontages shall be included within the landscaping plan submittal, with actual street tree placement to be completed at the time of building permit for all lots on the internal streets, with the exception of landscaping required with the open space tracts to be owned by the homeowner's association, and/or multi-modal pathways and the associated landscaping.
 - c. Multi-modal Class I pathway: Shall be a requirement of the construction plans and required as a condition of acceptance of infrastructure in accordance with the design standards of the adopted Transportation Plan and/or Park Master Plan.
 - d. Open Space Tract(s): Shall be a requirement of the construction plans and required construction of the subdivision to be completed prior to final plat.
9. A historical interpretative sign structure shall be constructed in accordance with the adopted sign structure type with the sign content to be provided by the City Historical Preservation Commission and the sign shall not be placed within the City's right-of-way, but shall be placed within a dedicated easement or tract.

Requirements requested by other Agencies:

10. The Developer shall comply with the requirements from the Northern Lakes Fire Protection District.
11. The aviation easement requested by the Coeur d'Alene Airport shall be recorded and shall be referenced on all final plats of the subdivision.

With this recommendation, there are a number of conditions with specific components. The specificity does not preclude the City from exercising its right to require compliance, or demonstrate compliance, with any condition at any time, as well as any other applicable requirements whether or not specifically articulated herein.

The City shall notify the developer, in writing, of the recommendation of the commission and any recommended conditions or changes requested and shall advise the developer that the subdivision will be placed on the agenda of the City Council at the earliest practicable date, upon the developer's written request.

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

A Recommendation for Approval of the subdivision application shall not constitute a variance or approval for deviation from said Code, standards and policies.

FINDINGS, CONCLUSIONS AND RECOMMENDATION OF APPROVAL on the _____ day of June 2026 by the City of Hayden Planning and Zoning Commission.

CITY OF HAYDEN, IDAHO

By: _____

Shawn Taylor, Chair

ATTEST:

Sadie Roe, Clerk

3. **UNFINISHED BUSINESS**
 - A. Miscellaneous Title 11 Amendments



Memo

To: Chair Taylor and Members of the Commission

From: Donna Phillips, Community Development Director

Date: May 28, 2026

Agenda Item: Title 11 Zoning Regulations Possible Amendments

Agenda Item Location

Unfinished Business

Summary

In June of 2021, the City Council approved a complete re-write of Title 11 and noted the title was reduced from 22 chapters to 8 chapters. Staff were aware that when this was completed, there may be areas which upon application may need to be updated. In November of 2025, the City Council approved the updates to the Comprehensive Plan, and as a part of those updates a new zone designation of “Rural” was requested to be added to the possible zones of the city. In April of this year, the Idaho legislature approved several new laws which have an impact to this code as well.

The Planning and Zoning Commission has been workshopping with staff on many of the possible code amendments, but as we are nearing public hearing for these amendments and finalizing the redlines, staff would like to update on the Commission on the status of this project.

Chapter 1 General Provisions

11-1-2: Definitions – attached is a clean version of the proposed definitions with the goal to remove ambiguity, to provide definitions consistent with other codes, policies, and standards, and to not include standards in the definition. Please refer to [Hayden City Code](#) for a comparison of the clean version and that which exists today. The code can be found at the link above, or by going to the City’s website at www.haydenid.gov , on the left-hand side of

the page select “How Do I”, select “Find”, select “City Codes”, then navigate to Title 11, Chapter 1, Section 2.

11-1-4: Administration and Enforcement: These two paragraphs under violations seem to be a duplicate of what is covered in 11-1-5 Notice of Violation and Stop Work.

11-1-7: Amendments: Added language for process flow to include the Planning and Zoning Commission to the process of “New and Unlisted” use consistent with other zone code amendments.

11-1-8: Exception Request: Reduced the % of the exception to be approved administratively from 35% to 20%. Therefore, for exception requests from 21% to 50% would be a request to the Planning and Zoning Commission in a public meeting, and from exception requests from 51% to more a public hearing with the Planning and Zoning Commission would be required. Also added cross references with the lighting standards and exception requirements.

11-1-9: Appeal of Administrative Decision: updated the reference days to match other code sections.

11-1-10: Administrative Permits: This is a new code section to address those permits which are approved by City staff through a process and in accordance with various standards.

Chapter 2 Zoning Districts

11-2-2: Purpose of Each Zone District: Updated to include the proposed new zone designation of “Rural”.

11-2-3: Site Area & Building Setback Requirements: Updated to include the proposed new zone designation of “Rural”. Also updated to remove references to long range plans which have been or are in the process of being updated.

11-2-4: Uses Permitted, Conditional Use Permit, Development Standards Cross Reference: Updated to include the proposed new zone designation of “Rural”. Updated format of table to be broken into Residential – Primary Structures, Residential – Accessory Uses, and Non-Residential Principal Uses, and Non-Residential – Accessory Uses. Additionally removed references regarding the old Future Land Use Map.

11-2-5: Development Standards Specific to Type of Use:

- A. Accessory Dwelling Units: Updated to reflect changes in the Idaho Legislation (Senate Bill 1354 as amended).
- C. Delete “Bed & Breakfast” and add code related to fire and emergency access in Short Term Rentals to ensure life safety issues (House Bill 583 as amended)

G. Manufactured Home: Updated to reflect changes in the Idaho Legislation (House Bill 800)

11-2-9: Residential Multi-Family Zone expired in September of 2022. The Rural Zone Designation design standards would replace this Code Section as proposed.

Chapter 3 Nonconforming Uses

11-3-2: Nonconforming lots of Record: Identifies that a Variance is granted by the PZC and not the CC according to Chapter 8 of this title.

Chapter 4 General Standards of Development

11-4-4: Landscaping Standards: Adds in a more robust table of the expected landscaping items for the various required buffers.

11-4-5: Lighting Standards: Add cross references to the exception requests identified in 11-1-8 above. Add additional language with respect to non-residential abutting residential lighting conflicts.

11-4-6: Parking Standards: Add language related to updates to accessory dwelling units, removed duplication of uses, removed bed and breakfast, provided additional clarification regarding exception requests related to Central Business District and/or Neighborhood Commercial Node, pedestrian access to off-site parking areas, requirements of off-site parking areas, provided updates related to standard dimensions of parking spaces, and direct parking lot landscaping back to 11-4-4.

11-4-7: Site Plan Standards: Added language related to stormwater requirements, to plan resubmittals, when frontage improvement construction and/or dedications are required, what is considered a “New Principal Structure”, development standards of site with respect to noise, dust, and on-site and off-site requirements found in Title 4, 9, and 11; extension request timelines, requirements of construction components when a phased master site plan is used.

Chapter 5 Sign Code

11-5-2: Requirements: Updated this section.

11-5-3: Definitions: Updated the definition of a “banner” identifying that it is not a permanent sign, updated temporary sign definition.

11-5-5: Signs Authorized without a Permit: Added a requirement for a location verification review. Updated other sections related to these signs allowed without permits.

11-5-7: Signs for Development Complexes: Added language to clarify when a Master Sign Plan submittal was required.

11-5-8: Prohibited Signs: Removed off-premise signs from the identified types of signage.

11-5-9: Standards for Specific Sign Types: Updated based on new zone designation.

11-5-10: Permit Requirements and Administration: Updated the information necessary to provide a review of the application for a sign permit, update standards to be met, and updated appeal process consistent with other chapters of the title.

Chapter 7 Conditional Use Permit

11-7-2: Requirements of Application: This section was updated to include the required pre-development meeting with staff prior to formal application of the conditional use permit request.

11-7-3: General Standards Applicable to all Conditional Uses: The standards have been working through some consistency with the Comprehensive Plan. The ones proposed in this draft were crafted prior to the recent amendment to the Comprehensive Plan. With the changes to the goals and policies in the Comprehensive Plan it is unclear if they need to remain or if they are considered redundant with Standard #1.

11-7-7: Public Hearing by Planning and Zoning Commission: Updated reference to code section.

Chapter 8 Variance

11-8-4: Public Hearing by Planning and Zoning Commission: Updated reference to code section.

Attachment

In progress “draft redline” changes as identified above
Bills as adopted by legislature for Accessory Dwelling Unit (ADU), Short Term Rental (STR), and for Manufactured Homes (MH).

11-1-2: Definitions:

A. ZONING DEFINITIONS:

ACCESSORY DWELLING UNIT (ADU):	Except as may be further restricted, an accessory dwelling unit is a dwelling unit that is incidental and subordinate to the principal use of the premises and does not alter the essential characteristic of the use.
ACCESSORY RETAIL SALES OR SERVICE:	Those items sold or services rendered on a particular site as a secondary use to the primary use, e.g., flowers sold at a nursery or greenhouse, etc.
ACCESSORY STRUCTURE:	A. Any subordinate building, incidental to and located on the same lot on which a principal building exists, or which is under construction. The accessory building shall not be occupied until the principal building is issued a Certificate of Occupancy. B. Structure subordinate in area, extent, or purpose to the principal building, or principal uses served.
AGRICULTURAL USES:	The tilling of soil, horticulture, floriculture, forestry, viticulture, raising crops, beekeeping, livestock, farming, dairying and animal husbandry including all uses customarily accessory and incidental thereto; but excluding slaughterhouses, fertilizer works, boneyards, and commercial feedlots.
AIRPORT, AIRCRAFT LANDING FIELD:	Any area of land or water that is used or intended for use by aircraft and including the necessary appurtenant structures or facilities located thereon.
ANIMAL DAYCARE:	As defined in Hayden City Code 4-3-3. Additionally, "Small" shall constitute domesticated animals including, but not limited to, dogs, cats, or miniature pigs. "Large" shall constitute domesticated animals generally residing outdoors in the Residential Suburban, Rural and /or Agriculture zones including, but not limited to, horses, alpacas, or sheep
ANIMAL GROOMING, SMALL:	Grooming for small animals on an appointment basis, with drop-off and pick up on the same day. "Small" shall constitute domesticated animals including but not limited to dogs and cats.
ANIMAL HOSPITAL/CLINIC:	As defined in Hayden City Code 4-3-3. May include commercial grooming. Boarding services are limited to short-term care incidental to the treatment clinic and must be a secondary use of the property.
ANIMAL RAISING AND/OR KEEPING:	Animals owned and housed on or in the premises in a Residential zone and/or animals raised for a maximum of five (5) months after birth.

Commented [CM1]: Further restricted by this code or state code? If this code, should insert further restricted by this title. We'll see what Legislature is doing on this.

Commented [SD2R1]: We will wait on this definition until direction from State code amendments

Formatted Table

Commented [CM3]: When we say "see" are we saying "as defined" in referenced code?

Commented [DP4R3]: Yes.

Commented [SD5R3]: Yes. We will update these to say, "As defined"

ANIMAL SHELTER:	As defined in Hayden City Code 4-3-3 .
APARTMENT:	A room or suite of rooms in a multiple-family facility designed or used as a single living unit and provided with living, sleeping, kitchen and bathroom facilities, usually leased or rented.
ASSEMBLY:	The process of combining individual components produced at another site into a finished product using machines, equipment and/or workers to create a functional unit.
AUCTION ESTABLISHMENT:	A building or portion of a building used for the public sale of goods, merchandise, or equipment to the highest bidder.
AUTO WRECKING YARD, JUNKYARD:	An outdoor space where junk, waste, discarded, or salvaged materials are stored or handled, including automobile wrecking yards, and yards for used building materials, and places, or yards for storage of salvaged building and structural steel materials and equipment, including used machinery, trailers or construction equipment or parts thereof; excluding yards or establishments for the sale, purchase or storage of used cars or machinery in operable condition, and the processing of used, discarded or salvaged materials as a part of a permitted manufacturing operation on the same premises. An "auto wrecking yard" and "junkyard" are further defined as any use of premises, excluding fully enclosed buildings, on which two or more motor vehicles not in operable condition are standing more than 28 days, or on which used motor vehicles, or parts thereof, are dismantled or stored.
BANK, FINANCIAL INSTITUTION:	An establishment that provides banking services, lending or similar financial services to individuals and businesses. This definition includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities but shall not include bail bond brokers. The establishment may or may not have a drive-thru facility.
BATCH PLANT, ASPHALT AND CONCRETE:	An industrial facility used for the production of asphalt or concrete products, including hot mix asphalt, other forms of coated road stone, and concrete ready mix. These plants combine various ingredients based on engineered design standards for specific types of asphalt and concrete mixes.
BEEKEEPING, HOBBY:	The management of a small number of beehives (less than 25), typically located in backyards or on small plots of land, primarily pursued as a personal interest or recreational activity.

Commented [CM6]: See note above. Should this say "as defined" versus see? Using "as defined" is legally tying it to the other definition. See is advisory.

Commented [DP7R6]: Yes.

Commented [SD8R6]: Yes. As defined.

BOARDING OR ROOMING HOUSE, BED AND BREAKFAST FACILITY:	A single-family residence, occupied by the property owner or caretaker year-round, which provides a maximum of five (5) sleeping rooms (not including the occupant's sleeping room(s)) for the lodging of overnight transient guests for a fee, and which includes the serving of a meal.
BOTTLING AND DISTRIBUTION PLANT:	A commercial enterprise whose output is the bottling of beverages for distribution.
BREWERY, DISTILLERY, WINERY:	An establishment for production of alcoholic beverages. Does not include food service establishments that produce these products only for on-site sale.
BUILDING MATERIALS, HAY, GRAIN, BULK GARDEN SUPPLY, HEAVY MATERIALS:	A retail business that sells large, bulky, or heavy goods including building materials and agricultural goods, such as hay, grain, bulk garden supplies, tools, and equipment.
BUS STATION:	Any premises for the transient housing or parking of buses and the loading and unloading of passengers.
CAR WASH:	A facility for the cleaning of automobiles, providing either self-serve facilities or employees to perform washing operations.
CARETAKER RESIDENCE:	A dwelling on a nonresidential property occupied by a person, and the immediate family of the person, who oversees or guards the operation.
CEMETERY:	Land used or dedicated to the internment of human or animal remains, including columbaria, mausoleums, mortuaries, and associated maintenance facilities when operated in conjunction with, and within the boundaries of such cemetery.
CIVIC FACILITY:	A building providing for government functions and services, including but not limited to federal, provincial, regional, and municipal offices, public schools and colleges, publicly owned and operated hospitals, fire halls, community halls, libraries, museums, parks, cemeteries, jails and prisons, courts of law, waterworks facilities, and sewage facilities.
CLUB, LODGE, SOCIAL HALL:	A building of which the primary use is a meeting place used by members of the community to gather for social, cultural, entertainment, recreational, or religious purposes.
COMMUNITY EVENT FACILITY:	An outside area and/or building where amplified sound or music is provided for entertainment.

Commented [SD9]: Split? Definition of boarding house?

Commented [CM10]: Civic is an adjective. Do we mean a facility?

Commented [DP11R10]: In this case, these are generally government buildings or those buildings operated for civic uses.

Commented [CM12]: Might want to look at RLUPA issues on "religious."

Commented [SD13R12]: Not certain how having "religious" in this definition goes against RLUIPA? Doesn't it indicate we are inclusive of that type of use?

COMMUNITY GARDEN:	A garden on a single piece of land <u>gardened</u> collectively by a group of people for fresh food or flowers. Can also include educational gardens where gardening, landscaping, nutrition, and cooking are taught.
COMPOSTING, BACKYARD:	The activity of decomposing organic matter generated on any area of land or lot by a homeowner, tenant, occupant, or property owner. Backyard composting shall process material generated primarily on site. Backyard composting shall be operated in a nuisance-free manner. No commercial purpose may be associated with backyard composting.
CONSTRUCTION OFFICE, TEMPORARY:	A moveable or modular structure or trailer used for the storage of construction materials and/or the offices or work spaces for construction managers or workers during the time a principal or accessory building is being constructed.
CONTRACTOR SHOP AND STORAGE:	A lot or portion of a lot or parcel, or a building or a portion of a building used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. Such lot, portion of lot or building, includes office area directly related to the function of the contractor.
CONVENIENCE STORE:	An establishment generally less than 5,000 square feet engaged in the sale of convenience goods, such as pre-packaged food items, tobacco, over the counter drugs, periodicals, and other household goods.
CORRECTIONAL FACILITY:	A facility designed and used to house, sequester, or confine incarcerated individuals, persons subject to a pre-trial order, on probation or parole. A correctional facility shall conform to the provisions of Hayden City Code 11-7-4 .
COTTAGE:	A building design with one dwelling unit for use and occupancy by no more than one family, where each dwelling unit is platted on an individual lot with a shared open space or green court.
CULINARY ESTABLISHMENTS:	Any building or part thereof (other than a boarding house), where food and/or beverages are provided for compensation. Uses may include, among others: café, cafeteria, coffee stand, fast food, and restaurant.
DATA CENTER:	Also known as data mining operation or server farm, meaning a collection of networked computers and servers used for the remote storage, processing, and distribution of large amounts of electronic data and requiring high-density load electricity uses and equipment and water supplies to cool hardware and operating spaces.

Commented [SD14]: Tended?

Commented [DP15R14]: "gardened" focuses on the action of growing (creation and cultivation of) plants, while "tended" emphasizes maintaining and nurturing existing ones

Commented [CM16]: Some ordinances further define high-density electricity load as 25,000 kilowatt hours per month or a load demand of 600 amps. (Need more research)

DAYCARE:	Care and supervision provided for compensation during part of a twenty-four (24) hour day, for a child or children not related by blood, marriage or legal guardianship to the person or persons providing the care, in a place other than the child's or children's own home or homes. [Idaho Statute 39-1102(3)]
DAYCARE, ADULT; ADULT DAY CARE:	A structured day program that provides individually planned nonmedical care, supervision, social interaction, and supportive services for adults for periods of less than twenty-four (24) hours a day and provides relief and support for caregivers.
DAYCARE CENTER:	A place or facility providing daycare for compensation for thirteen (13) or more children.
DAYCARE FACILITY:	A place or facility providing daycare services for compensation to seven (7) or more children not related to the provider. [Idaho Statute 39-1102(5)]
DAYCARE, FAMILY, HOME:	A home, place, or facility providing daycare for six (6) or fewer children. [Idaho Code 39-1102(8)]
DAYCARE, GROUP FACILITY:	A home, place, or facility providing daycare for seven (7) to twelve (12) children. [Idaho Code 39-1102(9)]
DRIVE-UP ESTABLISHMENT:	A permanent structure, whether it be the primary or an accessory use, that is designed to allow the occupants of a motor vehicle to make purchases and/or receive services or products at a window or service area while remaining in the vehicle.
DWELLING:	A building, or portion thereof, containing one or more dwelling units. The term does not include any trailer, mobile home, recreational vehicle, motel, hotel, guesthouse, or boarding house.
DWELLING, FOUR OR MORE FAMILY:	A building or portion thereof, containing four or more dwelling units, excluding attached single-family townhome units located on individual lots.
DWELLING, SINGLE-FAMILY:	A building designed as one dwelling unit for use and occupancy by no more than one family. This also includes any group residences as defined by Idaho Code 67-6531.
DWELLING, TWO- and THREE-FAMILY:	A building designed with more than one, but not more than three (3) dwelling units.
DWELLING UNIT:	A single unit providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping,

Commented [CM17]: Add DAYCARE, ADULT here

Commented [CM18]: Consider moving under DAYCARE, ADULT with other daycare types

Commented [DP19R18]: The reason for the definition is to provide differences between an adult and children daycares. Adult daycares can be stand-alone, but in many instances are accessory to assisted living facilities. Additionally, daycare requirements related to children daycares wouldn't be applicable in this case. Thoughts?

Commented [SD20R18]: Donna and I will make the change to where these definitions are located in the document, but will keep record of the actual name (listed) in State Code.

Commented [CM21]: Move to DAYCARE, FAMILY, HOME

Commented [CM22]: Move to DAYCARE section of definitions

Commented [CM23]: Wonder if we should keep multi-family. Will future references call out four or more rather than multi-family?

Commented [DP24R23]: I think that you may be right. With the pre-emptive language and direction we have seen, multi-family may be the better term.

Currently, Mixed Use zone designation is the only place where you could have a multi-family use and the uses are structures of a minimum of 4 units. There is an allowed exception to this, but the general rule of thumb is 4 units or more.

All other zone designations of the City, are structures of less than 4 units and they must be platted as SFR.

	eating, cooking, and sanitation. The term does not imply or include such type of occupancy as a lodging or boarding house, club, or hotel.
EXPLOSIVES, STORAGE OR MANUFACTURING:	The manufacturing or storage of any chemical compound, mixture, or device whose primary or common purpose is to function by explosion, releasing a large amount of energy rapidly, usually accompanied by the production of light, heat, sound and pressure.
FIRING RANGE:	A controlled area of activity, indoors or outdoors, generally designed for the discharging of firearms at targets.
FOSTER HOME; GROUP HOME:	A place, home, building, or location providing care for nine (9) or more unrelated children as a member of the household for the purpose of providing substitute parental care.
FUELING STATION, COMMERCIAL:	A bulk fuel facility designed specifically for business use, primarily serving fleets of larger commercial vehicles.
GAS STATION:	Premises where gasoline, motor oils, lubricants, and grease for the operation of motor vehicles are directly retailed to the public and may include tires, accessories, services, and minor motor vehicle repairs.
GROCERY:	A market where food and related items are sold.
HANDICAPPED OR MINIMAL CARE FACILITY:	<p>Providing 24-hour care, group dining and supervision for nine (9) or more residents who are:</p> <ol style="list-style-type: none"> Physically or mentally handicapped or infirm and who are in need of residential rather than medical care; or Capable of taking care of themselves in independent living units, but who prefer personal supervision. The maximum number of residents shall be set by conditional use permit where required.
HEALTH CLUB:	A club for leisure and fitness activities.
HOME OCCUPATION:	A business activity which results in a product or service that is conducted as an accessory use by an immediate member of the family residing within the dwelling unit, and which meets all of the conditions as required by this title.
HOSPITAL:	An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of human patients for 24 hours or more. The term "hospital" does not include clinic, convalescent, nursing, or boarding homes, or any institution operating solely for the

Commented [SD25]: Where is this required?

Commented [DP26R25]: Clare - let's talk about this definition. It goes back to a discussion regarding group homes.

Commented [DP27R25]: CUP - would most likely be in reference to the # of residents beyond that allowed as a residence in a residential zone designation.

	treatment of mentally ill persons, drug addicts, alcoholics, or other types of cases necessitating forcible confinement of patients.
HOTEL / MOTEL:	A building, or group of buildings on the same premises whether detached or in connected rows, containing 6 or more sleeping or dwelling units with garage space or parking space located on the premises and designed for, or occupied by, travelers. The term includes, but is not limited to, any buildings or building groups designated as motor lodges, tourist courts or by any other title or sign intended to identify them as providing lodging to motorists.
INDUSTRIAL SERVICES:	Services provided that may produce increased noise, debris, etc. due to the manufacturing, fabrication, printing, etc. of products produced on-site e.g., battery rebuilding, blacksmithing, welding and fabrication, and printing, etc.
JUVENILE OFFENDERS FACILITY:	Providing 24-hour care and supervision for three (3) or more children (plus 2 house parents) who are under the age of 18 and unrelated to the house parents, and who have been placed voluntarily or by a State agency, court order or a childcare agency, as a result of a criminal offense. The maximum number of residents shall be set by conditional use permit, where required.
KENNEL:	Any property, building, structure, enclosure or premises on the same or adjacent lots, in which a total of four (4) or more dogs, six (6) months of age or over, are kept or maintained by one or more persons. This term shall not include any veterinary hospital, office or clinic operated by a veterinarian licensed by the State of Idaho.
KENNEL, COMMERCIAL:	Any premises, or portion thereof which includes one or more of the following activities: A. Breeding for sale of more than 2 litters each year; or B. Offering a service for compensation in conjunction with the operation of the kennel, including, but limited to the business of boarding, breeding, buying, letting for hire, or training for a fee, on which cats and/or dogs are maintained, harbored, possessed, fostered, boarded, bred or cared for; commercial grooming and similar accessory uses; or C. Raising of competition dogs for purposes of compensation, greyhound racing, sled dog racing, dog pulls or any other events; or D. Any pet shop regularly selling dogs.
KENNEL, RESIDENTIAL:	Any premises, or portion thereof, at which cats, dogs and small household domestic animals, as outlined in subsections 4-3-6(A)(1) and

Commented [SD28]: Where is this requirement noted?

Commented [DP29R28]: See comment above.

	(A)(2) of this Code, are maintained, harbored, fostered or cared for as part of a rescue operation without compensation. Also known as residential pet rescues. No more than 15 animals in total may be living and/or fostered on site at any one point in time, including resident animals and rescued animals in combination.
LAUNDRY AND DRY-CLEANING SERVICE:	An establishment where laundry or dry-cleaning is dropped off and picked up by customers for on-site laundry and/or cleaning activities performed by the establishment.
LIBRARY AND CULTURAL FACILITIES:	A permanent facility for storing and loaning of books, periodicals, reference materials, audio and videotapes, and other similar media.
LUMBER MILL, SAWMILL, PULP MILL:	Mills that convert round wood products into primary wood products, like lumber, pellets, sheathing, wood pulp, etc.
MANUFACTURED HOME:	A structure constructed since June 15, 1976, that bears the seal of the U.S. Department of Housing and Urban Development (HUD) indicating it has met the manufactured home construction and safety standards of the U.S. Department of Housing and Urban Development or the Building Code and when erected on site is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements and which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 USC 5401 et seq.
MANUFACTURED HOME COMMUNITY:	An area, tract, plot or site of land of at least five acres in size containing two or more manufactured homes or spaces for manufactured homes, developed, located and maintained for dwelling purposes, in compliance with section 11-6 of this title.
MANUFACTURING, CONSTRUCTION COMPONENTS:	The manufacturing or fabrication of construction components such as bricks, cement blocks, windows, doors, cabinetry, etc.
MANUFACTURING, LIGHT:	The production of goods typically involving the fabrication or processing of raw materials or semi-finished goods, into finished products for everyday consumer use. Operations are generally conducted within enclosed buildings, using lighter machinery and produce minimal noise or pollution.
METAL FABRICATION OR MACHINE SHOP:	A facility dedicated to the process of creating metal structures by cutting, bending and assembling raw materials, typically starting with flat sheets

Commented [DP30]: As defined in Idaho Statute 39-4105(8):

A structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, that, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (32) or more square feet, and that is built on a permanent chassis and design to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure that meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S. C. 5401 et seq. Manufactured homes include multi-dwelling unit manufactured homes that are constructed in accordance with the HUD manufactured home construction and safety standards.

	<p>or plates of metal, usually involving techniques such as cutting, punching, bending, welding, and assembly to shape and join components into a final product by means of laser cutters, presses, welders and rollers. Machine shops start with blocks of metal (round, square, or rectangular solid rods or tubing) and create finished parts through sawing, milling, drilling, grinding, boring, and turning processes.</p>
MICROCELL WIRELESS COMMUNICATION FACILITY (WCF)	<p>As defined as “Wireless Communication Facilities (WCF)” in section 8-1-2 of this Code.</p>
MOBILE FOOD VENDOR:	<p>As defined as Mobile Food Establishment in Hayden City Code 3-7-4.</p>
MOBILE HOME:	<p>A structure similar to a manufactured home but built to a state Mobile Home Code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).</p>
MORTUARY, CREMATORY, FUNERAL HOME:	<p>A facility in which deceased human bodies are kept and prepared for burial or cremation.</p>
MOTOR VEHICLE REPAIR, MAJOR:	<p>General repairs to vehicle engine, transmission or drivetrain; rebuilding or major reconditioning of work or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair, and overall painting of motor vehicles or trailers.</p>
MOTOR VEHICLE REPAIR, MINOR:	<p>Incidental repairs, replacement of parts, and minor service to motor vehicles, but not including any operation specified as “Motor Vehicle Repair, Major”.</p>
MULTI-FAMILY BUILDING:	<p>A building or portion thereof, containing four or more dwelling units excluding attached single family townhome units located on individual lots.</p>
NEWSPAPER AND PRINTING ESTABLISHMENT:	<p>An enclosed facility for the printing and distribution of newspapers, newsletters, and other similar printed media for sale and general circulation.</p>
NON-CONFORMING USE:	<p>A use which was lawfully established and maintained at the time this title was adopted, but which, because of the application of this title to it, no longer conforms to the use regulations of the zone in which it is located. A non-conforming building or non-conforming position of the building shall be deemed to constitute a non-conforming use of the land on which it is located.</p>

OFFICE, GENERAL:	A facility for business and professional services, including but not limited to, accountants, architects, attorneys, insurance brokers, realtors, investment counselors. Uses excluded are those included in "Office, Medical" and "Personal Services".
OFFICE, MEDICAL:	A facility for a group of one or more physicians for the examination and treatment of human patients, primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, optical, surgical, medical imaging, or other services to individuals. Patients are not kept overnight except under emergency conditions. Ancillary laboratory facilities or research facilities may be included.
OUTDOOR SALES DISPLAY:	An area where customers are encouraged to examine and/or experience merchandise in their typical configuration and/or manner of use. This use is distinct from "outdoor storage" or junkyard as elsewhere defined.
OUTDOOR SALES LOT:	A lot, or portion thereof, used for the outdoor display and sale of more than two new or used automobiles, trucks, trailers, mobile homes, boats, farm machinery or other machinery or equipment in operating condition. Repair work, other than what is necessary for completion of the sale, is prohibited. Said repair work shall be performed in a garage or an enclosed building.
OUTDOOR STORAGE:	The short-term or long-term storage of equipment, products, supplies, and/or materials, outside an enclosed building, and not for the purpose of an outdoor sales display, in an area as an accessory to a primary use.
PARK / CAMPGROUND, RECREATIONAL VEHICLE (R.V.):	Any area, tract, plot or site of land, whereupon two or more recreational vehicles or travel trailers are placed, located, and maintained for temporary living quarters on a temporary basis.
PARKING LOT; PARKING GARAGE:	An off-street open, graded and surfaced area, detached accessory building, or portion of a main building, other than a street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers. "Surfaced area" as used herein means hard surface including asphalt, concrete or similar material.
PARKS, RECREATION, and OPEN SPACE:	Park and open space uses focus on natural areas, large areas consisting mostly of vegetative landscaping, or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking. Specific use types

	include, but are not limited to: Forest reserve, recreation area, golf course, park or playground, public plaza.
PERSONAL SERVICES:	A facility that provides individualized services generally related to personal hygiene needs. These include, but are not limited to, beauty and nail salons, self-service laundry facilities, and barber shops, and exclude those categorized in "Office, General" and Office, Medical".
PRINTING, PUBLISHING & REPRODUCTIONS:	The business of making copies of printed materials.
PROCESSING OF CONSTRUCTION-RELATED PRODUCTS:	The process of mining, dredging, loading and hauling of sand, dirt, gravel or other aggregate products, typically used in construction-related projects.
PUBLIC BUILDING OR COMPLEX:	A building or buildings owned or used by the federal, state, county or city government, or any political subdivision, agency or instrumentality, thereof, where not otherwise specifically defined by Hayden Municipal Code. Public buildings or complexes (not owned by the City of Hayden) shall be subject to Hayden City Code 11-7-4 .
RAILROAD CLASSIFICATION YARDS:	A railway yard found at some freight train stations, used to separate railway cars onto one of several tracks.
RAILROAD TRANSPORTATION LINES OR SPURS:	A branch line is a secondary railway line that branches off a more important through route, usually a main line. A very short branch line may be called a spur line.
RECREATION / ENTERTAINMENT FACILITIES:	Commercial, non-profit, or civic indoor and/or outdoor facilities used for recreation, entertainment, or physical fitness such as health clubs, bowling alleys, swimming pools, amusement parks, racecourses, and racetracks, which may also include accessory uses such as facility/ground rentals, events, food and beverage services, and similar uses.
RECREATIONAL VEHICLE (R.V.), TRAVEL TRAILER, MOTORHOME:	A vehicular unit primarily designed as temporary living quarters for recreation, camping, or travel use, which either has its own motive power or is mounted or drawn by another vehicle. RV types include motor home travel trailer, truck camper, fifth-wheel trailer, as defined by Idaho Code §39-4201, park model recreational vehicles, as defined by Idaho §49-117. The definition also includes a bus, van, trailer, or other vehicle converted for living quarters. In no case shall a recreational vehicle be considered a dwelling.

Commented [CM31]: Mining is included in this "processing" definition. Do we mean that? Can a gravel pit be included in this "processing" definition or do we just mean loading or hauling? Does it include rock crushing? Need to discuss further.

Commented [DP32R31]: That is a good question...

Commented [DP33R31]: Okay, so after talking with Dulci I think that all of this use occurs during Development of a project and we would also say that this use could occur in both Commercial and Light Industrial with a CUP.

Commented [SD34R31]: Change "mining" in Use Table to this definition name

Commented [DP35R31]: I think the only kind of "mining" which could occur would be that of collecting prairie gravels for subdivision construction. If this "mining" occurred, it would be in conjunction with a specific project and not with a commercial venture. I don't believe that it is the intent of the City to allow for a commercial mining venture in the City - as we don't have an "Industrial" use for the heavier industrial types of uses in the City.

Commented [CM36]: How does this differ from Civic Facility?

Commented [DP37R36]: 11-7-4 is Public Buildings, Complexes and Correctional Facilities - these are publicly owned buildings owned by another public agency that instead of entering into a Conditional Use Permit for their use enter into a MOA.

REHABILITATIVE FACILITIES:	Provides living accommodations, rehabilitation, and 24-hour supervision for three (3) or more residents who are in a recovery program for alcoholism, drug abuse, or mental illness. The maximum number of residents shall be set by Conditional Use Permit, where required.
RELIGIOUS INSTITUTION:	A building that people regularly attend to participate in or hold religious services, meetings, and other activities. Uses related to and operated by a religious institution may include a rectory, school, thrift store, homeless shelter, or similar, and may be located on the same parcel or an adjacent parcel to the religious institution.
RESIDENTIAL CARE or ASSISTED LIVING FACILITY:	A facility or residence, however named, operated on either a profit or nonprofit basis for the purpose of providing necessary supervision, personal assistance, meals and lodging to three (3) or more adults not related to the owner. [Idaho State Statute 39-3302(37)] Also known as nursing, rest, and convalescent homes.
RETAIL STORE:	A location where the product created is sold directly to consumers. A single retail use in one stand-alone building or tenant space.
SCHOOL:	An institution of learning, whether public or private, that offers instruction to a group of children in those courses of study required by the State Board of Education. This definition includes nursery school, kindergarten, elementary school, junior high school, senior high school, or any special institution of learning under the jurisdiction of the Idaho Department of Education, but it does not include a vocational or professional school or any institution of higher education, including a college or university.
SCHOOL, PRIVATE COMMERCIAL:	A school, regardless of whether it is operated for profit, primarily devoted to instruction, in dance, music, drama, art, languages, martial arts training, and business.
SCHOOL, TRADE OR VOCATIONAL:	An institution for conducting instruction in the technical, commercial or trade skills, secretarial training, medical-dental technician training, beauticians, barbers, electronics, and automotive technician training.
SCHOOL, UNIVERSITY:	An educational institution offering advanced instruction in an academic or business field, beyond the secondary level, including trade schools or business colleges, except those whose function is primarily commercial in nature with the training or schooling an incidental activity. This includes all accessory uses, such as dormitories, parking lots, etc.
SEASONAL RETAIL USES:	Uses such as fireworks stands, Christmas tree lots, and food and flower stands.

Commented [SD38]: This definition was taken from CDA, where it appears they may have maximums listed. Do we want to copy that, or remove this portion of the definition?

Commented [DP39R38]: I think that this goes hand in hand with the group home discussion if it is located in a residential zone designation versus in a Commercial zone designation. Thoughts?

Commented [SD40R38]: Need to check Idaho code for number

SELF-SERVICE LAUNDRY:	An establishment with pay-per-use clothes washing and drying machines where customers launder their own clothes. May include accessory retail sales of laundry soap and similar items, primarily for use on the premises.
SELF-STORAGE; MINI-STORAGE:	A building or group of buildings or portions thereof that are designed or used exclusively for storage of excess property of an individual, family or business. Buildings are divided into individually accessed units. This shall not be deemed to include the day-to-day operations of businesses of any kind.
SEXUALLY ORIENTED BUSINESS; NON-RETAIL:	An adult arcade, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
SEXUALLY ORIENTED BUSINESS; RETAIL:	An adult book, novelty, or video store.
SHOPPING CENTER:	A building or group of buildings that typically features an approximately 2,500 square foot groceries/sundries store as an anchor tenant and may also provide other retail, office, or culinary services such as gasoline sales, dry cleaners, coffee shops, offices, personal service facilities, etc.
SHOPPING CENTER, COMMUNITY COMMERCIAL:	A group of commercial establishments, planned and developed as a unit, typically featuring an approximately 50,000 square foot or greater grocery store and/or department store or volume discount retail outlet as an anchor tenant/s and may include freestanding buildings containing restaurants or other commercial uses. A community shopping center has a gross floor area of more than 100,000 square feet but not more than 300,000 square feet and typically occupies from 10 to 25 acres.
SHOPPING CENTER, NEIGHBORHOOD COMMERCIAL:	A moderate-sized shopping center, planned and developed as a unit, typically composed of an anchor store up to 60,000 square feet in size, and usually containing additional smaller tenants serving a local market area. A neighborhood shopping center may have a gross floor area ranging from 35,000 to 100,000 square feet and may occupy up to 10 acres.
SHOPPING CENTER, REGIONAL COMMERCIAL:	A group of commercial establishments, planned, developed, owned, and managed as a unit related in location, size and types of shops to the trade area that the unit serves. The center provides on-site parking in definite relationship to the type and size of stores. The major tenant is one or more full-line department stores. Size of the center can range

	between 300,000 square feet to more than one million square feet of gross leasable area.
STRUCTURE, PRINCIPAL OR PRIMARY:	A building in which the primary use of the lot upon which it is situated is conducted, such as a dwelling unit, or a non-residential structure for the primary use allowed in the zone designation.
SWAP MEET, FARMER'S MARKET, FLEA MARKET:	<p>Any event:</p> <p>A. At which two or more persons offer new or used personal property or merchandise for sale or exchange; and</p> <p>B. At which the event is held more than six times in any 12-month period.</p> <p>C. The term "swap meet" is interchangeable and applicable to "flea markets", "indoor swap meets" or their similar terms, regardless of whether these events are held inside a building or outside in the open. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business.</p>
TANNERY/TAXIDERMY:	A tannery is the place where tanning or the process of treating skins and hides of animals to produce leather occurs. Taxidermy is the art of preserving an animal's body via mounting or stuffing, for the purpose of display or study.
TAVERN, LOUNGE, BREW PUB:	A building where alcoholic beverages are sold for consumption on the premises, not including restaurants where the principal business is serving food.
TEMPORARY HARDSHIP USE FOR DEPENDENT RELATIVE:	As defined in Hayden City Code 11-2-5(K)
TEMPORARY PARKING LOTS:	A temporary parking lot for non-required parking where new building construction is planned.
TOWNHOME:	A building consisting of three or more dwelling units with common bearing walls. Each dwelling unit shall be platted on an individual lot, including both the structure and the land it occupies, at a minimum.
TRAILER HOME:	<p>A detached single-family dwelling unit, other than a manufactured home or manufactured building with all the following:</p> <p>A. Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen</p>

Commented [SD41]: DISCUSS SHOPPING CENTER DEFINITIONS

	<p>facilities with plumbing and electrical connection for attachment to outside;</p> <p>B. Designed to be transported after fabrication on its own wheels or a flatbed or other trailers or detachable wheels; and</p> <p>C. Arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connection to facilities and the like.</p>
TRANSIT TERMINAL:	A passenger terminal or loading facility for a privately or publicly owned transit system, including a private shuttle service.
TREATMENT FACILITY, PUBLIC / PRIVATE	A facility approved by Idaho State Department of Health and Welfare, offering a broad range of emergency, outpatient, intensive outpatient, and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, and vocational rehabilitation and career counseling, which may be extended to alcoholics and intoxicated persons and/or drug addicts, pursuant to Idaho State Code 39-3.
TRUCK TRANSPORT FACILITY, COMMERCIAL:	A facility used for the dispatch, parking, maintenance or repair of trucks that are owned by the business and that are used to transport goods from one off site location to another off-site location which is located on a lot that is no greater than five acres in size. This is subject to the development standards of 11-2-5 of this title.
TRUCK TRANSPORT FACILITY, INDUSTRIAL:	A facility used for the dispatch, parking, maintenance or repair of trucks that are owned by the business and that are used to transport goods from one off-site location to another off-site location. If located on a lot that is greater than five acres in size, a special use permit shall be required. This is subject to the development standards of 11-2-5 of this title.
TRUCKING TERMINAL, TRUCK STOP:	An area or building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis. The use may include facilities for the temporary storage of loads prior to shipment. The use shall also include truck stops or fueling stations where primarily diesel fuel is sold and operators of trucks may stop to rest.
URBAN FARM (GARDEN):	A farm or garden operated for commerce, where the growing of the produce is to be sold (or donated in the case of not-for-profit farms) as opposed to being grown for personal consumption. An urban farm can

	utilize space such as raised beds, rooftops, planting boxes, etc. to maximize area within a non-agriculture zone for the farm.
USE, CONDITIONAL (SPECIAL):	A use listed among those classified in any given zone but permitted to locate only after review by the Planning and Zoning Commission and the granting of a “conditional use permit” imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and assure against imposing excessive demands upon public utilities and facilities.
USE, PERMITTED:	An activity or use so designated in any given zone, and which may occur without special action by the Planning and Zoning Commission or City Council, subject to provisions of the zone in which it is located.
USE, PRINCIPAL:	The main use of land or buildings as distinguished from a subordinate or accessory use.
USE, PROHIBITED:	Uses not specifically enumerated as permitted uses or conditional uses. “Prohibited uses” are listed in this title for purposes of clarity and emphasis only.
UTILITY INFRASTRUCTURE, MAJOR:	As defined in section 8-1-2 of this Code.
UTILITY INFRASTRUCTURE, MINOR:	As defined in section 8-1-2 of this Code.
VEHICLE CUSTOMIZATION:	The process of modifying a vehicle to reflect personal preferences or enhance performance, aesthetics, or functionality, usually by means of custom paint jobs, body kits, styling changes, engine swaps, suspension modifications and transmission changes.
VENDOR:	Any person, partnership, organization, or corporation who exchanges, sells, or offers for sale or exchange any personal property at a swap meet, flea market or farmer’s market.
WAREHOUSE DISTRIBUTION BUSINESS:	A location where the process of storing goods in a warehouse for later distribution to their final destination, encompassing inventory management, order fulfillment, and transportation logistics. Often serving as a bridge between suppliers and end consumers.
WHOLESALE BAKERY:	A location where food or grocery items are created and sold in bulk to restaurants, grocery stores, and the like.

- Commented [CM42]: Or Council?
- Commented [DP43R42]: Conditional Use Permits are approved by the Planning and Zoning Commission. To add a new and unlisted use is approved by the City Council.
- Commented [SD44R42]: Will add Council

- Commented [CM45]: Farmer’s market or flea market?
- Commented [DP46R45]: I would say to make this consistent with 11-2-56 Farmer’s market, Flea Market, and Swap Meet. Thoughts?
- Commented [SD47R45]: Will change to add Flea Market, etc.

WHOLESALE BUSINESS:	A location where the product created is sold in bulk to other establishments, excluding food or grocery items.
WOODWORKING / CABINET MANUFACTURING:	An activity of making items from wood, and includes cabinet making, wood carving, joinery, carpentry, and woodturning.

B. MEASUREMENT DEFINITIONS:

ACREAGE:	Any gross area of lot or parcel of land which has not been subdivided or platted, in common ownership having an area of one acre or more.
AREA, BUILDABLE:	The space within the setback lines remaining on a lot after the minimum open space requirements of this chapter have been met.
AREA, GROSS FLOOR (Applying to Floor Area Ratio):	The sum of the gross horizontal areas of the floors inside the exterior walls of a building or a portion thereof.
AREA, GROSS FLOOR (Applying to Parking Ratio):	The entire square foot area of floor space of a building which is enclosed and subject to heating and/or air conditioning, less:
	A. Any space used and occupied by central mechanical and/or electrical equipment, elevator, escalator, conveyors, dumbwaiters, lifts, chutes, trash disposal units, and fuel storage spaces; and
	B. Public right of way and other similar enclosed spaces open to the public.
BUILDING HEIGHT:	The vertical distance measured from the average elevation of the proposed finish grade at the front of the building to the highest point of the roof for a flat roof, to the deck line of a mansard roof or the average height of the highest gable of a pitch or hip roof.
	A. Flat Parcel: B. Slope/Hillside Parcel:
BUILDING LINE:	A line established by this title to govern the placement of buildings with respect to highways, streets and alleys. The front line shall be the front line as shown upon the site plan.
CALIPER:	The diameter of a tree or shrub trunk measured six inches above grade.

Commented [CM48]: The common definition of acreage is the total area of land within a parcel. How is this to be used in title?

Commented [DP49R48]: Title 11 has density related to gross acreage for MR and MU zones, and related to Lot Coverage.

Commented [SD50R48]: Change "tract" to "gross area of lot or parcel of land." Remove rest of definition.

Commented [CM51]: See follow up from Hooper. Suggested vertical distance from grade plane to average height of highest roof. This would require definitions of grade plane and average height. Options: Distance from average elevation of proposed finished grade at front of building to highest point of roof peak? Need to discuss

Commented [DP52R51]: I would concur...how is defined elsewhere. The hillside muddy's this definition today when the front elevation is higher than the rear elevation of the property. Additionally, the size of the garage/shop door really pushes the peak taller even if there is no second story added.

Commented [SD53R51]: Add a) flat, b) slope/hillside

Commented [SD54R51]: Ask for definition suggestion from Hoop

DECIBEL:	A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in “decibels”.
DENSITY:	A unit of measurement; the number of dwelling units per acre of land.
DENSITY, GROSS:	The number of dwelling units divided by the total number of acres of land to be developed, including public rights-of-way, open space, parks, schools, or other private or public dedications.
DENSITY, NET:	The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public rights-of-way.
LOT MEASUREMENTS:	<p>A. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear; and</p> <p>B. Width of a lot shall be the distance between the side lot lines and, at any point, shall not be less than the required continuous frontage for the zone in which the lot resides.</p>
SETBACK:	The space on a lot required to be left open and unoccupied by buildings or structures, either by the front, side, or rear requirements of the zoning ordinance or by delineation on a recorded subdivision plat.
SIGN, GROSS AREA OF:	As defined in Hayden City Code 11-5.
STREET, FLANKING SIDE:	A secondary street which runs along any side property line of a building, dwelling, or lot.

C. BUILDING DEFINITIONS:

ALTERATIONS, STRUCTURAL:	Any change, other than incidental repairs, which should prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams and girders.
BASEMENT:	That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to ceiling is no more than six feet.
BERM:	An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.
BUFFER:	A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.
BUILDING:	Any structure built for support, shelter or enclosure of persons, animals, or movable property of any kind and which is permanently or semi-permanently fixed to the land.
BUILDING, COMPLETELY ENCLOSED:	A building separated on all sides from the adjacent open space or from other buildings or other structures by a permanent roof and by exterior walls or party walls pierced only by windows and normal entrance or exit doors.
BUILDING, DETACHED:	A building surrounded by an open space on the same lot.
BUILDING, EXISTING:	A building erected prior to the effective date hereof or one for which a legal building permit has been issued.
BUILDING, NON-CONFORMING:	Any building which does not conform to the requirements of this title, but was lawfully constructed under the land use law in effect at the time of construction.
CAPACITY:	The maximum number of people that may occupy a building or structure, as established by the building code or fire marshal.
CARPORT:	A structure open on at least two sides used to house or protect motor vehicles that are owned or operated by the occupants of the principal building.

Commented [CM55]: There is that issue of the existing building not lawfully permitted, which is not a non-conforming building. Non-conforming should indicate lawfully created; otherwise it is "illegal." See if edits line up with your use of this in various settings.

Commented [DP56R55]: I would concur.

DECIDUOUS:	A plant with foliage that is shed annually.
EVERGREEN:	Any broadleaf or coniferous tree, shrub, or ground cover that holds foliage year-round.
FENCE:	A barrier, railing, or other upright structure, typically of wood, chain, vinyl, or wire, enclosing an area of ground to mark a boundary, control access, or prevent escape. The height of a fence shall be the vertical distance measured from finished grade at the front of the building.
GARAGE, PRIVATE:	A building or portion thereof, except a public garage, used or designed to be used for the storage of motor vehicles.
GATE:	A hinged barrier used to close an opening in a wall, fence, or hedge. Setback distances apply to the location of the gate based on type and location.
GRASSY SWALE (GRASSED INFILTRATION AREA):	A shallow, grassed, linear depression with gently sloping sides used as a percolation area to hold and allow infiltration of stormwater runoff.
GROUND COVER:	Ground covers are low growing plants used in the landscape to cover large areas of ground. They are often used to create blankets of foliage in and around shrubs and trees to unify the landscape or as a filler between features such as stepping stones, shrubs and trees. In addition, they are for erosion control on slopes or banks, or as a lawn substitute in areas too shady to support the growth of turf grasses. This group of plants encompasses everything from vines to low growing perennials and shrubs but does not generally include turf grasses. Heights range from one inch to 24" tall. Some fast-growing annuals can also be considered ground covers for large flowerbeds. Ground cover shall be of live plant material. Gravel, colored rock, walk-on bark, and similar materials shall be used in combination with a living ground cover in all non-turf areas as a mulch to control weeds and conserve or retain water until a living ground cover has achieved the coverage desired.
MANUFACTURED BUILDING:	Any building or building components, other than a mobile home, which is constructed according to standards contained in the Building Code as adopted or amendments thereto, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.
PLANTING AREA:	An area of land to be planted such that it will be fully utilized under the conditions of this section.
REPAIR:	The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "repair" or "repairs" shall not apply to any other change in structure such as would be required by additions to or remodeling of such structure.

Commented [CM57]: Should this be proposed finish grade of the fence? What is the fence is at the back?

Commented [DP58R57]: Fence height in the back is allowed to be 6' tall, but we run into the same concern as identified above with building height with respect to those properties on a hill.

Commented [SD59R57]: Remove strikethrough to "finished grade"

Commented [DP60]: This definition seems more like a standard and should go within the Landscaping standards. Let's summarize here and then move the bulk of this to the landscaping section.

SCREEN:	A method of reducing the impact of noise and unsightly intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or an appropriate combination thereof.
SHRUB:	A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground, may be deciduous or evergreen.
STORY:	Must conform to the definition and provisions therein of "story," as stated in the definitions and abbreviations chapter of the building code.
STORY, FIRST:	Must conform to the definition and provisions therein of "story, first", as stated in the definitions and abbreviations chapter of the building code.
STRUCTURE:	An object constructed or erected which requires location on the ground or is attached to something having a location on the ground, including towers, smokestacks, overhead transmission lines, but not including fences or walls used as fences less than seven feet (7') in height.
WALL:	A continuous vertical brick or stone structure that encloses or divides an area of land. A wall may require structural engineering and footings.

Commented [CM61]: I didn't see story defined in building section. Idaho Residential Code not very informative: "That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above." What does building official suggest?

Commented [SD62R61]: Defined in IRC, IBC

Commented [CM63]: This definition of structure has been used by a lot of communities, but has caused troubles by suggesting anything that requires location the ground. So it a swing set a structure? I used this one in Bonner County, which may or may not fit Hayden, but provides some limits: "A combination of assembled materials providing shelter, support or an extension of shelter or support, including, but not limited to, buildings, signs, towers, tanks, decks, platforms, porches, walls, pools, roofed storage areas, manufactured buildings, or offices, located above or below ground, whether constructed, assembled or erected on site or preconstructed and placed on site."

Commented [SD64R63]: Discuss

Commented [DP65R63]: I like this definition as it includes structures underground as it relates to utility infrastructure, basements, etc. as well as those playground structures above ground.

Commented [DP66R63]: With respect to fence height and when it requires a building permit, let's look at the fence code and see if we need to beef that up.

Commented [CM67]: Should this say not less than 7 feet in height, which is the current Idaho building code height exemption?

D. MISCELLANEOUS DEFINITIONS:

AMENDMENT:	A change in the wording, context or substance of this title, or change of the zone boundaries upon the zoning map, which map is part of this title when adopted by resolution, passed by the City Council in the manner prescribed herein.
APPROACH:	A point of access onto a publicly dedicated and maintained road for which approval has been given by the City, the appropriate highway district, or the Idaho Transportation Department.
COMPREHENSIVE PLAN:	A plan, or any portion adopted by the City Council, in accord with Idaho Code §67-6508, including such things as the general location and extent of present and proposed housing, commercial uses, transportation, parks and other community facilities.
DENSITY PROVISIONS:	The requirements for each land use district to encourage, protect and preserve the health, safety and general welfare of the area through standards that include yard areas, height, bulk, lot area, lot coverage and occupancy limitations.
DEPENDENT RELATIVE:	One who is related by direct bloodline, marriage, adoption, unmarried partner relationship or court ordered guardianship, and has been determined by a licensed physician to be physically or mentally incapable of caring for themselves and/or their property.
DRIVEWAY:	A vehicular access to a lot or lots that provides vehicular and pedestrian access to a maximum of five dwelling units located on privately owned property. All access shall meet the requirements of the local fire authority and City of Hayden design standards, policies, and City code. Such driveways may require ingress and egress, stormwater, and utility easements.
EASEMENT:	A temporary or permanent right, granted by a property owner, to cross or otherwise use their land for a specified purpose.
ENGINEER, CITY:	The engineer who reviews permit applications for the City of Hayden, Idaho.
FAMILY:	An individual or two or more persons related by blood, marriage, or legal adoption, or a group of unrelated persons or any combination of related and unrelated persons living together as a single housekeeping unit in a single dwelling unit.

Commented [DP68]: Driveways to more than two addressable structures require a private road name in accordance with Hayden City Code.

Commented [CM69]: Definition of family can be legally challenging. Limiting numbers can also be difficult and questionable as to being able to enforce. But number limits are used to avoid boarding houses or similar in single-family neighborhoods. I suggested some edits but may need to discuss.

Commented [SD70R69]: What is the definition of family in Idaho Code and/or LLUPA?

HEALTH DISTRICT:	The Panhandle Health District (Region I).
HIGHWAY DISTRICT:	The agencies which have jurisdiction over secondary roads in Kootenai County. Authority results from the powers vested by Idaho Code, title 40, chapter 6.
LOT:	For purposes of this title, a “lot” is an area of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area. The act of the county assessor assigning a parcel number to land does not create a lot of record. Such lot shall conform to the provisions of section 11-2 of this title.
LOT, CORNER:	A lot which is bound on two or more sides by street lines; where the angle of intersection does not exceed one hundred 135°.
LOT COVERAGE:	The area of a lot occupied by the principal building or buildings and accessory buildings.
LOT, INTERIOR:	A lot other than a corner lot or reversed corner lot.
LOT, IRREGULAR:	Nonrectangular lots, lots with three sides or more than four sides, and other nonstandard lots requiring special measurement techniques in order to achieve the purpose of setback requirements, i.e., the appropriate separation of structures from streets and other properties. Setbacks for an irregular lot shall be determined by the Community Development Director or their designee and shall be in general conformance with the pattern of setbacks of the adjacent properties.
LOT LINE:	The boundary property line encompassing a lot. The front lot line is the boundary line adjacent to a public or private street. For a corner lot, the owner may select either street line as the front lot line. The rear lot line is the lot line or line most nearly parallel to and most remote from the front property line. All other lot lines are side lot lines. An interior lot line is a side line in common with another lot.
LOT OF RECORD:	A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded. The act of the county assessor assigning a parcel number to land does not create a lot of record.
LOT, PARKING:	An open, graded and surfaced area, other than a street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free or as an accommodation to clients or customers. “Surfaced area”
LOT, REVERSED CORNER:	A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

Commented [CM71]: Traditionally, a lot is a platted tract of land; a parcel is unplatted. But I believe you are using the word “lot” to be synonymous with parcel in this instance to apply to lot coverage; lot corner and similar common references, right?

Commented [DP72R71]: That is correct.

Commented [SD73R71]: Change “a parcel” to “an area”
Remove “and to provide such yards and other open spaces as are herein required” and everything after “11-2 of this title” including A - D

LOT, THROUGH:	A lot other than a corner lot having frontage on two parallel or approximately parallel streets. On a through lot both street lines shall be deemed as front lot lines.
LOT, WATERFRONT:	A lot or parcel that adjoins or abuts the high-water mark of a lake, river or stream.
NOISE:	The intensity, duration and character of sounds, from any and all sources.
NON-CONFORMING BUILDINGS:	A building, or portion thereof, which was lawfully erected or altered and maintained in accord with the laws in effect at the time of construction, but which because of the application of this title to it, no longer conforms to the use, height, or area regulations of the zone in which it is located.
NOXIOUS MATTER:	A material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.
NUISANCE:	A use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience.
OPEN SPACE:	Any open area, including, but not limited to, the following: parks, yards, playgrounds, beaches, waterways, parkways, and streets.
PARCEL:	An unplatted unit of land of contiguous quantity in the ownership of one person and constituting a portion of a separate tract of land.
PARTICULATE MATTER:	Any material except uncombined water that exists in a finely divided form as a liquid or solid at standard conditions of temperature and pressure.
RECREATIONAL EQUIPMENT:	Including boats and boat travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.
SIGN:	As defined in Hayden City Code 11-5-3 .
SIGN, TEMPORARY:	As defined in Hayden City Code 11-5-3 .
SPACE, OFF STREET LOADING AND UNLOADING:	Open off street hard surfaced area of land other than a street as a public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers to avoid undue interference with public streets and alleys.
STREET:	A public right of way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted by the City of Hayden. The term "street" also includes the terms highway, thoroughfare, parkway,

	road, avenue, boulevard, lane, place, and may be classified in the transportation plan with a typical section as arterial, collector, local, or alley street section.
STREET, PRIVATE:	A privately owned and maintained right of way that provides vehicular and pedestrian access. This definition does not include emergency access roads, driveways serving no more than five dwelling units, driveways to non-occupiable utility infrastructure, internal circulation roads within multi-family dwelling complexes, aiseways within shared parking lots, alleys, and private streets in existence prior to the effective date hereof.
TOXIC MATERIALS:	Those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.
VARIANCE:	A modification of the requirements of the Zoning Ordinance as to the lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. Prior to granting a variance, notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration.
YARD:	An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title. (Ord. 619, 4-13-2021)

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

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

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.

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.

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;

11-1-10: ADMINISTRATIVE PERMITS:

A: PURPOSE:

This section establishes the types of applications and permits the Community Development Director or their designee have 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

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.

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.

GH. 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.

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

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?

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)	<u>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.</u>
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’).

	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' ⁽⁵⁾
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 1/2 acres is 100' and Minimum Lot Width for lots greater than 2 1/2 acres is 200'. Minimum Lot Depth for lots less than or equal to 2 1/2 acres is 100' and minimum lot depth for lots greater than 2 1/2 acres is 200'.

BA. Side and rear yard setbacks of non-residential buildings may be reduced from those identified in the table above if both the National Building Fire Code and the International Building codes are met.

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

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 criteri~~certain criterion and/or when ~~that criteri~~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 respective 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.

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.

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	
Use Category/Type	C	CBD	L-I	MU	MR	R-1	R-S	NCN	RU	A	Additional Regulations

Commented [DP6]: I am thinking that this should be moved to a design standard rather than a conditional use permit? Thoughts? Or at the very 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?

Freight Forwarding			A								
Gas Station / Fueling Station, Commercial	A/A		A/A	C/-							
Golf Driving Range	A		C	C	C	C	C		C	C	
Use Category/Type	C	CBD	L-I	MU	MR	R-1	R-S	NCN	RU	A	Additional Regulations
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~~ ~~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~~

~~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. 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;~~

54. 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.

65. 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;

76. Home Occupation

1. ~~Class A is permitted within an ADU;~~

~~2.~~ Class B may be permitted by CUP;

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

98. 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.

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

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.

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.

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

~~—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.

- 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

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'		<u>Min. 20' wide strip w/evergreen trees min. of 6' in height at time of planting, spaced to grow together in three years.*</u>
<u>Type I w/ Buffer Width Reduction</u>	<u>10' with fence or wall</u>	<u>Buffers between incompatible uses create a noise and sight obscuring barrier.</u>	<u>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.*</u>
Type II	10'	<u>Buffers to create a visual separation between similar uses.</u>	<u>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.*</u>
Type III	5'	<u>Transparent buffers to provide visual relief between compatible uses</u>	<u>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.*</u>

		<u>and to soften the appearance of parking areas.</u>	
<u>Type IV - Street Frontage</u>	<u>10'</u>	<u>Buffers to create a visual separation between the property and the adjacent street.</u>	<u>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.</u>
<u>Parking Perimeter</u>	<u>5'</u>		<u>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.*</u>
<u>Parking Island</u>	<u>80 square feet and 8' inner curb to inner curb</u>		<u>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.</u>

(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:

<u>Type</u>	<u>Minimum Plant Size</u>	<u>Maximum Spacing</u>
<u>Deciduous Trees</u>	<u>2” caliper</u>	<u>See Buffer Type</u>
<u>Multi-stemmed trees</u>	<u>6’ height</u>	<u>See Buffer Type</u>
<u>Evergreen trees</u>	<u>6’ height</u>	<u>See Buffer Type</u>
<u>Small shrubs</u>	<u>12” height</u>	<u>3’ on center</u>
<u>Medium shrubs</u>	<u>18” height</u>	<u>4’ on center</u>

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~~ 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,

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

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 spaces (with drive-through)
Bed and breakfast facilities	2 spaces for the occupant/caretaker & 1 space for each guestroom
Bowling alleys	5 spaces per alley
Childcare center	3.5 spaces per 1,000 square feet
Dry cleaners	1.5 spaces per 1,000 square feet
Fast food restaurant (with drive-through)	10 per 1,000 square feet and 5 queuing spaces
Fast food restaurant without drive-through	12.5 per 1,000 square feet

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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/Fitness facility	5 per 1,000 square feet
Hotel/motel	1.2 spaces per unit and as required per accessory uses
Manufacturing	2 spaces per 1,000 square feet
Self-storage	1 space per 100 storage units and
Parks, Open Space	Per Community Development Director or designee
Retail sales	5 spaces per 1,000 square feet
Service establishments (including automotive/vehicular repair service)	5 spaces per 1,000 square feet
Sit down restaurant	10 spaces per 1000 square feet or 1 space per every 2 seats, whichever is greater (including any outdoor seating)
Skating rink	5 spaces per 1,000 square feet
Storage	1 space per 2,000 square feet and over 20,000 square feet is 1 space per 3,000 square feet
Supermarket	4 spaces per 1,000 square feet
Swap Meet	1 space per vendor in addition to required 5 spaces per 1,000 square feet of retail sales area
Tavern/bar	15 spaces per 1,000 square feet (includes any outdoor seating)
Tennis, handball and racquetball courts	3.5 spaces per court

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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?

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.

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.	$(\text{Required Spaces}) \times (0.75)$	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.	$(\text{Required Space}) \times (0.75) \times (0.75)$ = 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.	$(\text{Required Space}) \times (0.75) \times (0.75) \times (0.90)$ = 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.
 - ~~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.

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;

(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;

(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

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 <u>three-year</u> 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 <u>three-year</u> period of time in which less than 40% of the gross area of the site is reconstructed. (Does not include surface overlays of asphalt parking lots.)	Site improvements apply to any expanded portion of a site.
	c) Gravel is resurfaced.	Must be in accordance with surfacing standards.

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

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

f. On site stormwater management facilities; and

g. Underground utilities - electric, gas and cable, and communication utilities service connections shall be installed underground unless otherwise allowed by the City Engineer working in consultation with the utility company.

C. Required Frontage Improvements:

1. Paving, curbs, swales, greenbelts, sidewalks and other items per the typical sections shown in the City’s adopted transportation or corridor plan which is in effect at the time of application are all part of frontage improvements. Dedications and easements shall extend from the boundary of the existing right-of-way to the extent of required public improvements and utilities.

Type of Construction	Construction of Frontage Improvements	Right-of-way Dedication & Grant of Utility Easement
All New Construction of Principal Structures	Yes	Yes
Commercial - 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.

~~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.

~~e.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

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.

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 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. 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,

†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.

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 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 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.

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.

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 laned 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?

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 ~~sign~~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:

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

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, A	60
		C, L-I, CBD	135
	D. Pole Dimensions - Height		
	Height, max. (ft.) above ground level	R, A	45
	C, L-I, CBD	3060	

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.

~~32.~~ 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 1711-1-9~~ 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:

Formatted: Justified

1. Name, address and telephone number of applicant;
2. Legal description of property;
3. Description of existing use;
4. Zoning district;

5. A plan of the proposed site for a special use, drawn to a readable scale, showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the City may require to determine if the proposed special use meets with the intent and requirements of this title; and

6. An objective narrative statement evaluation of the effects of the conditional use request on adjoining property; and how the conditional use request meets the standards of approval in [11-7-3](#).

7. There shall accompany any application process under this section a certificate of a reputable title insurance company licensed under the laws of the state of Idaho, listing the names and addresses of the record owners or contract purchasers as shown by the records of the office of the county recorder, all persons to whom the property is assessed upon the tax rolls of the county assessor of Kootenai County within 300' of the external boundaries of the land being considered. The cost of the title report shall be the sole responsibility of the applicant.

11-7-3: GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES:

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

1. The proposal is harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and ~~for~~ 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 maintained) to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area; 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.

DRAFT

IN THE SENATE

SENATE BILL NO. 1354, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ACCESSORY DWELLING UNITS; AMENDING SECTION 55-3212, IDAHO CODE, TO REVISE PROVISIONS REGARDING ACCESSORY DWELLING UNITS AND TO REMOVE A DEFINITION; AMENDING CHAPTER 65, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6541, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING ACCESSORY DWELLING UNITS AND TO PROVIDE A DEFINITION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 55-3212, Idaho Code, be, and the same is hereby amended to read as follows:

55-3212. INTERNAL PROHIBITED CONDUCT -- RESTRICTIONS ON ACCESSORY DWELLING UNITS. (1) ~~No covenant, condition, or restriction may be added, amended, or enforced by a homeowner's association or any other parties in such a way that strictly prohibits internal accessory dwelling units, as defined in subsection (3) of this section. The provisions of this section shall not be construed to protect more than one (1) internal accessory dwelling unit per homestead. No homeowner's association shall add, amend, or enforce any covenant, condition, or restriction in such a way that limits or prohibits accessory dwelling units, as defined in section 67-6541, Idaho Code, on any property, land, or structure thereon within the jurisdiction of a homeowner's association, unless the owner of the affected property expressly agrees in writing to such addition or amendment of a covenant, condition, or restriction. Nothing in this section shall be construed to prevent the enforcement of valid covenants, conditions, or restrictions limiting or prohibiting a property owner's right to transfer an interest in land or the structures thereon where such covenant, condition, or restriction existed and applied to the property at the time the property owner acquired an interest in the property.~~

(2) Notwithstanding the prohibitions provided in subsection (1) of this section, a homeowner's association may adopt reasonable rules governing the use of ~~internal~~ accessory dwelling units otherwise allowed by law, including but not limited to architectural design consistent with the primary dwelling, size limits, height limits, setback requirements, open space requirements, parking controls, and bedroom requirements.

~~(3) (a) An "internal accessory dwelling unit" means a self-contained living unit that:~~

~~(i) Includes its own cooking, sleeping, and sanitation facilities;~~

~~(ii) Is located within a detached, owner-occupied homestead, as defined in section 63-701, Idaho Code, or such homestead's attached or detached garage; and~~

~~(iii) Is used for the purpose of housing relatives of the owner of the homestead or for the purpose of renting to a residential tenant for a period exceeding thirty (30) days.~~

~~(b) An internal accessory dwelling unit does not include an alternative detached structure, motor home, camper, recreational vehicle, tiny home on wheels, or other such similar dwellings on wheels.~~

~~(4) (3) Nothing in this section shall be construed to restrict a homeowner's association from adopting a less restrictive definition of accessory dwelling units.~~

~~(5) (4) The provisions of this section do not apply to any rentals defined in section 63-1803(4), Idaho Code.~~

SECTION 2. That Chapter 65, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-6541, Idaho Code, and to read as follows:

67-6541. ACCESSORY DWELLING UNITS. (1) No city shall enact or enforce any ordinance, rule, regulation, or policy that bans accessory dwelling units in any residential zoning area within its jurisdiction. An accessory dwelling unit shall be classified as a residential land use for zoning purposes subject to all applicable zoning requirements. "Accessory dwelling unit" means a self-contained living unit that includes its own cooking, sleeping, and sanitation facilities and that is located on the same lot as a single-family primary dwelling. An accessory dwelling unit 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) By February 1, 2027, by resolution or ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, each city governing board shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses, except for lands falling within an area defined as a historic district under section 67-4607, Idaho Code, or designated as a historic property pursuant to section 67-4614, Idaho Code, to:

(a) Allow for either one (1) internal accessory dwelling unit within the single-family dwelling or one (1) detached accessory dwelling unit per lot in the rear yard or subject to setbacks required of the primary dwelling;

(b) Prohibit requiring any off-street parking or guest parking for any accessory dwelling unit unless the principal dwelling unit does not have off-street parking or the street is not paved and designed or constructed for on-street parking or unless the principal dwelling unit is within one-fourth (1/4) mile of transit, an employment area, or commercial services;

(c) Prohibit imposing impact fees or utility connection fees on accessory dwelling units that are greater than those imposed on other single-family dwellings;

(d) Prohibit limiting the size of an accessory dwelling unit to less than one thousand (1000) square feet or seventy-five percent (75%) of the size of the primary dwelling;

(e) Prohibit an owner-occupancy requirement for the primary dwelling or for the accessory dwelling unit;

1 (f) Prohibit imposing a limit on building height that is less than the
2 height of an existing single-family primary dwelling on a lot; and

3 (g) Prohibit restrictions for accessory dwelling units that are more
4 restrictive than restrictions for single-family dwellings within the
5 same zoning district with regard to setbacks, lot size, or coverage or
6 building frontage.

7 (3) Accessory dwelling unit projects that meet the jurisdiction's es-
8 tablished land use requirements shall be approved administratively and as a
9 matter of right, without the need for discretionary approval.

10 (4) Any approval standards, special conditions, and procedures for ap-
11 proval adopted by a local government shall be clear and objective and shall
12 not have the effect, either singularly or cumulatively, of discouraging the
13 development of accessory dwelling units through unreasonable cost or delay.

14 (5) Nothing in this section shall prohibit a city from enacting a reg-
15 ulation, standard, or condition that is less restrictive than the require-
16 ments of this section.

17 (6) The provisions of this section shall apply only to cities with a
18 population greater than ten thousand (10,000).

19 (7) The provisions of this section shall not supersede state or local
20 laws that protect public health, safety, and welfare, including:

21 (a) Building codes, fire safety standards, and flood plain regula-
22 tions;

23 (b) Laws regarding water, sewer, storm drainage, road access, and util-
24 ity services necessary to support the required density;

25 (c) Laws regarding environmental hazards, aquifer recharge zones,
26 steep slopes, and critical habitat protections; and

27 (d) Laws and regulations regarding setback requirements for rights-of-
28 way and easements.

29 SECTION 3. SEVERABILITY. The provisions of this act are hereby declared
30 to be severable and if any provision of this act or the application of such
31 provision to any person or circumstance is declared invalid for any reason,
32 such declaration shall not affect the validity of the remaining portions of
33 this act.

34 SECTION 4. An emergency existing therefor, which emergency is hereby
35 declared to exist, this act shall be in full force and effect on and after
36 July 1, 2026.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 800

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO MANUFACTURED HOMES; AMENDING SECTION 39-4105, IDAHO CODE, TO RE-
2 VISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
3 67-6509A, IDAHO CODE, TO REVISE PROVISIONS REGARDING SITING OF MANUFAC-
4 TURED HOMES IN RESIDENTIAL AREAS; AND DECLARING AN EMERGENCY AND PRO-
5 VIDING AN EFFECTIVE DATE.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 39-4105, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 39-4105. DEFINITIONS. As used in this chapter, the terms defined in
11 this section shall have the following meanings, unless the context clearly
12 indicates another meaning. Where terms are not defined in this chap-
13 ter and are defined in the currently adopted ~~International Building Code~~
14 international building code published by the ~~International Code Council~~
15 international code council, such terms shall have the meanings ascribed to
16 them in that code:

17 (1) "Administrator" means the administrator of the division of occupa-
18 tional and professional licenses for the state of Idaho.

19 (2) "Board" means the Idaho building code board, herein created.

20 (3) "Building inspector" means a person who inspects buildings or
21 structures for compliance with the provisions of this chapter.

22 (4) "Construction" means the erection, fabrication, reconstruction,
23 demolition, alteration, conversion, or repair of a building or the installa-
24 tion of equipment therein normally a part of the structure.

25 (5) "Division" means the state of Idaho division of occupational and
26 professional licenses.

27 (6) "~~International Fire Code~~ fire code" means the ~~International Fire~~
28 Code international fire code as published by the ~~International Code Council~~
29 international code council.

30 (7) "Local government" means any city or county of this state.

31 (8) "Manufactured home" means a structure, constructed after June 15,
32 1976, in accordance with the HUD manufactured home construction and safety
33 standards, and is transportable in one (1) or more sections, ~~which that~~, in
34 the traveling mode, is eight (8) body feet or more in width or is forty (40)
35 body feet or more in length, or when erected on site, is three hundred twenty
36 (320) or more square feet, and ~~which that~~ is built on a permanent chassis
37 and designed to be used as a dwelling with or without a permanent founda-
38 tion when connected to the required utilities, and includes the plumbing,
39 heating, air conditioning, and electrical systems contained therein, ex-
40 cept that such term shall include any structure ~~which that~~ meets all the re-
41 quirements of this subsection except the size requirements and with respect
42 to which the manufacturer voluntarily files a certification required by the

1 secretary of housing and urban development and complies with the standards
 2 established under 42 U.S.C. 5401 et seq. Manufactured homes include multidwelling unit manufactured homes that are constructed in accordance with the
 3 HUD manufactured home construction and safety standards.

4 (9) "Mobile home" means a factory-assembled structure or structures
 5 generally constructed prior to June 15, 1976, and equipped with the neces-
 6 sary service connections and made so as to be readily movable as a unit or
 7 units on their own running gear and designed to be used as a dwelling unit or
 8 units with or without a permanent foundation.

9 (10) "Telecommunications facilities" means all wires, cables, equip-
 10 ment, apparatus or other installations necessary to furnish service, by
 11 which there is accomplished or may be accomplished the sending or receiving
 12 of information, data, message writing signs, signals, pictures, and sounds
 13 of all kinds, by aid of such wires, cables, equipment, apparatus or other
 14 installations, but shall not include the habitable structure in which such
 15 telecommunications facilities are housed.
 16

17 SECTION 2. That Section 67-6509A, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 67-6509A. SITING OF MANUFACTURED HOMES IN RESIDENTIAL AREAS -- PLAN
 20 TO BE AMENDED. (1) By resolution or ordinance adopted, amended, or repealed
 21 in accordance with the notice and hearing procedures provided under section
 22 67-6509, Idaho Code, each governing board shall amend its comprehensive plan
 23 and land use regulations for all land zoned for single-family residential
 24 uses, except for lands falling within an area defined as a historic district
 25 under section 67-4607, Idaho Code, to allow for siting of manufactured homes
 26 as defined in section 39-4105, Idaho Code. For purposes of siting, a manu-
 27 factured home consisting of a single dwelling unit may be sited on lots where
 28 single-family dwellings are allowed. A multidwelling unit manufactured
 29 home may be sited only in areas where multifamily dwellings are allowed.

30 (2) Manufactured homes on individual lots zoned for single-family res-
 31 idential uses as provided in subsection (1) of this section shall be in ad-
 32 dition to manufactured homes on lots within designated mobile home parks or
 33 manufactured home subdivisions.

34 (3) This section shall not be construed as abrogating a recorded re-
 35 strictive covenant.

36 (4) A governing board may adopt any or all of the following placement
 37 standards, or any less restrictive standards, for the approval of manufac-
 38 tured homes located outside mobile home parks:

39 (a) The manufactured home shall be either a single section or
 40 multisectional and shall enclose a space of not less than one thousand
 41 (1,000) square feet at least four hundred (400) square feet for a single
 42 section or eight hundred (800) square feet for a multisectional manu-
 43 factured home;

44 (b) The manufactured home shall be placed on an excavated and back-
 45 filled foundation and enclosed at the perimeter such that the home is
 46 located not more than twelve (12) inches above grade, except when placed
 47 on a basement foundation;

1 (c) The manufactured home shall have a pitched roof, except that no
2 standards shall require a slope of greater than a nominal three (3) feet
3 in height for each twelve (12) feet in width;

4 (d) The manufactured home shall have exterior siding and roofing which
5 in color, material, and appearance is similar to the exterior siding and
6 roofing material commonly used on residential dwellings within the com-
7 munity or which is comparable to the predominant materials used on sur-
8 rounding dwellings as determined by the local permit approval author-
9 ity;

10 (e) The manufactured home shall have a garage or carport constructed of
11 like materials if zoning ordinances would require a newly constructed
12 nonmanufactured home to have a garage or carport;

13 (f) In addition to the provisions of paragraphs (a) through (e) of this
14 subsection, a city or county may subject a manufactured home and the lot
15 ~~upon~~ on which it is sited to any development standard, architectural re-
16 quirement, and minimum size requirements to which a conventional sin-
17 gle-family residential dwelling on the same lot would be subjected.

18 (5) Any approval standards, special conditions and the procedures for
19 approval adopted by a local government shall be clear and objective and shall
20 not have the effect, either in themselves or cumulatively, of discouraging
21 needed housing through unreasonable cost or delay.

22 SECTION 3. An emergency existing therefor, which emergency is hereby
23 declared to exist, this act shall be in full force and effect on and after
24 July 1, 2026.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 583

BY BUSINESS COMMITTEE

AN ACT

RELATING TO SHORT-TERM RENTALS; AMENDING SECTION 67-6539, IDAHO CODE, TO REVISE PROVISIONS REGARDING LIMITATIONS ON REGULATION OF SHORT-TERM RENTALS; AMENDING SECTION 63-1804, IDAHO CODE, TO REVISE PROVISIONS REGARDING LIMITING TAX DUTIES OF SHORT-TERM RENTAL MARKETPLACES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-6539, Idaho Code, be, and the same is hereby amended to read as follows:

67-6539. LIMITATIONS ON REGULATION OF SHORT-TERM RENTALS AND VACATION RENTALS. (1) Neither a county nor a city ~~may~~ shall enact or enforce any ordinance that has the express or practical effect of prohibiting any type of short-term rentals or vacation rentals in the county or city. A county or city may ~~implement~~ enact or enforce such reasonable regulations as ~~it deems~~ are necessary to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate and safety as long as the reasonable regulations do not impose different restrictions or obligations on short-term rentals than are imposed on single-family dwellings or similar structures not used as short-term rentals, or unless the regulations are permitted by this section. A short-term rental ~~or vacation rental~~ shall be classified as a non-transient residential land 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.

(2) (a) For purposes of this section, "different restrictions or obligations" means any requirement or regulation that would not be imposed but for a property's use as a short-term rental and specifically includes but is not limited to the following:

(i) Requiring owner occupation for any amount of time;

(ii) Requiring professional property management;

(iii) Requiring additional insurance;

(iv) Requiring reporting of use or other statistics;

(v) Requiring additional fire protection or fire sprinklers;

(vi) Requiring additional or improved means of ingress and egress;

(vii) Requiring additional parking;

(viii) Requiring modification to the physical structure of the property;

(ix) Requiring inspections;

(x) Requiring internal or external signage, notices, or diagrams;

(xi) Imposing a limit on the days a property can be rented;

1 (xii) Requiring notices to neighboring properties;
 2 (xiii) Requiring increased sewer or other utility capacity;
 3 (xiv) Requiring a conditional use permit in a residential zone;
 4 (xv) Limiting proximity to other short-term rentals;
 5 (xvi) Restricting the number of short-term rentals in a county or
 6 city; or
 7 (xvii) Requiring the property to be improved to meet current
 8 building codes unless the same would be required without regard to
 9 the short-term rental use.

10 (b) The terms defined in section 63-1803, Idaho Code, shall apply to
 11 this section.

12 (3) A county or city may, by ordinance, require an owner of a short-term
 13 rental to implement the following requirements only:

14 (a) That all sleeping areas in a short-term rental, including when ap-
 15 licable, basements, living rooms, and family rooms, be equipped with
 16 functioning smoke alarms;

17 (b) That the short-term rental be equipped with a functioning fire ex-
 18 tinguisher and a functioning carbon monoxide detector on each floor;

19 (c) That removable escape ladders be available in all sleeping areas
 20 with a window that are located above the ground floor;

21 (d) That maximum occupancy limits for short-term rentals do not exceed
 22 those non-transient residential limits as contained in the interna-
 23 tional building codes as adopted by the Idaho building code board; and

24 (e) That an easily accessible informational handout be available to
 25 tenants describing the location of exits, the location of fire ex-
 26 tinguishers, the location of any supplied first aid kits, and a phone
 27 number to contact the owner or manager of the short-term rental in the
 28 case of an emergency.

29 (4) No county or city shall enact or enforce any covenant, condition,
 30 restriction, or contract that regulates a short-term rental except as al-
 31 lowed in this section.

32 (5) No county or city shall require a license, fee, permit, certifica-
 33 tion, or registration to operate a short-term rental.

34 (6) All short-term rental properties along with their owners and ten-
 35 ants shall be subject to all other county and city ordinances and penalties
 36 that apply to other non-short-term rental residential uses, including but
 37 not limited to noise, parking, nuisance, curfew, and traffic regulations.

38 ~~(2)~~ (7) Neither a county nor a city ~~can~~ shall regulate the operation of
 39 a short-term rental marketplace in accordance with the provisions of chapter
 40 18, title 63, Idaho Code.

41 SECTION 2. That Section 63-1804, Idaho Code, be, and the same is hereby
 42 amended to read as follows:

43 63-1804. LIMITING TAX DUTIES OF SHORT-TERM RENTAL MARKETPLACES AND
 44 OWNERS -- COLLECTION OF TAX. (1) A local government may not levy a sales,
 45 use, franchise, receipts, or other similar tax or fee on the business of
 46 operating a short-term rental marketplace.

47 (2) A short-term rental marketplace shall register with the state
 48 tax commission for collection, reporting, and payment of sales and use and
 49 travel and convention taxes levied by this state and any applicable local

1 government taxes administered by the state tax commission on short-term
2 rentals and vacation rentals due from a lodging operator on any lodging
3 transaction facilitated by the short-term rental marketplace.

4 (3) A short-term rental marketplace shall collect, report, and pay
5 taxes imposed on the lodging operator or occupant of a short-term rental or
6 vacation rental by any local government.

7 (4) Any local government that has levied a tax pursuant to statutory au-
8 thorization, may contract with the state tax commission for the collection
9 and administration of such taxes in like manner and under definitions and
10 rules of the state tax commission for the collection and administration of
11 the state sales or use tax under chapter 36, title 63, Idaho Code. Alterna-
12 tively, such local government shall have authority to administer and collect
13 such tax. All revenues collected on behalf of the local governments by the
14 state tax commission pursuant to this chapter shall be distributed as fol-
15 lows: An amount of money shall be distributed to the state refund fund suffi-
16 cient to pay current refund claims. All refunds authorized by the commission
17 to be paid shall be paid through the state refund fund and those moneys are
18 continuously appropriated. The state tax commission may retain an amount
19 of money equal to such fee as may be agreed upon between the state tax com-
20 mission and such local government for the actual cost of the collection and
21 administration of the tax. The amount retained by the commission shall not
22 exceed the amount authorized to be expended by appropriation by the legis-
23 lature. Any unencumbered balance in excess of the actual cost at the end of
24 each fiscal year shall be distributed as provided in this section. All re-
25 maining moneys received pursuant to this chapter shall be placed in a fund
26 designated by the state controller and remitted monthly to the local govern-
27 ment levying such tax.

28 (5) If an owner of a short-term rental offers a short-term rental or va-
29 cation rental directly to an occupant without the use of a short-term rental
30 marketplace, such owner shall comply with all the requirements provided in
31 this section applicable to a short-term rental marketplace.

32 ~~(5)~~ (6) A short-term rental marketplace that has not facilitated a
33 lodging transaction in Idaho shall have forty-five (45) days to comply with
34 this section upon completion of their first lodging transaction in Idaho.

35 SECTION 3. An emergency existing therefor, which emergency is hereby
36 declared to exist, this act shall be in full force and effect on and after
37 July 1, 2026.

4. **NEW BUSINESS**
 - A. Coeur d' Alene Airport District Overlay Discussion and Direction **ACTION ITEM**
5. **REPORTS**
 - A. Community Development Director's Report
6. **ADJOURNMENT**