

ORDINANCE NO. 4727

AN ORDINANCE OF THE CITY OF NAMPA, IDAHO AMENDING TITLE 5 AND TITLE 10 OF THE NAMPA CITY CODE; THIS ORDINANCE AMENDS TITLE 5 CHAPTER 2 TREE SERVICE; AND TITLE 10, CHAPTER 3 ESTABLISHMENT OF DISTRICTS AND PROVISIONS FOR NONCONFORMING USES, CHAPTER 6 AG AGRICULTURE DISTRICT/ZONE, CHAPTER 7 RA SUBURBAN RESIDENTIAL DISTRICT/ZONE, CHAPTER 8 RS SINGLE-FAMILY RESIDENTIAL DISTRICT/ZONE, CHAPTER 10 RD TWO-FAMILY (DUPLEX) RESIDENTIAL DISTRICT/ZONE, CHAPTER 11 RML LIMITED MULTIPLE FAMILY RESIDENTIAL DISTRICT/ZONE, CHAPTER 12 RMH MULTIPLE FAMILY RESIDENTIAL DISTRICT/ZONE, CHAPTER 13 RP RESIDENTIAL PROFESSIONAL DISTRICT/ZONE, CHAPTER 22 OFF STREET PARKING AND LOADING, CHAPTER 26 PLANNED UNIT DEVELOPMENTS AND MASTER PLANNED COMMUNITIES, CHAPTER 27 SUBDIVISIONS, AND CHAPTER 33 LANDSCAPING AND CORRIDOR BEAUTIFICATION; THIS ORDINANCE REPEALS AND REPLACES THE TEXT IN TITLE 10 CHAPTER 31 AIRPORT ZONING AND REPLACES IT WITH SPECIFIC AREA PLANS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; ALLOWING FOR A SUMMARY OF THIS ORDINANCE TO BE PUBLISHED; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES, RULES AND REGULATIONS, AND PARTS THEREOF, IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF NAMPA, CANYON COUNTY, STATE OF IDAHO;

SECTION 1. Amendments to Nampa City Code. That Title 5, Chapter 2 and Title 10 Chapters 3, 6, 7, 8, 10, 11, 12, 13, 22, 26, 27, 31 (repealed and replaced in its entirety) and 33 of Nampa City Code be amended as set forth fully in **Exhibit A** which is attached hereto and incorporated by reference herein. The amendments to Title 10 Chapter 31 remove the Airport Zoning and replace the text of that section with provisions for Specific Area Plans for the Airport, Highway 16 and Highway 20/26 and reserving sections for Midland Corridor, Southwest Nampa, Southeast Nampa, Central Nampa and Old Nampa Neighborhood.

SECTION 2: Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law. This ordinance may be published by summary.

SECTION 3: Severability. This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be ready to carry out the purposes of the ordinance before the declaration of partial invalidity.

SECTION 4: Savings Clause. The provisions of Nampa Code described in Section 1 above, shall remain in force as they existed prior to these amendments solely to authorize the enforcement actions or proceedings, including without limitation, prosecution and punishment, against those who violate said provisions prior to the effective date of this ordinance.

SECTION 5: Conflicts. All ordinances, resolutions, and orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS 3RD DAY OF APRIL, 2023.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS 3RD DAY OF APRIL, 2023.

Attest:

Mayor Debbie Kling

City Clerk

EXHIBIT A

The fully amended provisions of Title 5 and Title 10 of the Nampa City Code comprising separately numbered pages 1 through 110.

**CHAPTER 2
TREE SERVICE**

Section:

- 5-2-1: Statement of Intent, Purpose And Benefits**
- 5-2-2: Definitions**
- 5-2-3: Authority Of Forester**
- 5-2-4: Permit Required**
- 5-2-5: Contents Of Permit, Variance From Tree List**
- 5-2-6: Street Tree Removal**
- 5-2-7: Trees On Private Property**
- 5-2-8: Notification To Police and Fire Departments**
- 5-2-9: Forester to Revoke Permit**
- 5-2-10: Street Tree Pruning**
- 5-2-11: License Required**
- 5-2-12: License Fee**
- 5-2-13: Licensing Of Private Tree Services**
- 5-2-14: Suspension Or Revocation Of License**
- 5-2-15: Violation**
- 5-2-16: Compensatory Payments**
- 5-2-17: Appeals And Hearings**
- 5-2-18: Tree Pruner's Examination**
- 5-2-19: Certification Of Liability And Property Damage Insurance**
- 5-2-20: Injurious Pest And Insects**
- 5-2-21: Dead, Deface, Broken, Diseased, And Dangerous Trees**
- 5-2-22: Public Nuisances**
- 5-2-23: Abatement of Public Nuisances**
- 5-2-24: Damaging, Destroying Or Mutilating Public Trees**
- 5-2-25: Builder's Permit Tree Obligation**
- 5-2-26: Utilities**
- 5-2-27: Tree Mitigation For New Development**

5-2-1: STATEMENT OF INTENT, PURPOSE AND BENEFITS

A. The City of Nampa declares that it shall be the policy of the city to protect trees planted and growing within the public right-of-way. It shall also be the policy of the city to prohibit the planting and growing of types or kinds of trees that may be hazardous, susceptible to injurious pests and/or diseases, or damaging to streets, sidewalks and curbs. Furthermore, the city declares that providing an aesthetically attractive plan to plant and grow trees for the beautification of the streets of the city is in the best interest of the city, therefore, it is the intent of the city to:

1. Preserve and enhance the city's environmental, economic and social character with mature trees;
2. Protect public safety, health and welfare;
3. Encourage site and utility planning, building, and development practices to prevent indiscriminate removal or destruction of trees and avoid unnecessary disturbance to trees within the city and its area of impact;
4. Follow ANSI A300 standards for tree maintenance;
5. Establish and maintain appropriate species diversity and age classes in order to provide a stable and sustainable community forest;
6. Establish a process by which trees are to be planted, pruned and removed; and
7. Implement the goals and objectives of the city's parks and forestry department.

B. The City of Nampa also declares that trees are important elements of the environment which promote and protect public health, safety, and the general welfare of the community by providing:

1. A vital contribution to the aesthetic character of the community and the region's natural beauty;
2. Cost effective protection against severe weather conditions with cooling effects in the summer months and insulating effects in winter;
3. Economic support of local property values;
4. Improved air and water quality with the absorption of pollutants, assimilation of carbon dioxide and generation of oxygen, and the

reduction of excessive noise and adverse impacts caused by noise pollution;

5. A reduction of adverse impacts of land-disturbing activities such as runoff from impervious surfaces, soil erosion, land instability, and sedimentation pollution; and

6. Habitat, cover, food supply and corridors for a diversity of wildlife. (Ord. 3843, 1-5-2009)

[7. Provide a reduction in the degradation of the roadways, pathways and sidewalks.](#)

5-2-2: DEFINITIONS: For the purpose of this chapter the following words shall have the following meanings:

ANSI A300: The "American National Standard For Tree Care Operations"—tree, shrub and other woody plant maintenance—standard practices. This is a document offering basic performance standards for tree pruning, published in 1995 by the American National Standards Institute (ANSI) or the same as amended from time to time.

[ANSI Z133.1:](#) [That certain safety standards regarding the planting and maintenance of trees in proximity to utility lines as published by the American National Standards Institute, Inc. 2017 Edition.](#)

Adjacent property owner: Any person owning property adjacent to public rights-of-way.

Alternate host plant: One of two kinds of plants on which a parasitic fungus must develop to complete its life cycle.

Arboriculture: The cultivation of trees, including planting, pruning, removal or any other action which affects the growth and maintenance of trees.

[Caliper](#) [The diameter of a tree trunk, measured in inches.](#)

[Community Forest:](#) [The sum of all trees and shrubs in the city.](#)

Critical root zone: The area under a tree extending from the base of a tree in all directions to an imaginary line ten feet outside of the drip line or as determined at a preliminary site inspection by the forester.

Desirable Tree: Any deciduous, evergreen or conifer tree growing in an acceptable location with good structure, healthy canopy and root system and is not found on the “Not to be planted in the right of way” list in the Treasure Valley Tree Selection Guide.

Disease: A process that causes anatomical disruptions, physiological dysfunctions, and energy disruptions that lead to decline and/or death of an organism or any of its parts.

Diseased trees: Any tree which has become blighted, defaced, infected or has acquired a disease not capable of cure through treatment or the use of any acceptable form of spray.

Drip line: An imaginary circular line on the soil around a tree that mirrors the circumference of the tree's canopy. The tree's roots usually extend well beyond this line.

Forester: Certified arborist responsible for administering the city's urban forestry program as provided in this chapter.

~~Forestry board: The forestry board shall consist of a panel of seven people: Two city employees certified by the International Society of Arboriculture (ISA) appointed by the parks director; one ISA certified person from the tree pruning industry appointed by the parks director; one landscape architect appointed by the parks director; one person from the general public appointed by the parks director; the parks director; and the parks superintendent. The parks director's appointees to the forestry board shall serve four year terms.~~

Forestry Tree Board: The forestry tree board shall consist of a panel of a minimum of five (5) people representing a minimum of three (3) of the following categories:

1. One (1) International Society of Arboriculture (ISA) certified citizen of Nampa;
2. One (1) landscape architect;
3. Up to four (1-4) citizens of Nampa;
4. One (1) green industry professional/educator;
5. One (1) International Society of Arboriculture (ISA) certified Nampa City employee;

The Forestry Tree Board's official capacity is to advise the City of Nampa and the Forestry Division on tree related

concerns and hear appeals of permits for tree pruning, removals and mitigation.

The officers on the board shall include, but not be limited to one (1) chairman and one (1) secretary. The Forestry Tree Board does not act as an official board, as it has no by-laws and are not appointed by City Council.

The agenda is to include, but not limited to, any action items and new business to be discussed.

The forestry tree board will be responsible to identify the location and recommend selection of any trees which qualify as “Heritage Trees”.

Hazard:

Any tree, public or private, with visibly defined structural defects likely to cause failure of all or part of the tree and be a danger to public safety.

Heritage Tree:

Typically, a large, individual tree with unique value that is considered irreplaceable. Factors of age, rarity, size, aesthetics, botanical, ecological and historical value are considered. Heritage tree status can be requested by the property owner to be considered by the forestry tree board.

A tree may qualify as a “Heritage Tree” if it meets one or more of the following criteria:

1. Rare Species;
2. Documented association with a historical event or person;
3. Abnormality;
4. Scenic Enhancement;
5. Old age;
6. Tree must be healthy and in good condition.

Injurious pest or disease: An organism capable of seriously damaging the form or structural integrity of a tree.

International Society of Arboriculture, ISA:

Internationally recognized organization that offers international courses, certifications and training in arboriculture. ~~internationally-certified courses in arboricultural training.~~

<u>License:</u>	<u>An annual license issued by the city which provides proof of adequate liability insurance coverage (as determined by the City Forester) and proper knowledge of ANSI standards by any contractor providing tree services within the city limits.</u>
<u>Obstructive Trees, Shrubs or Hedges:</u>	<u>Public or private trees that prevent appropriate passage or safe vision on any public right of way.</u>
Owner:	Every person including an owner, agent, tenant, occupant or lessee who exercises care, custody and control of real property within the City of Nampa.
<u>Park Trees:</u>	<u>Trees, shrubs, bushes and all other woody vegetation in public parks and other areas owned by the City, or to which the public has free access, but excluding those trees in the public right of way.</u>
Permit:	Written approval issued by the city and required for any activity on public trees or within critical root zone of public trees.
Person:	Any person, firm, partnership, corporation, association, company, municipal corporation or other governmental entity or organization of any kind.
<u>Personal Protective Equipment (PPE):</u>	<u>Equipment worn to minimize exposure to hazards that cause serious workplace injuries and illness. PPE items may include: safety glasses, boots, hearing protection, gloves, hard hats, reflective vests, etc.</u>
<u>Pest:</u>	<u>Any insect, disease, animal or other organism that causes harm or damage to trees or landscape elements.</u>
<u>Private Trees:</u>	<u>Any trees other than public trees.</u>
<u>Property Owner:</u>	<u>The recorded owner or contract purchaser of any parcel of land.</u>
Pruning:	The practice of cutting tree limbs parts according to standards contained in ANSI A300.
<u>Public Nuisance Tree:</u>	<u>Any tree with an infectious disease or insect problem; dead or dying trees; a tree or limb(s) that obstruct street lights, traffic signs, the free passage of pedestrians or vehicles; a</u>

[tree that poses a threat to safety; a tree whose root system interferes with any public infrastructure including sidewalks, curbs, roadways, pathways and utilities.](#)

[Public Property:](#) [Real property owned, managed, or leased by the city and dedicated to the public for present or future use.](#)

Public right-of-way: Improved or unimproved public property dedicated or deeded to the city for the purpose of providing vehicular, pedestrian, and public use.

Public safety: The condition of being safe from bodily harm and/or property damage resulting from tree conditions and/or failures while using public property.

[Public Trees:](#) [Trees growing on or within any street, park, or public place owned or managed by the City of Nampa.](#)

Residential: Group R, division 3 occupancy as defined in the building code.

[Roadway:](#) [Portion of the street improved, designed, or ordinarily used by the public for vehicular traffic.](#)

[Shrub:](#) [Woody perennial plant, branched at or near the base and which at maturity is expected to grow less than fifteen feet \(15'\) in height.](#)

[Street Trees:](#) [Trees, shrubs, bushes, and all other woody vegetation on land lying between the property lines on either side of a public street, avenue or alley within the city.](#)

Street tree list: The list of acceptable trees and acceptable planting practices for trees located within the public right-of-way. [Refer to the Treasure Valley Tree Selection Guide.](#)

Topping: "Rounding" or "heading back" or any other term that can be described as severe cutting back of limbs within a tree crown to buds, stubs, or laterals not large enough to assume a terminal role or as defined in ANSI A300.

[Treasure Valley Tree Selection Guide:](#) [A comprehensive resource provided as a guide to identify tree species and to promote proper selection and planting of trees within the Treasure Valley's unique climate and](#)

environment. The guide is available on-line at the Parks and Recreation website.

Tree Lawn:

That portion of the public right of way lying between the street and private property lines which is generally unimproved and planted with grass or other vegetation.

Tree Protection Zone (TPZ):

The dripline area around a tree within the tree canopy or as determined by the City Forester where no soil disturbance or other activities within the critical root zone or top 18' of ground is permitted unless otherwise approved by the City Forester.

Tree pruning practices:

Rules and regulations adopted for purposes of describing appropriate tree pruning practices and procedures for trees located in, upon and over the public right-of-way.

Trees:

Any woody plant which is 15 feet or more in height at maturity with a single or multiple trunk often unbranched for several feet above the ground and having a definite crown.

Tree Standards:

The set of specifications concerning the planting, care and maintenance of trees.

Vision triangle:

~~Where front yards are required, that triangle of land defined on any corner lot by measuring from the intersection of the curb lines of the two adjacent streets, 40 feet along each curb line and connecting the two points with a straight line or that triangle of land defined adjacent to any alley or driveway intersecting a street by measuring along the alley or driveway edge and the back of the sidewalk of the adjacent street seven and one-half feet and connecting the two points with a straight line.~~

See Nampa City Code 10-1-18 Figures 7a and 7b.

Vision clearance in districts where front yards are not required and intersections are equipped with automated traffic signal controls shall be a minimum of one foot for each foot of street right-of-way width under 60 feet up to a maximum of ten feet. In districts where front yards are not required and intersections are nonsignalized, vision clearance shall be the same as for districts where front yards are required.

Where curbs or sidewalks do not exist or a street improvement project is anticipated the measurement shall be taken from the projected future curb/sidewalk lines. (Ord. 3843, 1-5-2009)

5-2-3: AUTHORITY OF FORESTER: The forester, subject to the provisions of this chapter, is hereby authorized to:

- A. Plant, prune, spray, preserve and remove trees in the public right-of-way or preserve the symmetry and beauty of trees located within the public right-of-way.
- B. Order the pruning, spraying, preservation or removal of trees upon private property when he shall find such action necessary to prevent the spread of injurious pests or disease to trees located within the public right-of-way.
- C. Supervise all work done under a permit issued in accordance with the terms of this chapter.
- D. Prepare a street tree list consisting of acceptable trees, size and variety, proper planting instructions, and tree spacing of trees located within the right-of-way.
- E. Prepare rules and regulations containing guidelines for the pruning of trees located within the right-of-way to be known as the tree pruning practices.
- F. Provide a form for applying for the planting, pruning, or removal of trees located within the public right-of-way.
- G. Enter private property for the purpose of inspecting trees, shrubs, or plants that may harbor injurious pests, insects, or diseases potentially injurious to right-of-way trees as described in sections 5-2-20 and 5-2-21 of this chapter.
- H. Issue infractions through the department of code enforcement in accordance with provisions as set forth in section 5-2-15 of this chapter.
- I. Administer a program of public outreach and education relating to community forestry and the planting and care of trees.
- J. Maintain a licensing program as set forth in section 5-2-13 of this chapter.
- K. Administer and maintain a permitting procedure for all planting, pruning, protection and removal of trees as set forth in section 5-2-4 of this chapter.
- L. Facilitate the proper selection, planting and maintenance of trees in residential, commercial and industrial developments within city limits and the Nampa City

impact area; the forester shall review and provide comment on development applications when such applications are submitted to the Nampa City Planning and Zoning Department.

- M. Order the pruning or removal of public trees to ensure public health, safety and welfare while considering the health of the tree and other elements of the infrastructure.
- N. Remove trees located on public rights-of-way which have been declared to be a public nuisance as defined in section 5-2-22 of this chapter. Any trees on public rights-of-way scheduled for removal shall be affixed with a public notice by the forester, or his authorized representative, stating the reason for removal. Such notice shall be posted not less than 15 days prior to scheduled removal date unless determined by the forester to be an emergency or immediate hazard to public safety as defined in section 5-2-23 of this chapter.
- O. Require the protection of public trees (including the critical root zone) from construction or other harmful practices in order to avoid the creation of public nuisances or damage to public trees.
(Ord. 3843, 1-5-2009)
- P. [Identify and assess the risk of a tree or tree parts falling within the public right of way and threatening to cause harm to a person\(s\) or damage to property along the right-of-way.](#)

5-2-4: PERMIT REQUIRED: No person or owner shall plant any tree within the public right-of-way until a permit shall have been issued by the forester. ~~Applications~~ [Permits](#) for tree plantings shall be filed with the forester; trees must be of the type and variety permitted by the ~~street tree list~~ [Treasure Valley Tree Selection Guide](#). The forester shall approve each tree for appropriateness and ensure freedom from injurious pests or diseases. Any ~~application~~ [permit](#) denied by the forester shall be returned to the applicant with the reasons for the refusal noted thereon. The applicant may file a new ~~application~~ [permit](#) or an amended ~~application~~ [permit](#) at any time thereafter.

- A. *Prohibited acts:* No person may perform any of the following acts without first obtaining from the forester a permit for which no fee shall be charged, and nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as required by law:
 - 1. Plant trees on public rights-of-way or in any public places.
 - 2. Prune, cut, remove or otherwise disturb any public tree. This provision shall not be construed to prohibit owners of property adjacent to public rights-of-way from watering or fertilizing such trees.

3. Attach any object to public tree(s) to include but not be limited to signs, advertisements, ornamental lights, crafts, chains, rope, cables, structures, or fixtures of any kind.
4. Dig, trench, excavate or pile soil or any other materials within the critical root zone of any public tree(s).
5. Place signage that will be blocked by any street tree during its growth cycle to full maturity such as business signs, street signs, building signs, advertising signs and billboards.

B. *Permit application procedure:*

1. Contact the forester via mail, phone, fax or e-mail prior to commencement of the proposed work.
2. Upon inspection, the forester may issue a permit to perform any of the acts specified in subsection A of this section.
3. The forester may condition or deny the approval of any permit.
4. Obtain a right-of-way permit through the city engineer's office. No person shall perform construction on a public right-of-way without first obtaining such a permit. All construction shall be performed in conformance to the conditions of the permit as defined in section 9-1-4 of this Code.

C. *Requirements for tree planting permits or landscape design plans:*

1. Each application for a planting permit shall designate the species and variety of public tree proposed. The forester shall designate the location of the planting.
2. Approval of tree species, spacing, placement and minimum tree well sizes shall be obtained from the forester prior to issuance of a permit.
3. Whenever any tree is planted or set out in conflict with the provisions of this chapter, it shall be lawful for the forester to remove or cause removal of the same. The cost of removal of such tree may be charged to the person responsible for the planting thereof.

D. *Requirements for tree pruning/removal permits:*

1. Prior to a private party pruning or removing ~~removal of~~ any right-of-way tree within, the public right-of-way on private property, application for a permit must be made ~~by the property owner or private tree firm currently licensed by the city.~~

2. Whenever a tree on public rights-of-way is removed, the applicant shall replace the tree removed as a condition of issuance of a permit for removal, unless such requirement is waived by the forester for good cause shown. Conditions may include a requirement for compensatory payments. (Ord. 3843, 1-5-2009)

5-2-5: CONTENTS OF PERMIT, VARIANCE FROM TREE LIST:

A. Each permit issued for the tree planting shall designate the type and variety of tree permitted. The forester shall designate the appropriate location of the tree on the permit.

B. Approved species, authorized spacing information and minimum tree well sizes for trees planted in paved areas, or planter boxes aboveground shall be based on the mature size of the selected tree. Tree grates, where required, shall be sized per city code. ~~obtained from the Nampa forestry street tree guide.~~

C. Permission for variance ~~from the Nampa forestry street tree guide~~ may be granted by the forester when said variance will be in the best interest of the city. (Ord. 3843, 1-5-2009)

5-2-6: STREET TREE REMOVAL:

A. It shall be unlawful for an owner to remove any tree from the public right-of-way until a permit shall have first been issued by the forester. ~~Applications~~ Permits for such tree removal shall be filed with the forester and if, in the judgment of the forester such removal is desirable, a permit shall be issued. All removal work shall be under the supervision of the forester or authorized representative but shall be at the sole expense of the applicant.

B. Any removal of trees for emergency or public safety reasons shall be supervised by the forester or his or her authorized representative.

C. Any removal of mature trees, for any cause, from the public right-of-way, as a condition of issuance of a permit for removal, shall be replaced with the same number of trees removed by the adjacent property owner within ~~30 days~~ a specified growing season or the following growing season, of the removal date on the site as approved by the forester or the tree or trees may be donated to the city to be planted on public property.

D. One or more trees may be required to replace removed trees, at the discretion of the forester, based upon approved spacing recommendations. However, in specific circumstances at the discretion of the city forester, a replacement tree may not be warranted due to site changes or over planting.

E. Replacement trees must be of the type and variety permitted by the [Treasure Valley Tree Selection Guide street tree list](#) and are subject to approval by the forester. [No evergreen or conifer trees are permitted within the public right-of-way.](#) (Ord. 3843, 1-5-2009)

5-2-7: TREES ON PRIVATE PROPERTY: Any person in possession of private property shall maintain the trees upon adjacent public rights-of-way and any trees upon private property which may affect public property in a safe, healthy condition in compliance with the provisions of this chapter. Adjacent property owners have the following responsibilities:

A. *Responsibilities for public trees.*

1. *Obtain permits:*

- a. Meet all requirements and obtain all permits necessary for work done including, but not limited to, pruning and removal of trees on any public trees as required in section 5-2-4 of this chapter.
- b. Meet all requirements and obtain all permits necessary prior to commencing repair of damage done to public streets or sidewalks adjacent to any public trees as required in section 5-2-4 of this chapter.
- c. Meet all requirements and obtain all permits necessary for any tree planting on public property as required in section 5-2-4 of this chapter.

2. *Routine tree maintenance of trees on public rights-of-way.*

- a. *Pruning.* Pruning of trees located on public rights-of-way adjacent to the owner's private real property:
 - (1) Prune and maintain such trees according to ANSI A300 standards, except sections 5.7.2, espalier, and 5.7.3, pollarding, which are not permitted;
 - (2) Topping, heading, shearing or rounding over are not acceptable forms of tree pruning and are not allowed on public trees **unless first approved by the forester;**
 - (3) Except as otherwise determined by the forester, branches that overhang sidewalks or streets shall be pruned to provide eight feet of vertical clearance over the sidewalk. Tree branches that overhang the street must be pruned to provide 14 feet of vertical clearance so as not to interfere with public travel, [street division equipment or other city](#)

[services, school busses, mail carriers, delivery trucks and utility services](#). No limbs shall be trimmed or cut from any tree on public right-of-way, which is larger than six inches in diameter, without the forester's approval. Utility providers shall trim or cut trees in public rights-of-way according to ANSI A300 part 1, pruning standards;

- (4) Trees shall be pruned to remove dead limbs or other limbs that are considered a public nuisance as defined in section 5-2-22 of this chapter;
- (5) All trees growing close to the sidewalk so that their presence shall raise or cause a disconnection in the sidewalk shall be evaluated for removal or adjustments will be made to the sidewalk to accommodate the tree. When this type of situation arises, it will be evaluated on a case-by-case basis, to determine the most practical solution. This prevention measure is intended to permit the sidewalk to be replaced and maintained so it may retain a proper position and grade [to allow for safe pedestrian travel](#). If the property owner fails to respond to a city request to remove all such trees and shrubbery and restore the sidewalk in its proper position within ~~five days~~ [thirty \(30\) days](#) from the delivery of the abatement notice, the city may remove the tree(s) and replace the sidewalk [and install new trees](#) under the general supervision of the city engineer at its proper position and grade.

[\(6\) Use of a city approved, licensed tree contractor for any tree work along the public right-of-way is required. Refer to the Nampa City Clerk's office or Parks/Forestry Department for a current list.](#)

- b. Pest control. Control pests on trees located on public rights-of-way adjacent to the owner's private real property as defined in section 5-2-20 of this chapter.
- c. Watering. Provide water sufficient to keep trees located on public rights-of-way adjacent to the owner's private real property in a healthy, growing condition.
- d. Protection/preservation: [During construction or maintenance a Tree Protection Zone \(TPZ\) shall be identified by signage that includes city forester contact information. All necessary precautions during construction shall be observed around these trees.](#)

- (1) Obtain a permit from the forester before performing any activity which may harm any part of a public tree (~~inclusive of~~ including, but not limited to, the critical root zone);
- (2) Notify the forester when any part of a public tree is damaged or destroyed.
- (3) Heritage trees on private property may be considered for protection and retention by the city forester and the forestry tree board for retention. Location, tree species, size, tree health and future development to be considered.
- (4) The forester may require a fence to be placed around the tree(s) critical root zone to limit construction access, storage of construction materials and debris while minimizing compaction and soil disturbance by equipment.
- (5) Should irrigation be disrupted during construction, the forester may require supplemental watering to the trees(s) from April to October.

B. Responsibilities for private trees:

1. Routine tree maintenance:

- a. Removal or pruning of trees located on the owner's private real property;
- b. Pruning of trees located on the owner's private real property that are considered a public nuisance as defined in section 5-2-22 of this chapter. Branches that overhang sidewalks or streets ~~shall~~ must be pruned to eight feet of vertical clearance over the sidewalk and 14 feet of vertical clearance over the street so as not to interfere with public travel, city services and utility work;
- c. Control of pests and insects on trees located on the owner's private real property which may, upon determination by the forester, pose a threat to public trees;
- d. Removal of all debris (wood, branches and leaves) from public property ~~by sunset of the day on which any tree work is done~~ within forty-eight (48) hours, or a time frame approved by the City Forester.
(Ord. 3843, 1-5-2009)

5-2-8: NOTIFICATION TO POLICE AND FIRE DEPARTMENTS: If, in the process of removing any tree within the city, it is apparent that the tree will fall on a vehicular travelway, the licensed person ~~must~~ may be required to give prior notice to the police and fire departments. (Ord. 3843, 1-5-2009)

5-2-9: FORESTER TO REVOKE PERMIT: The forester is authorized and directed to stop work being performed contrary to the approved tree pruning practices, safety practices or under a permit issued by the forester. An aggrieved person may appeal the action of the forester as provided for in section 5-2-17 of this chapter. (Ord. 3843, 1-5-2009)

5-2-10: STREET TREE PRUNING: All trees located within the public right-of-way shall be pruned at the expense of the owner(s) of the abutting property(ies) and must use a city approved, licensed tree contractor. (Ord. 3843, 1-5-2009)

5-2-11: LICENSE REQUIRED: It is unlawful for any person to engage in the commercial business, trade or for hire of the cutting, trimming, pruning, or removing trees located within the public right-of-way without first procuring a city tree pruner's contractor's license as provided in this chapter. (Ord. 3843, 1-5-2009)

5-2-12: LICENSE FEE: A license fee in an amount to be set by resolution of the council shall be paid annually to the city clerk's office at the time of application. (Ord. 3843, 1-5-2009)

5-2-13: LICENSING OF PRIVATE TREE SERVICES: It shall be unlawful for any person to engage in the trade or commercial business of pruning or removing trees located on public property, without first procuring a license from the ~~forester~~ City of Nampa.

- A. Each applicant for a license or renewal thereof shall make application to the ~~forester~~ City of Nampa Clerk's office, on a form to be furnished by the city. The form shall be signed by the applicant and shall show such information as may be required by the forester. Information shall include, but is not limited to:
1. In what name the business is to be conducted as well as the name, business address, home address and telephone number of the company president or owner(s);
 2. Proof of current arborist certificate ~~with~~ from the International Society of Arboriculture by at least one individual on staff of the business in a supervisory position and approved by the forester;
 3. Demonstration that arboricultural work is in accordance with ANSI A300 may be required prior to approval of license;

4. A certificate of liability and property damage insurance executed by an insurer authorized to transact business within the state, such policy of insurance to provide not less than \$500,000.00 for loss of life, \$1,000,000.00 for personal injury and \$500,000.00 for damage to property or the amount currently required by Idaho Code section 6-901 et seq.

5. Proof of safe working practices while holding public safety as a priority.

- B. The forester shall, after examining the applicant's qualifications, either approve or disapprove the application. If the application is approved, the applicant shall file the application with the city clerk together with the annual license fee as established by council resolution. This license shall be issued by the Nampa city clerk for the calendar year or balance of the calendar year only.

~~C. The forester with the approval of the forestry board is authorized to suspend or revoke the tree care license of any person that performs work which does not comply with the provisions of this chapter. Failure to maintain arborist certification or required insurance shall also result in suspension or revocation. (Ord. 3843, 1-5-2009)~~

5-2-14: SUSPENSION OR REVOCATION OF LICENSE: A tree pruner's license may be revoked by the forester, parks and recreation director, or parks superintendent for any of the following causes:

- A. Improper pruning practices;
- B. Failure to obey direction of forester;
- C. Failure to perform conditions of a permit issued under this chapter;
- D. Any violation of this chapter. (Ord. 3843, 1-5-2009)

E. Unsafe working conditions, no traffic control (barricades/cones), warning signage or proper PPE in use.

The forester, with the approval of the Forestry Tree Board is authorized to suspend or revoke the tree care license of any person that performs work which does not comply with the provisions of this chapter. Failure to maintain arborist certification or required insurance shall also result in suspension or revocation.

5-2-15: VIOLATION: Any violation of the provisions of this chapter is declared to be an infraction punishable by a fine.

- A. Any person who violates any provision of this chapter or who fails to comply with a lawful order of the forester shall be guilty of an infraction.

- B. In addition to any criminal penalties that may be imposed, the city may pursue civil penalties and restitution for actual damages as set forth in section 5-2-16, "Compensatory payments", of this chapter.
- C. The department of code enforcement for the City of Nampa will enforce all violations. (Ord. 3843, 1-5-2009)

5-2-16: COMPENSATORY PAYMENTS: In the event any person removes, destroys or damages any public tree except as otherwise required by law, that person shall be required to replace such tree with a tree(s) of equivalent dollar value on public property, unless otherwise determined by the forester. The value of a tree shall be determined by the forester in accordance with accepted plant appraisal methods as set forth in the current edition of the "Guide For Plant Appraisal", published by the International Society of Arboriculture or the same as amended from time to time. If no suitable location exists in the vicinity of the tree removed or if the replacement tree(s) is of lesser value, the person causing the tree to be removed shall make a compensatory payment to the City of Nampa equal to the difference in value between the tree removed and any replacement tree(s). Any public tree that is determined by the forester to be damaged, but not sufficiently to justify its removal, shall be considered to be devalued. The amount of devaluation shall be paid to the city by the person causing the damage. Compensatory payments shall be paid into a fund established for that purpose and restricted to use for community forestry programs [or tree plantings on public property within the City of Nampa](#). Nothing in this chapter shall prohibit Nampa City from negotiating agreements with other governmental entities regarding penalties and compensatory payment for removal, damage or destruction of public trees. (Ord. 3843, 1-5-2009)

5-2-17: APPEALS AND HEARINGS: In the event of [approval or denial of a permit, or](#) any suspension or revocation of a license by the city, the [applicant or](#) licensee shall have the right to appeal such [action](#) ~~suspension or revocation~~ to the forestry board.

- A. Any person affected by an order, grant, denial, or revocation of a license or permit by the forester may appeal such order, grant, denial or revocation to the forestry [tree](#) board.
- B. Such appeal shall be filed in writing and submitted to the director of Nampa parks and recreation department within 15 days of the date of notification of the forester's ruling.
- C. The appeal shall be heard by the forestry [tree](#) board. Action by the forester and the appellant shall be delayed until the decision of the forestry [tree](#) board is rendered.

- D. The forestry [tree](#) board may in conformity with the provisions of this chapter reverse or affirm or modify wholly or partly, the order, grant, denial or revocation of any license or permit.
- E. Any person affected by the decision of the forestry [tree](#) board may appeal the decision to the city council.
- F. Such appeal shall be filed in writing and submitted to the city clerk within ten days of the date of notification of the decision of the forestry [tree](#) board.
- G. The appeal shall be heard by the city council. Action by the forester and the appellant shall be delayed until the decision of the city council is rendered.
- H. The city council may in conformity with the provisions of this chapter reverse or affirm or modify wholly or partly, the order, grant, denial or revocation of any permit and the decision of the forestry [tree](#) board.
- I. The decision of the city council shall be final. (Ord. 3843, 1-5-2009)

5-2-18: TREE PRUNER'S EXAMINATION: The commercial tree pruner's application shall be approved and the license issued upon successful completion of the International Society of Arboriculture certification examination, or upon presenting a current ISA certification card at the time of application. (Ord. 3843, 1-5-2009)

5-2-19: CERTIFICATION OF LIABILITY AND PROPERTY DAMAGE INSURANCE: There shall be on file with the city a certificate of liability and property damage insurance executed by a surety authorized to transact business within the State of Idaho. The city shall set insurance limits by resolution. (Ord. 3843, 1-5-2009)

5-2-20: INJURIOUS PESTS AND INSECTS: The permitting of injurious pests, or insects, or their eggs or larvae, [or disease](#) upon any tree or trees, or shrubbery, within the corporate limits of the city, upon the property owned or in the control of any person or dedicated street or streets adjacent thereto is hereby declared to be a public nuisance. It is hereby made the duty of every [property](#) owner and owners of any real property in the city to eradicate any and all injurious pests or insects, or their eggs or larvae, [or disease](#) from any and all trees or shrubbery upon the property owned or controlled by them growing upon the public right-of-way between the property line and the street travelway adjacent thereto, and anyone failing to do so shall be and is hereby declared to be maintaining a nuisance. (Ord. 3843, 1-5-2009)

5-2-21: DEAD, DEFACED, BROKEN, DISEASED, AND DANGEROUS TREES: Every dead, defaced, broken, dangerous, diseased, or untrimmed tree, within any public right-of-way which has or may become a traffic hazard or a hazard to adjoining property [or at risk of posing harm to any person\(s\) or property](#) and is so determined by the city is hereby declared to be and to constitute a nuisance. It is the duty of every owner of any premises in the city to have removed dead, defaced, diseased, broken or

dangerous trees and to trim trees located upon the public right-of-way between the property line and street or pedestrian travelway adjacent thereto. (Ord. 3843, 1-5-2009)

5-2-22: PUBLIC NUISANCES: The following are declared public nuisances under this chapter:

- A. Any tree or part thereof (public or private) which, by reason of location or condition, constitutes a hazard to public safety as determined by the forester.
- B. Any tree or part thereof (on public or private property) which obstructs the free passage of pedestrian or vehicular traffic or which obstructs public street lighting, street signs or signage.
- C. Any tree or alternate host plant or part thereof (on public or private property) which harbors pests or diseases which reasonably may be expected to injure or harm public trees. (Ord. 3843, 1-5-2009)
- D. Upon approval of the City Forester, if a tree (on public or private property) is determined to be causing damage or is threatening to cause damage to city infrastructure, the city has the right to remove, root prune, relocate or prune said tree(s).

5-2-23: ABATEMENT OF PUBLIC NUISANCES: The following are the prescribed means of abating public nuisances under this chapter:

- A. Any tree or alternate host plant or part thereof (public or private) declared to be a public nuisance as set forth in section 5-2-22 of this chapter shall be pruned, removed or otherwise treated in accordance with the requirements of this chapter. ~~Except for~~ Including removal of trees from public rights-of-way, all costs for nuisance abatement are the responsibility of the adjacent property owner.
The forester may cause a written notice to be personally served or sent by mail to the owner of the particular property. In the event the nuisance is not abated by the date specified in the notice, the forester is authorized to cause the abatement of said nuisance. The reasonable cost of such abatement may be charged to the subject property owner. Monies which have not been recovered through the city bill collection procedures may result in a lien against the property or assessed on taxes as provided for in Idaho Code title 50. In addition, the owner of the property upon which the nuisance is located may be subject to prosecution under this chapter, or any other chapter of this code or the Idaho Code for maintaining a public nuisance. Nothing in this provision shall be construed to exempt any person from the requirement of obtaining permits under section 5-2-4 of this chapter.

- B. The forester is empowered to cause the immediate abatement of any nuisance if it is determined by the forester to be an emergency or immediate hazard to public safety.
- C. If the forester determines that disposal of the wood, branches and soil from removal or pruning of a nuisance tree is required to complete abatement within forty-eight (48) hours or a time frame approved by the City Forester, such disposal shall be done as required by the forester. All costs associated with the disposal of material from private trees shall be the responsibility of the property owner. (Ord. 3843, 1-5-2009)

5-2-24: DAMAGING, DESTROYING OR MUTILATING PUBLIC TREES: It shall be unlawful for any person to:

- A. Damage, mutilate or destroy any public tree.
- B. Attach any device or structure (i.e., tree houses, lights, signs) to or on public trees unless otherwise authorized by the forester.
- C. Store, spill or dump substances, whether liquid or solid, which may be harmful to trees, on any part of a public tree or within the critical root zone of a public tree.
- D. Damage public trees through construction activities in violation of the conditions of a permit issued under this chapter. Such activities include, but are not limited to:
 - 1. Making excavations or cuts in the soil near roots of public trees unless otherwise approved by the forester.
 - 2. Damage roots of a public tree by compacting or placing fill within the critical root zone of a tree.
 - 3. Engage in any pruning activity on public trees not in accordance with ANSI A300, including, but not limited to: topping, heading, rounding or shearing unless otherwise approved by the forester. (Ord. 3843, 1-5-2009)

5-2-25: BUILDER'S PERMIT TREE OBLIGATION: To provide for an aesthetically attractive and healthy urban forest within the City of Nampa, each applicant applying for a new one- or two-family residential building permit shall plant a minimum of two one-inch caliper (as measured six inches above the ground) trees in accordance with the regulations set forth hereinafter:

- A. *Detached sidewalk.* Where a detached sidewalk abuts a property's front yard upon which a new one- or two-family residential structure is being built:

1. One tree shall be planted on the property in the front yard; the other tree shall be planted in the public right-of-way, in the "park strip" (i.e., the area between the detached sidewalk and the curb) in alignment with either side property line where it intersects the front property line/street line. Should the residential site not permit two (2) one inch (1") caliper trees in the front of the property (due to lot size), then one (1) tree must be planted in the front of the property and one (1) tree must be planted in an alternate location within the property boundary; and

The right-of-way tree shall be chosen from the ~~following species: Norway maple (various cultivars), common hackberry, Turkish filbert, ginkgo (various cultivars), thornless common honey locust ("imperial", "shademaster" or "skyline" cultivars only), goldenrain tree, American sweetgum (various cultivars), flowering pear ("Cleveland select" or "chanticleer" cultivars only), littleleaf linden (various cultivars), Japanese zelkova (various cultivars), common hornbeam, American beech, common beech, green ash (various cultivars), white ash (various cultivars), English oak (various cultivars), Chinese elm ("frontier" cultivar only), smoothleaf elm (various cultivars), or, as otherwise may be allowed by the city forester~~ Treasure Valley Tree Selection Guide; and

2. Ornamental trees, small weeping trees, shrubs and bushes shall not be used; and
3. ~~Pine~~ Evergreen and conifer trees may be used on the property, provided they are at least six feet tall at time of planting and are NOT to be planted within the public right-of-way; and
4. If mature trees already exist on the subject property, the obligation to plant one tree on the property in the front yard may be considered by the city as satisfied; and
5. Trees shall be planted at least 50 feet apart, not to exceed 110 feet apart and in line with side property lines. Landscape plans for single-family or two-family residential subdivisions shall depict required trees at required intervals.

B. Attached sidewalk: Where an attached sidewalk abuts a property's front yard upon which a new one- or two-family residential structure is being built:

1. Both trees shall be planted on the property in the front yard. Should the residential site not permit two (2) one inch (1") caliper trees in the front of the property (due to lot size), then one (1) tree must be planted in the front of the property and one (1) tree must be planted in an alternate location within the property boundary; and

2. The trees shall be of a variety that will expectedly reach a minimum height of 20 feet at maturity; and
3. Ornamental trees, small weeping trees, shrubs and bushes shall not be used; and
4. ~~Pine~~ Evergreen and conifer trees may be used provided they are at least six feet tall at time of planting and are NOT to be planted within the public right-of-way; and
5. If mature trees already exist on the subject property, the obligation to plant two trees on the property in the front yard may be considered by the city as satisfied.

If trees are not able to be planted at the time of occupancy (e.g., due to weather constraints, availability or construction delays), the permit applicant will be issued a self-certification correction notice acknowledging the applicant's legal responsibility to plant said trees within ~~four months~~ a growing season of being issued the certificate of occupancy. All self-certification correction notices will be forwarded to the parks and forestry department for verification and to code enforcement, as necessary, for follow up enforcement.

- C. *Replacement trees.* Trees determined by the city to be dying, of the wrong species or causing buckling of adjacent public hard surface improvements (e.g., sidewalks, gutters, etc.) shall be replaced by the adjacent property owner(s) upon notification by the city. Replacement trees planted shall be from the list set forth in subsection A.1 of this section. All costs associated with repair of hard surfaces and tree removals are the responsibility of the adjacent property owner. (Ord. 4204, 10-19-2015; Ord. 4282, 9-19-2016)

5-2-26: UTILITIES:

No street trees other than those specified in the Treasure Valley Tree Selection Guide, as Class I trees, may be planted under or within twenty lateral feet (20') of any overhead utility wire, or over or within five lateral feet (5') of any underground water line, sewer line, transmission line or other utility.

It shall be unlawful to plant any public or private tree at any location which does not comply with the safety standards for planting and maintenance of trees in proximity to public utilities, as set forth in ANSI Z133.1.

5-2-27: TREE MITIGATION FOR NEW DEVELOPMENT:

Purpose: The standards of this section are intended to preserve and protect existing "desirable" trees that are four- inch caliper or greater from damage or destruction during land development.

A. Standards:

1. Development Site Plans: Site plans shall make all feasible attempts to maintain and protect existing "desirable" trees that are four-inch caliper or greater within their design.
2. Development Landscape Plan: All existing "desirable" trees that are four-inch caliper or greater shall be shown on the landscape plan. Indicate trees that are to be retained or removed. Include on the plan a description of how existing trees to be retained are to be protected during construction.
3. Protection During Construction: Existing trees that are retained shall be protected from damage to bark, branches, and roots during construction. The City Forester shall approve an identified tree protection zone prior to construction.
4. Construction within the Drip Line of Existing Trees: Construction, excavation, or fill occurring within the drip line of any existing tree shall be avoided, except to supplement existing trees with necessary irrigation.
 - a. Specific requirements for construction within the drip line of existing trees are as follows:
 - i. Paving- Whenever possible, impervious paving surfaces shall remain outside of the drip line of existing trees. When it is not possible, impervious surfaces shall be allowed at a distance from the trunk of a retained tree equal to the diameter of the tree trunk plus five (5) feet.
 - ii. Grade changes- Grade changes greater than six (6) inches are prohibited within the drip line of existing trees.
 - iii. Tree Protection Zone- A fence or barrier that encloses the critical root zone shall be in place prior to construction.
5. Mitigation:
 - a. Mitigation shall be considered for all existing "desirable" trees that are four-inch caliper or greater that are removed from the site with equal replacement of the total calipers lost on site up to an amount of one hundred (100) percent replacement (Example: Two (2) ten-inch caliper

trees removed may be mitigated with four (4) 5-inch caliper trees, five (5) four-inch caliper trees, or seven (7) three-inch caliper trees, etc.).

- b. No mitigation is required in the following:
 - i. Existing prohibited trees (non-"desirable") within the property boundary of the project (Example: Russian Olives, Siberian Elms, Tree of Heaven).
 - ii. Existing dead, dying, or hazardous trees inspected prior to removal by the Nampa City Forester.
 - iii. Trees that are required to be removed by another governmental agency having jurisdiction over the project

6. Forester Review:

- a. Contact the Nampa City Forester’s office to schedule an on-site visit.
- b. Upon review of the project are, the Forester will issue a letter outlining mitigation measures, if necessary or approval of the site conditions.
- c. This letter shall be included in the application documents submitted to the Planning Department for development approval.

7. Appeal of Forester Review: See steps outlined in section 17 of this chapter.

..AND..

<i>Residential Land Use/ Building Occupancy Type</i>	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	GB1	GB2	C
Accessory dwelling, detached ¹		P	P	P		P	P	P	P			P	P				
Bed and breakfast								C	P	C		C	P	P		C	
Cottage/Cluster Subdivision ¹²		P¹⁶	P¹⁶	P¹²		P	P	P	P							P	

...

Residential land use/building occupancy type notes:

- 1. Uses normal and incidental to the uses permitted in each respective zoning district. Specific regulations governing certain accessory uses in residential zones are as follows:
 - a. See definition of ACCESSORY DWELLING (RESIDENTIAL), DETACHED in chapter 1 of this title.

- b. In all residential (R) zones, detached accessory structures must comply with § 10-1-7.D.3 of this title and the detached accessory residential structure footprint shall not exceed the principal structure (i.e., a house) footprint area on the same lot/parcel.
 - c. Height and quantity regulations pertaining to accessory structures shall be as per requirements listed under each zone's regulations in this title except that accessory structures in AG zoned areas shall have no area size limitations.
- 2. Density limitation will be created in de facto form by virtue of available space/land after imposition of any applicable height limits, setbacks and parking/service drive provision to a development. Parking shall be provided in private, assigned parking areas or garages on the basis of 1 space per dwelling being required and must meet parking requirements of § 10-1-15, figure 1 and chapter 22 of this title.
- 3. 1 per business or property, as most restrictive. To be allowed, there must already be some kind of related business structure or complex on the same property. Use of a mobile home requires a Conditional Use Permit.
- 4. With each dwelling and/or a portion of the original lot independently owned having lot lines along common walls provided respective zoning district requirements are satisfied.
- 5. Certain types of home occupations require application for and issuance of a conditional use permit prior to establishment; see § 10-1-10 of this title.
- 6. Operations in existence before September 1, 1986, providing care for 7 plus children do not require a CUP in RS districts.
- 7. A caregiver's children under age 6 count against the number of daycare children allowed.
- 8. Requires a conditional use permit for a development under 2 acres and a planned unit development permit for a development of 2 acres or more.
- 9. A home occupation registration is required.
- 10. (Multi-Family Development – BC and DV zones):
 - a. Multi-Family Residential/Commercial Development in the DV (Downtown Village) or a BC (Community Business) Zoning District Within Three-Hundred Feet (300') of Idaho Transportation Department right-of-way, Caldwell Blvd., Garrity Blvd., 12th Ave S, 12th Ave. Rd., Idaho Center Blvd., Franklin Blvd., Northside Blvd. and Karcher Rd. right-of-way:
 - i. Any multi-family development with buildings exceeding thirty feet (30') in height:
 - 1. Shall provide commercial on the first floor facing the right-of-way. Additional floors may contain residential, office or commercial. Alternatively, a stand-alone commercial/office building with residential structures in the same complex may be placed on the property.
 - ii. Multi-family residential development in BC (Community Business) zoning district that is NOT within three-hundred feet (300') of Caldwell Blvd., Garrity Blvd., 12th Ave S, 12th Ave. Rd., Idaho Center Blvd., Franklin Blvd., Northside Blvd. and Karcher Rd. shall be limited to a height of thirty 30' maximum.
 - b. Multi-family residential structures in a BC (Community Business) or DV (Downtown Village) zoning district that exceeds sixty-five feet (65') in height shall be required to obtain approval of a conditional use permit from the Nampa City Council and a neighborhood meeting shall be conducted as outlined in section 10-2-2.B: Planning Application Neighborhood Meeting of this Title.
 - c. Multi-Family development shall only be allowed in a BC Zone within a Residential Mixed Use Future Land Use Designation via PUD or MPC approval.
- 11. (Multi-Family Development – BN Zoning District):
 - a. Multi-Family Residential Development in a BN (Neighborhood Business) Zoning District shall comply with the density limitations in the RML Zoning District.
- 12. Cottage/Cluster subdivisions in the RS zoning district shall only be within RS4.
- 13. Tiny Houses as a principal residence shall only be permitted in Cottage/Cluster subdivisions. Subdivisions with tiny houses are subject to a Conditional Use Permit or Planned Unit Development. See §10-27-4.A.5.I. of this title.
- 14. Only one tiny house as an accessory structure shall be permitted per residential lot. They are subject to the 'Accessory Dwelling (Residential)' regulations in this chapter.
- 15. A triplex or fourplex is only permitted in the RD zone if it is within the High Density Residential Land Use Setting in the Comprehensive Plan Future Land Use Map.
- 16. Cottage/Cluster subdivisions in the AG and RA zoning districts shall comply with the Cluster Development Standards in Chapter 26.

...AND...

Chapter 6

AG - AGRICULTURAL DISTRICT/ZONE

SECTION:

10-6-1: DESCRIPTION AND PURPOSE

10-6-2: BUILDING HEIGHT REGULATIONS

10-6-3: PROPERTY AREA, WIDTH AND YARD REQUIREMENTS

10-6-4: MAXIMUM PROPERTY COVERAGE

10-6-5: PARKING, PARKING LOT LANDSCAPING, PROPERTY LANDSCAPING AND SIGNS

10-6-6: OTHER REQUIRED CONDITIONS

[10-6-7: EXCEPTIONS FOR CLUSTER DEVELOPMENT IN THE AGRICULTURAL DISTRICT/ZONE](#)

10-6-1: DESCRIPTION AND PURPOSE

The AG agricultural district allows the establishment of agricultural operations within the city. Such agricultural district is deemed necessary to preserve the economic and social values of agricultural lands and to provide a district, the boundary of which will provide the transition between "rural" and "urban."

10-6-2: BUILDING HEIGHT REGULATIONS

No building shall exceed thirty feet (30') in height.

10-6-3: PROPERTY AREA, WIDTH AND YARD REQUIREMENTS

The following minimum requirements shall be observed:

10-6-3.A: Minimum property area required shall be five (5) acres.

10-6-3.B: Maximum ~~net~~ gross density is 0.2 dwelling units per acre.

10-6-3.C: Minimum property width required shall be three hundred feet (300').

10-6-3.D: Minimum front property setback required shall be fifty feet (50').

10-6-3.E: Minimum side and rear property setbacks shall be fifty feet (50').

10-6-4: MAXIMUM PROPERTY COVERAGE

None specified.

10-6-5: PARKING, PARKING LOT LANDSCAPING, PROPERTY LANDSCAPING AND SIGNS:

All uses shall conform to the parking, parking lot landscaping, property landscaping and sign provisions of chapters 22, 23 and 33 of this title.

10-6-6: OTHER REQUIRED CONDITIONS

Any building or enclosure in which agricultural animals are contained shall be at least two hundred feet (200') from any lot in any RS, RD, RML, RMH, BN or BC district, or from any school or institution for human care.

10-6-7: EXCEPTIONS FOR CLUSTER DEVELOPMENT IN THE AGRICULTURAL DISTRICT/ZONE

A cluster development is permitted in the Agricultural Zoning District with the following limitations:

10-6-7.A: Any cluster development in the Agricultural Zoning District shall be a Planned Unit Development.

10-6-7.B: The gross density shall not exceed 2.5 dwelling units per acre.

10-6-7.C: Cluster development shall be limited to single-family residential dwellings.

10-6-7.D: Each residential structure with a garage shall provide a driveway from the front property line to a garage door of no less than 20 feet in length.

10-6-7.E: Variations to the lot size and bulk requirements listed in this chapter shall be outlined and approved through the Planned Unit Development or Master Planned Community application.

...AND...

Chapter 7 RA - SUBURBAN RESIDENTIAL DISTRICT/ZONE

SECTION:

10-7-1: DESCRIPTION AND PURPOSE

10-7-2: BUILDING HEIGHT REGULATIONS

10-7-3: DETACHED ACCESSORY STRUCTURES

10-7-4: PROPERTY AREA, WIDTH AND YARD REQUIREMENTS

10-7-5: MAXIMUM PROPERTY COVERAGE

10-7-6: CORNER PROPERTIES

10-7-7: PARKING, PARKING LOT LANDSCAPING, SIGNAGE AND PROPERTY LANDSCAPING

10-7-8: EXCEPTIONS FOR CLUSTER DEVELOPMENT IN THE SUBURBAN RESIDENTIAL DISTRICT/ZONE

10-7-1: DESCRIPTION AND PURPOSE

The RA suburban residential district is designed to create a semirural environment within which certain limited agricultural pursuits are carried on in conjunction with, or in close proximity to, subdivisions containing nonfarm type dwellings. It is the further intent to have the full range of urban services available within this district.

10-7-2: BUILDING HEIGHT REGULATIONS

No principal building shall exceed thirty feet (30') in height.

10-7-3: DETACHED ACCESSORY STRUCTURES

Shall comply with standards in § [10-3-2](#) of this title and, in addition, the following regulations apply:

10-7-3.A: Detached accessory structures shall not be taller than the height of the principal building on the property or twenty-two feet (22') (measured from grade to the building height as defined in chapter 1 of this title), whichever is greater.

10-7-3.B: Detached accessory structures over two hundred (200) square feet (201+) in footprint area shall comply with required front, side, and rear setbacks that apply to principal buildings and require a building permit.

10-7-3.C: Detached accessory structures two hundred (200) square feet or under and twelve feet (12') or lower in height shall be built to no less than three feet (3') from any primary structure wall (unless a building permit is obtained from the City to locate closer to the house) and shall comply with required front, side, and rear setbacks that apply to principal buildings.

10-7-3.D: No portion of an accessory structure may be located closer to the front property line than any covered part of the house to which they are accessory.

10-7-3.E: There shall be no more than two (2) accessory structures, with the exception of a detached garage or carport where an attached garage or carport does not exist. Only two (2) accessory structures per property are permitted, and only one accessory structure of those may be a detached guesthouse or in-laws quarters.

10-7-4: PROPERTY AREA, WIDTH AND YARD REQUIREMENTS

The following minimum requirements shall be complied with:

10-7-4.A: Minimum property area required shall be one (1) acre (43,560 sq. ft.) ~~thirty thousand (30,000) square feet.~~

10-7-4.B: Maximum ~~net-gross~~ density shall be ~~1.45 units~~ 1 dwelling unit per acre.

10-7-4.C: Minimum front property line width required shall be one hundred fifty feet (150').

10-7-4.D: Minimum property front yard setback required shall be thirty-five feet (35').

10-7-4.E: Minimum side and rear property setbacks required shall not be less than ten feet (10') wide/deep, except where a utility easement is recorded adjacent to a side property line or rear property line in which case the side and rear setback shall then be either ten feet (10') or the width of the easement, whichever is greater (more restrictive).

10-7-4.F: All single-family residential lots/parcels developed/built out, or proposed to be developed/built out with either attached or detached single-family residential dwelling units (houses or townhouses) thereon, shall have legal access to a public street as noted in the definition of "property" in § 10-1-2.11 of this title, and, shall have at least twenty two feet (22') of public or approved private street lot frontage or approved common driveway.

10-7-5: MAXIMUM PROPERTY COVERAGE

None specified.

10-7-6: CORNER PROPERTIES

Corner lots shall utilize the minimum front yard setback requirements on one street side. One-half ($1/2$) the minimum front yard setback requirement shall be required on the second street side.

10-7-7: PARKING, PARKING LOT LANDSCAPING, SIGNAGE AND PROPERTY LANDSCAPING

All uses shall conform to the parking, parking lot landscaping, signage, and property landscaping requirements in chapters 22, 23 and 33 of this title.

10-7-8: EXCEPTIONS FOR CLUSTER DEVELOPMENT IN THE SUBURBAN RESIDENTIAL DISTRICT/ZONE

A cluster development is permitted in the Suburban Residential Zoning District with the following limitations:

10-7-8.A: Any cluster development in the Suburban Residential Zoning District shall be a Planned Unit Development or part of a Master Planned Community.

10-7-8.B: The maximum gross density shall not exceed 2.5 dwelling units per acre.

10-7-8.C: Cluster development shall be limited to single-family residential dwellings.

10-7-8.D: Each residential structure with a garage shall provide a driveway from the front property line to a garage door of no less than 20 feet in length.

10-7-8.E: Variations to the lot size and bulk requirements listed in this chapter shall be outlined and approved through the Planned Unit Development or Master Planned Community application.

...AND...

10-8-5: PROPERTY AREA, WIDTH, DEPTH, FRONTAGE-SETBACK AND DENSITY REQUIREMENTS

10-8-5.A: In order for a property to be eligible for development the following requirements shall be adhered to:

Zoning District	Min Lot Size Requirement per DU	Max Lot Size Requirement per DU	Min NET Density (DU/acre)	Max NET Density (DU/acre)	Min GROSS Density (DU/acre)	Max GROSS Density (DU/acre)	Assumed % in lots (for Gross Density Calculation) — this percentage is variable	Required property width (feet)	Required mean property depth (feet)
RS-22	17,600	32,000	1.36	1.98	1.01	1.43	72%	80	80
RS-18	14,400	22,000	1.98	2.42	1.42	1.74	72%	80	80
RS-15	12,000	18,000	2.42	2.90	1.74	2.09	72%	60	80
RS-12	9,600	15,000	2.90	3.63	2.03	2.50	70%	60	80
RS-8.5	6,800	12,000	3.63	5.12	2.51	3.53	69%	50	80
RS-7	5,600	10,000	4.36	6.22	2.92	4.17	67%	40	70
RS-6	4,800	9,000	4.84	7.26	3.24	4.86	67%	30	60
RS-4	3,200	7,000	6.22	10.89	4.17	7.30	67%	30	50

Residential Zoning Districts - Lot Size and Density - Standard Subdivision						
Future Land Use Designation	Zoning District	Min Lot Size per DU	Max Lot Size per DU	Gross Density Range in Comp Plan	Minimum Property Width (feet)	Required Mean Property Depth (feet)
LDR	RS-22	22,000	43,560	1.01 - 2.5 DU/acre	80	80
LDR	RS-18	18,000	36,000		80	80
LDR	RS-15	15,000	30,000		60	80
LDR	RS-12	12,000	24,000		60	80
MDR	RS-8.5	8,500	17,000	2.51 - 8 DU/acre	50	80
MDR	RS-7	7,000	14,000		40	70
MDR	RS-6	6,000	12,000		30	60
MDR	RS-4	4,000	8,000		30	50

NOTE: LDR: Proposals with a density greater than 2.5 DU per acre are required to be a Planned Unit Development.

NOTE: MDR and RMU subdivision development proposals with a density greater than 5.1 DU per acre are required to be a Planned Unit Development or part of a Master Planned Community.

Footnote:

1. **Access:** All lots/parcels developed/"built out" or proposed to be developed/"built out" with structures thereon shall have, or be demonstrated to have, legal access to a public street, before the City may issue or approve construction of any structures on that lot/parcel (as iterated in the definition of "property" in § 10-1-2, "Definitions," and subsection 10-1-7.B.1 of this title). Lots/parcels developed in this zone do not have to have direct lot/parcel frontage on a public street however, only legal access to the same.

~~10-8-5.A: Sizing Properties: Properties formed via a property boundary adjustment shall be sized according to City zoning or Southwest District Health standards, whichever is more restrictive. Properties formed by platting that are not or will not be served by City sewer and/or City water supply shall meet the minimum size standards regulated by Southwest District Health Department.~~

10-8-5.B: Minimum Property Structure and Parking Front Yard (Setback): The minimum setback for any garage wall shall be twenty feet (20') from the primary frontage property line (or future right of way where known or determined by the City Engineer). The minimum setback from any residential structure living area wall shall be fifteen feet (15') from the primary frontage property line.

10-8-5.C: Minimum Side and Rear Property Structure and Parking Setbacks: Shall be five feet (5') wide/deep. Where a utility easement is recorded adjacent to a property line, the setback shall be no less than the width of the easement on the development site or five feet (5') whichever is greater.

For a property abutting an alley the required rear yard setback shall be fifteen feet (15') from the centerline of that alley.

10-8-5.D: Lot Split/Property Boundary Adjustment: If an original parcel is large enough to split or subdivide, the new parcels for development shall be arranged in such a way that the lot sizes and dwelling units will comply with the density requirements in Nampa City Code sections 10-8, 10-26 or 10-27.

...AND...

10-10-5: PROPERTY AREA, WIDTH, SETBACK AND DENSITY REQUIREMENTS

The following minimum requirements shall be observed:

10-10-5.A: Minimum and Maximum Property Area Required: When a single-family detached dwelling is located or is to be located on an interior platted lot, a minimum of ~~five~~ six thousand (~~5~~6,000) square feet and a ten thousand (10,000) square foot maximum property area shall be maintained or required. When a single-family dwelling is located or to be located on a platted corner lot, the lot area requirement may be reduced in accordance with § 10-10-8 of this chapter.

10-10-5.B: Minimum Property Area Required Per Dwelling Unit(s): The first two (2) units require ~~five-six~~ thousand (56,000) square feet and additional units require ~~two three~~ thousand ~~five-hundred~~ (2,5003,000) square feet of land each/per unit.

10-10-5.C: Minimum Property Width: Minimum property width required shall be thirty feet (30').

10-10-5.D: Minimum Property Structure and Parking Front Yard (Setback): The minimum setback for any garage wall shall be twenty (20') feet from the primary frontage property line (or future right of way where known or determined by the City Engineer). The minimum setback from any residential structure living area wall shall be fifteen (15') feet from the primary frontage property line.

10-10-5.E: Minimum Side and Rear Property Structure Setbacks: Shall be five feet (5') wide/deep. Where a utility easement is recorded adjacent to a rear property line, the setback shall be no less than the width of the easement on the development site or five feet (5'), whichever is greater.

10-10-5.F: If an original parcel is large enough to split or subdivide, the new parcels for development shall be arranged in such a way that the lot sizes and dwelling units will comply with the density requirements in Nampa City Code sections 10-10, 10-26 or 10-27.

If the original parcel is not large enough for a split or subdivision (to create multiple legal lots), then a single-family dwelling shall be allowed without meeting minimum density requirements. A duplex dwelling may also be considered if the lot is sized appropriately.

10-10-5.G: Access: All lots/parcels developed/"built out" or proposed to be developed/"built out" with structures thereon shall have, or be demonstrated to have, legal access to a public street, before the City may issue or approve construction of any structures on that lot/parcel (as iterated in the definition of "property" in § 10-1-2, "Definitions," and subsection 10-1-7.B.1 of this title). Lots/parcels developed in this zone do not have to have direct lot/parcel frontage on a public street however, only legal access to the same.

10-10-5.H: Density Requirements:

Future Land Use	Zoning District (Unit Type)	Min Lot Size –sq. ft.	Max Lot Size –sq. ft.	Min Net Density	Max Net Density
MDR	RD (Single-Fam Detached)	5,000	10,000	4.36	6.22
MDR	RD (Duplex)*	5,000	10,000	8.71	12.44
MDR	RD (Townhouse)**	2,500	5,000	8.71	12.44
HDR	RD (Multi-Family)***	2,500	3,500	12.45	17.42

*The Lot Size allowed is 5,000 sq. ft. to 10,000 sq. ft. for a duplex (two [2] dwelling units in the same building).

**A townhouse development in an RD Zoning District shall consist of a single building with two, three or four townhouses. No more than 1 townhouse building is allowed per parcel. A minimum of 2,500 sq. ft. and a maximum of 5,000 sq. ft. of parcel area is required for each townhouse. For example—a three-unit townhouse building must sit on a parcel that is at least 7,500 sq. ft., but no more than 15,000 sq. ft. Each individual townhouse lot is not limited to a certain size. For example—a three-unit townhome building that sits on a 15,000 square foot parcel could have a townhouse on a lot that is 2,000 square feet, another on a lot that is 3,000 square feet and another on a lot that is 10,000 square feet. Each townhouse is a dwelling unit and is individually owned.

***Triplex and quadraplex buildings in the RD Zoning District can only be located in a High-Density Residential, Residential Mixed-Use or Community Mixed-Use Land Use Setting. Multi-plex subdivisions must consist of triplex and/or quadraplex buildings. One duplex building may be part of a multi-plex subdivision of triplex and quadraplex buildings, if there is insufficient parcel area to locate a triplex or quadraplex building lot. 2,500—3,500 square feet of parcel area is required for every dwelling unit. A single building may contain no more than 4 dwelling units – no more than one building per subdivision lot or stand-alone parcel is permitted.

Residential Zoning Districts - Lot Size and Density - Standard Subdivision				
Future Land Use Designation	Zoning District	Min Lot Size per DU	Max Lot Size per DU	Gross Density Range in Comp Plan
MDR	RD (single-family detached)	6,000	10,000	2.51 - 8 DU/acre
MDR	RD (duplex)*	6,000	10,000	
MDR	RD (townhouse)**	see (**) below		
MDR	RML (single-family detached)	6,000	8,000	8.01 + DU/acre
HDR	RD (3-4 unit building)***	2,500	5,000	

NOTE: MDR subdivision development proposals with a density greater than 5.1 DU per acre are required to be a Planned Unit Development or part of a Master Planned Community.

(*) Duplex ALL: The lot size range shown is for two dwelling units in one duplex building.

(**) Townhouse RD: A townhouse development in an RD Zoning District shall consist of a single building with two, three or four dwelling units. The 'minimum lot size' is 6,000 sq. ft. for the first two (2) dwelling units plus the minimum amount of square footage of parcel area allowed for each additional dwelling unit. No more than one (1) townhouse building is allowed per parcel. A minimum of 2,500 sq. ft. and a maximum of 5,000 sq. ft. of parcel area is required for each townhouse. For example - a three-unit townhouse building must

sit on a parcel that is at least 7,500 sq. ft., but no more than 15,000 sq. ft. Each individual townhouse lot is not limited to a certain size. For example - a three-unit townhouse building that resides on a 15,000 square foot parcel could have a townhouse on a lot that is 2,000 square feet, another on a lot that is 3,000 square feet and another on a lot that is 10,000 square feet. Each townhouse is a dwelling unit and is individually owned.

(***) A multi-building subdivision must only consist of triplex and/or quadraplex buildings, except one (1) duplex building may be located in the development if there is insufficient parcel area to locate a triplex or quadraplex building. 2,500 square feet minimum and 5,000 square feet maximum of lot area is required for every dwelling unit. A single building may contain no more than 4 dwelling units - no more than one building per subdivision lot or stand-alone parcel is permitted.

DU = One (1) dwelling unit

...AND...

10-11-4.H: Density Requirements: ~~The maximum net density of 29.82 dwelling units per acre and a minimum net density of 12.45 dwelling units per acre shall be maintained or required for new development.~~ See chart below

Residential Zoning Districts - Lot Size and Density - Standard Subdivision				
<u>Future Land Use Designation</u>	<u>Zoning District</u>	<u>Min Lot Size per DU</u>	<u>Max Lot Size per DU</u>	<u>Gross Density Range in Comp Plan</u>
<u>MDR</u>	<u>RML (single-family detached)</u>	<u>6,000</u>	<u>8,000</u>	<u>2.51 - 8 DU/acre</u>
<u>HDR</u>	<u>RML (duplex)*</u>	<u>6,000</u>	<u>10,000</u>	<u>8.01 + DU/acre</u>
<u>HDR</u>	<u>RML (3+ dwelling units)****</u>	<u>1,350</u>	<u>3,500</u>	
<u>HDR</u>	<u>RML (townhouse)***</u>	<u>1,350</u>	<u>3,500</u>	

(*) Duplex ALL: The lot size range shown is for two dwelling units in one duplex building.

(****) 3+ dwelling units and Townhouses in the RML Zoning District: The 'minimum lot size' is 6,000 sq. ft. for the first two (2) dwelling units plus the amount of square footage of parcel area allowed for each additional dwelling unit.

If an existing lot is less than 6,000 sq. ft. in the RML Zoning District a single family detached residence may be placed on the lot after obtaining a variance from the Nampa City Council.

DU = One (1) dwelling unit

...AND...

10-12-4.H: Density Requirements: ~~The maximum net density of 77.12 dwelling units per acre and a minimum net density of 12.45 dwelling units per acre shall be maintained or required for new development.~~ [See chart below](#)

<u>Residential Zoning Districts - Lot Size and Density - Standard Subdivision</u>				
<u>Future Land Use Designation</u>	<u>Zoning District</u>	<u>Min Lot Size per DU</u>	<u>Max Lot Size per DU</u>	<u>Gross Density Range in Comp Plan</u>
HDR	RMH (duplex)*	5,000	10,000	8.01 + DU/acre
HDR	RMH (townhouse)****	5,000	10,000	
HDR	RMH (3+ dwelling units)****	500	3,500	

(*) Duplex ALL: The lot size range shown is for two dwelling units in one duplex building.

(****) 3+ dwelling units and Townhouses in the RMH Zoning District: The 'minimum lot size' is 6,000 sq. ft. for the first two (2) dwelling units plus the amount of square footage of parcel area allowed for each additional dwelling unit.

If an existing lot is less than 6,000 sq. ft. in the RMH Zoning District a single family detached residence may be placed on the lot after obtaining a variance from the Nampa City Council.

DU = One (1) dwelling unit

...AND...

10-13-4: PROPERTY AREA, WIDTH AND YARD SETBACK AND DENSITY REQUIREMENTS

The following minimum requirements shall be observed:

<u>Residential Zoning Districts - Lot Size and Density - Standard Subdivision</u>				
<u>Future Land Use Designation</u>	<u>Zoning District</u>	<u>Min Lot Size per DU</u>	<u>Max Lot Size per DU</u>	<u>Gross Density Range in Comp Plan</u>
RMU	RP (single-family detached)	6,000	12,000	2.51 - 8 DU/acre
RMU	RP (duplex)*	6,000	10,000	
RMU	RP (townhouse)****	1,350	3,500	

NOTE: RMU subdivision development proposals with a density greater than 5.1 DU per acre are required to be a Planned Unit Development or part of a Master Planned Community.

(*) Duplex ALL: The lot size range shown is for two dwelling units in one duplex building.

(****) 3+ dwelling units and Townhouses in the RP: The 'minimum lot size' is 6,000 sq. ft. for the first two (2) dwelling units plus the amount of square footage of parcel area allowed for each additional dwelling unit.

If an existing lot is less than 6,000 sq. ft. in the RP Zoning District, a single family detached residence may be placed on the lot after obtaining a variance from the Nampa City Council.

DU = One (1) dwelling unit

~~**10-13-4.A: Minimum and Maximum Property Area Required:** When a single-family dwelling unit is located or to be located on a property a four thousand eight hundred (4,800) square foot minimum property area and a nine thousand (9,000) square foot maximum property area with a maximum net density of 29.82 dwelling units per acre and a minimum net density of 12.45 dwelling units per acre shall be maintained or required for new development. When a single-family dwelling is located or is to be located on a corner lot, the lot area requirement may be reduced in accordance with section 10-11-6 of this code.~~

~~**10-13-4.B: Minimum Property Area Required Per Dwelling Unit(s):** The first two (2) dwelling units in a structure containing multiple dwelling units, require six thousand (6,000) square feet of land. Additional dwelling units require one thousand three hundred fifty (1,350) square feet of land per dwelling unit, not to exceed three thousand five hundred (3,500) square feet of land per dwelling unit.~~

10-13-4.CA: Minimum Property Width: Minimum property width required shall be thirty feet (30').

10-13-4.DB: Minimum Property Structure and Parking Front Yard (Setback): The minimum setback for any garage wall shall be twenty feet (20') from the primary frontage property line (or future right of way where known or determined by the City Engineer). The minimum setback for any residential structure living area wall shall be fifteen feet (15') from the primary frontage property line. In a case where a property line is in the drive aisle of the development or in the right-of-way, the front yard setback for that structure shall be measured from the back of the sidewalk or five (5) feet from the back of curb if no sidewalk exists.

10-13-4.EC: Minimum Side and Rear Property and Parking Setbacks: Minimum property side and rear setbacks shall be not less than eight feet (8') wide/deep. Where a utility easement is recorded adjacent to a property line, the setback shall be no less than the width of the easement on the development site or eight feet (8'), whichever is greater.

On a property abutting an alley, the required rear yard (setback) shall be fifteen feet (15') wide/deep as measured from the centerline of the alley.

10-13-4.FD: If an original parcel is intended for residential development and is large enough to split or subdivide, the new parcels for development shall be arranged in such a way that the lot sizes and dwelling units will comply with the density requirements in Nampa City Code sections 10-13, 10-26 or 10-27.

If the original parcel is not large enough for a split or subdivision (to create multiple legal lots), then a single-family dwelling shall be allowed without meeting minimum density requirements. A duplex dwelling may also be considered if the lot is sized appropriately.

10-13-4.GE: Access: All lots/parcels developed/"built out," or proposed to be developed/"built out," with structures thereon shall have, or be demonstrated to have, legal access to a public street, before the City may issue or approve construction of any structures on that lot/parcel (as iterated in the definition of "property" in § 10-1-2, "Definitions," and subsection 10-1-7.B.1 of this title). Lots/parcels developed in this zone do not have to have direct lot/parcel frontage on a public street however, only legal access to the same.

...AND...

10-22-5.J.6.b: Parking Bank Interrupt Style Landscape Planters' Content(s): Each single interior interrupt style planter shall contain one 1.5-inch caliper deciduous shade tree as may be selected by the developer or property or project manager or owner, provided such tree(s) will grow on/from a single trunk and be at least fifteen feet (15') tall at maturity (see image examples in the chapter). Interior parking lot planters shall also contain some combination of [shrubs, ornamental grasses, groundcover and decorative rock or bark mulch](#), ~~decorative rock and/or shrubbery and/or lawn and/or bark~~. [Turf is prohibited in interior parking islands.](#)

...AND...

10-26-1: PURPOSE

Planned Unit Development (PUD): The intent of PUD regulations is to permit greater but limited flexibility to: [lot sizes](#), bulk requirements, setbacks, building height, and placement of structures that are typically required in zoning districts, and consequently, more creative design for development than generally is possible under conventional zoning regulations or subdivision regulations as affected by zoning regulations. Density allowance is increased by 20% over standard subdivision development. It is further

intended to promote more economical and efficient use of land while facilitating a harmonious variety of neighborhood development, a higher level of urban amenities, and preservation of natural scenic qualities of open spaces.

Master Planned Community (MPC): MPCs encompass a large geographic area (at least 40 acres) and contain multiple zones, uses, densities and housing types. They are required to meet standard building requirements (building code, fire code and other regulatory requirements). MPCs ~~allow~~ ~~are allowed~~ ~~generous~~ alterations to: lot sizes, bulk requirements, setbacks, building height, and placement of structures that are typically required in zoning districts. Density allowance is increased by 20% over standard subdivision development. The intent is to allow a developer to use creativity and successful design principles that bring together multiple elements in a cohesive design utilizing Smart Growth principles that may otherwise not be permitted in the Nampa City Code.

10-26-2: USE REQUIREMENTS

~~10-26-2.A: Zoning Districts Allowed in a PUD: All zoning districts are allowed to be in a PUD.~~

~~10-26-2.B: MPC Comprehensive Plan Locations Permitted: MPCs are allowed in a Residential Mixed-Use or Community Mixed-Use land use setting as designated by the Comprehensive Plan Future Land Use Map.~~

~~10-26-2.C: Zoning Districts Allowed in a MPC: Zoning districts allowed in a MPC include medium-density single-family residential zones (RS4, RS6, RS7, RS8.5 and RD); high density residential zones (RML and RMH); neighborhood-oriented commercial, professional offices, service establishments (BC, IP, BN); and mixed use (RP, GB1 and GB2 depending on location). Some light industrial (IL) zoning is allowed with restrictions on nuisance land uses to be determined by the Commission.~~

10-26-2.DA: PUD and MPC Ratio of Land Uses in a Mixed Use Development: Ratio of Land Uses for MPC's, PUD's that are larger than 5 acres in a Mixed Use Land Use Setting: In the Residential Mixed-Use land use setting on the Future Land Use Map, ~~the primary~~ over fifty percent (50%) of the proposed land use shall be residential with no less than 5% of the land use as commercial. In the Community Mixed-Use land use setting on the Future Land Use Map, ~~the primary~~ over fifty percent (50%) of the proposed land use shall be commercial with no less than 5% of the land use as High-Density Residential and/or light industrial.

10-26-2.EB: Local Land Uses Controls: Proposed land uses shall be subject to architectural controls as administered by a homeowners' association using their CCR's and any related policies

10-26-3: AREA REQUIREMENTS

10-26-3.A: Entire Development: Unless otherwise approved by the Commission, no PUD shall be for an area less than two (2) acres in size, and no MPC shall be for an area less than forty (40) acres in size.

~~**10-26-3.B: Residential Lot Size and Density:** All PUD and MPC developments shall adhere to the PUD/MPC minimum and maximum residential lot size, and minimum and maximum density, unless stated otherwise in a development agreement that is approved by action of the City Council.~~

10-26-3.CB: Connectivity Requirements: Any PUD or MPC with multiple zoning designations shall provide pedestrian and bicycle access through and between land uses.

10-26-4: EXCEPTIONS TO DISTRICT REGULATIONS

Individual uses and structures in PUDs and MPC’s shall comply with the specific zoning-based regulations of the underlying districts with the following exceptions:

10-26-4.A: Detached Building Spacing:

10-26-4.A.1: Wall Separation: Where two (2) walls oppose each other, minimum separation shall be as required by City Fire regulations.

10-26-4.A.2: Privacy: Where windows are placed in only one of two (2) facing walls or there are no windows, or where the builder provides adequate screening for windows, or where the windows are at such a height or location to provide adequate privacy, the building spacing may be reduced.

10-26-4.A.3: Light and Air: Building spacing may be reduced where there are no windows or very small window areas and where rooms have adequate provisions for light and air from another direction.

10-26-4.A.4: Utility Areas: When areas between buildings are to be used for utility purposes a reduction of building spacing shall be permitted. Where this use is similar for both houses, a reduction of building space permitting effective design of a utility space shall be permitted. Kitchens and garages are suitable uses for rooms abutting such utility yards.

10-26-4.A.5: Building Configuration: Where building configuration is irregular, so the needs expressed in subsections A2, A3 and A4 of this section are met by the building configuration, reduced building spacing is permissible, as determined by the average spacing or by measuring spacing where rooms open toward adjacent buildings.

10-26-4.B: Bulk Requirements (i.e., Setbacks, Property Depth, Property Width, Building Height, Density, and Street Frontage): Bulk requirements that would otherwise be applicable to a project developed in a given zone wherein a PUD or MPC is proposed/allowed may be altered by the Commission as part of a PUDs or MPCs review and approval process. The Commission may allow deviations from the setback, [lot sizes](#), property depth, property width, building height, and street frontage requirements without one or more variance application permits being required provided that they conclude that any code required bulk requirement exceptions allowed comply with the following standards by assuring that:

...

10-26-4.C: Density and Lot Size:

10-26-4.C.1: Planned Unit Developments [and Master Planned Communities](#) shall adhere to the applicable residential zoning district density (see 10-26.4.C.3 Calculating Density) and lot size limitations [with the option of increasing the density by 20% and reducing the minimum lot size by 20% from the following limitations listed in the chart below](#) **as follows:**

Standard Subdivisions and Lot Splits

Residential Zoning Districts - Lot Size and Density - Standard Subdivision				
Future Land Use Designation	Zoning District	Min Lot Size per DU	Max Lot Size per DU	Gross Density Range in Comp Plan
AG	AG	5 acres	-	1 DU/acre or less
AG	RA	1 acre	-	
LDR	RS-22	22,000	43,560	1.01 - 2.5 DU/acre
LDR	RS-18	18,000	36,000	
LDR	RS-15	15,000	30,000	
LDR	RS-12	12,000	24,000	
MDR	RS-8.5	8,500	17,000	2.51 - 8 DU/acre
MDR	RS-7	7,000	14,000	
MDR	RS-6	6,000	12,000	
MDR	RS-4	4,000	8,000	
MDR	RD (single-family detached)	6,000	10,000	
MDR	RD (duplex)*	6,000	10,000	
MDR	RD (townhouse)**	see (**) below		
MDR	RML (single-family detached)	6,000	8,000	
HDR	RD (3-4 unit building)***	2,500	5,000	
HDR	RML (duplex)*	6,000	10,000	
HDR	RML (3+ dwelling units)****	1,350	3,500	8.01 + DU/acre
HDR	RML (townhouse)****	1,350	3,500	
HDR	RMH (duplex)*	5,000	10,000	

HDR	RMH (townhouse)****	5,000	10,000	
HDR	RMH (3+ dwelling units)****	500	3,500	
HDR	GB****	1,350	3,500	
RMU	RP (single-family detached)	6,000	12,000	2.51 - 8 DU/acre
RMU	RP (duplex)*	6,000	10,000	
RMU	RP (townhouse)****	1,350	3,500	

(*) Duplex ALL: The lot size range shown is for two dwelling units in one duplex building.

(**) Townhouse RD: A townhouse development in an RD Zoning District shall consist of a single building with two, three or four dwelling units. The 'minimum lot size' is 6,000 sq. ft. for the first two (2) dwelling units plus the minimum amount of square footage of parcel area allowed for each additional dwelling unit. No more than one (1) townhouse building is allowed per parcel. A minimum of 2,500 sq. ft. and a maximum of 5,000 sq. ft. of parcel area is required for each townhouse. For example - a three-unit townhouse building must sit on a parcel that is at least 7,500 sq. ft., but no more than 15,000 sq. ft. Each individual townhouse lot is not limited to a certain size. For example - a three-unit townhouse building that resides on a 15,000 square foot parcel could have a townhouse on a lot that is 2,000 square feet, another on a lot that is 3,000 square feet and another on a lot that is 10,000 square feet. Each townhouse is a dwelling unit and is individually owned.

(***) A multi-building subdivision must only consist of triplex and/or quadraplex buildings, except one (1) duplex building may be located in the development if there is insufficient parcel area to locate a triplex or quadraplex building. 2,500 square feet minimum and 5,000 square feet maximum of lot area is required for every dwelling unit. A single building may contain no more than 4 dwelling units - no more than one building per subdivision lot or stand-alone parcel is permitted.

(****) 3+ dwelling units and Townhouses RML, RMH, GB & RP: The 'minimum lot size' is 6,000 sq. ft. for the first two (2) dwelling units plus the amount of square footage of parcel area allowed for each additional dwelling unit.

If an existing lot is less than 6,000 sq. ft. in the RML, RMH, GB, RP & RD Zoning District, a single family detached residence may be placed on the lot after obtaining a variance from the Nampa City Council. The same requirement for a variance applies to lots in the RS, RA and AG (except cluster developments) zoning districts that are smaller than the required minimum lot size.

DU = One (1) dwelling unit

Residential Zoning Districts—Lot Size and Density for PUD's Only					
Future Land Use Designation	Zoning District	Min Lot Size Requirement per DU	Max Lot Size Requirement per DU	Min NET Density (DU/acre) bldg. lot area only	Max NET Density (DU/acre) bldg. lot area only
VLDR	RA	30,000	-	-	1.45
LDR	RS-22	17,600	32,000	1.36	2.48
LDR	RS-18	14,400	22,000	1.98	3.03
LDR	RS-15	12,000	18,000	2.42	3.63
LDR	RS-12	9,600	15,000	2.90	4.54
MDR	RS-8.5	6,800	12,000	3.63	6.41
MDR	RS-7	5,600	10,000	4.36	7.78
MDR	RS-6	4,800	9,000	4.84	9.08
MDR	RS-4	3,200	7,000	6.22	13.61
MDR	RD (Single-Fam Detached)	5,000	10,000	4.36	8.71
MDR	RD (Duplex)*	5,000	10,000	8.71	17.42
MDR	RD (Townhouse)**	2,500	5,000	8.71	17.42
HDR	RD (Multi-Family)***	2,500	3,500	12.45	17.42
HDR	RML (Multi-Family)****	1,350	3,500	12.45	29.82
HDR	RMH (Multi-Family)****	500	3,500	12.45	77.12
HDR	GB***	1,350	3,500	12.45	29.82
MU	RP (Single-Family)	4,800	9,000	4.84	9.08
MU	RP (Multi-Family)****	1,350	3,500	12.45	29.82
*The Lot Size allowed is 5,000 sq. ft. to 10,000 sq. ft. for a duplex (two [2] dwelling units in the same building).					
**A townhouse development in an RD Zoning District shall consist of a single building with two, three or four townhouses. No more than 1 townhouse building is allowed per parcel. A minimum of 2,500 sq. ft. and a maximum of 5,000 sq. ft. of parcel area is required for each townhouse. For example—a three-unit townhouse building must sit on a parcel that is at least 7,500 sq. ft., but no more than 15,000 sq. ft. Each individual townhouse lot is not limited to a certain size. For example—a three-unit townhome building that sits on a 15,000 square foot parcel could have a townhouse on a lot that is 2,000 square feet, another on a lot that is 3,000 square feet and another on a lot that is 10,000 square feet. Each townhouse is a dwelling unit and is individually owned.					
***Triplex and quadruplex buildings in the RD Zoning District can only be located in a High Density Residential, Residential Mixed Use or Community Mixed Use Land Use Setting. Multi-plex subdivisions must consist of triplex and/or quadruplex buildings. One duplex building may be part of a multi-plex subdivision of triplex and quadruplex buildings, if there is insufficient parcel area to locate a triplex or quadruplex building lot. 2,500—3,500 square feet of parcel area is required for every dwelling unit. A single building may contain no more than 4 dwelling units—no more than one building per subdivision lot or stand-alone parcel is permitted.					
****The first 2 dwelling units of any building require a minimum of 6,000 sq. ft. of parcel area for both units combined. The 'minimum lot size' is the minimum amount of square footage of parcel area allowed for each additional dwelling unit, and the 'maximum lot size' is the maximum amount square footage of parcel area allowed for each additional dwelling unit.					
DU = One (1) dwelling unit					
Note: The NET density of a lot may be doubled for 'Permitted Corner Lot Splits', and for lots in the RS Zoning District that are permitted by a CUP for duplex or two-unit townhouse.					

10-26-4.C.2: Master Planned Communities shall adhere to the applicable residential zoning district density and lot size limitation as follows:

Residential Zoning Districts—Lot Size and Density MPC's Only					
Future Land Use Designation	Zoning District	Min Lot Size Requirement per DU	Max Lot Size Requirement per DU	Min NET Density (DU/acre) bldg. lot area only	Max NET Density (DU/acre) bldg. lot area only
MDR	RS-8.5	6,800	12,000	3.63	6.41
MDR	RS-7	5,600	10,000	4.36	7.78
MDR	RS-6	4,800	9,000	4.84	9.08
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*The Lot Size allowed is 5,000 sq. ft. to 10,000 sq. ft. for a duplex (two [2] dwelling units in the same building).					
**A townhouse development in an RD Zoning District shall consist of a single building with two, three or four townhouses. No more than 1 townhouse building is allowed per parcel. A minimum of 2,500 sq. ft. and a maximum of 5,000 sq. ft. of parcel area is required for each townhouse. For example—a three unit townhouse building must sit on a parcel that is at least 7,500 sq. ft., but no more than 15,000 sq. ft. Each individual townhouse lot is not limited to a certain size. For example—a three unit townhome building that sits on a 15,000 square foot parcel could have a townhouse on a lot that is 2,000 square feet, another on a lot that is 3,000 square feet and another on a lot that is 10,000 square feet. Each townhouse is a dwelling unit and is individually owned.					
***Triplex and quadruplex buildings in the RD Zoning District can only be located in a High Density Residential, Residential Mixed Use or Community Mixed Use Land Use Setting. Multi-plex subdivisions must consist of triplex and/or quadruplex buildings. One duplex building may be part of a multi-plex subdivision of triplex and quadruplex buildings, if there is insufficient parcel area to locate a triplex or quadruplex building lot. 2,500—3,500 square feet of parcel area is required for every dwelling unit. A single building may contain no more than 4 dwelling units—no more than one building per subdivision lot or stand alone parcel is permitted.					
****The first 2 dwelling units of any building require a minimum of 6,000 sq. ft. of parcel area for both units combined. The 'minimum lot size' is the minimum amount of square footage of parcel area allowed for each additional dwelling unit, and the 'maximum lot size' is the maximum amount square footage of parcel area allowed for each additional dwelling unit.					
DU = One (1) dwelling unit					
Note: The NET density of a lot may be doubled for 'Permitted Corner Lot Splits', and for lots in the RS Zoning District that are permitted by a CUP for duplex or two-unit townhouse.					

~~**10-26-4.C.3: Buildable Acreage and Density Allowance of a Parcel:**~~

~~**Buildable Acreage** – The acreage of a parcel that remains after the acreage in pre-existing restricted (non-buildable) areas, Public ROW, required landscape buffers and required Qualified Open Space are subtracted from the total acreage of the parcel.~~

~~**Maximum NET density** – Maximum number of dwelling units allowed on a site's **buildable** acreage.~~

~~**Minimum NET density** – Minimum number of dwelling units allowed on a site's **buildable** acreage.~~

10-26-4.C.42: Buildable Lot Size and Density Requirements: New lots created on or after October 4, 2021 by an administrative lot split or through a subdivision of the land must conform to the minimum and maximum lot size and density requirements established for the zoning district assigned to that parcel in order to be considered a 'buildable' lot.

...

10-26-4.E: Cottage and Cluster Housing Development:

10-26-4.E.1: Definitions:

COTTAGE: A compact self-contained detached dwelling unit with at least one bedroom, kitchen, living area, laundry, and bathroom. Each cottage shall be on its own lot and individually owned. Although there are no building size requirements, generally cottages are no larger than 1,200 square feet in size. They shall be single-story, or two story with setback limitations (see 10-27-4.A.5.d "Setbacks and Height Limitations" below). Cottage homes shall be permanent structures built on a permanent foundation and typed as manufactured, modular, or standard construction. A cottage unit may be a 'tiny house' (see 'Tiny House' definition below).

COTTAGE/CLUSTER SUBDIVISION: A cottage/cluster subdivision is a stand-alone subdivision not associated with any other subdivision. It shall consist of a cluster of cottage or cluster homes each residing on its own lot. Cottage/cluster developments shall share a common interior open space around which the dwelling units are clustered. Generally, a cottage/cluster subdivision contains 5-15 dwelling units, however no less than 3 units and no more than 20 units per subdivision shall be permitted. All units shall be connected to the open space area and city walks by an

integrated pathway system. Parking shall be provided to the dwelling units by a shared parking area.

CLUSTER HOME: A self-contained single-family dwelling unit in a cottage, two - or three-unit townhome building. Each cluster home shall contain at least one bedroom, kitchen, living area, laundry, and bathroom. Each cluster home shall be on its own lot and individually owned. Although there are no building size requirements, generally each dwelling unit is no larger than 1,200 square feet in size. They shall be single-story, or two story with setback limitations (see **10-26-4.E.1.c “Setbacks and Height Limitations”** below). Cluster homes shall be permanent structures built on a permanent foundation and typed as manufactured, modular, or standard construction. A cluster home unit may be a ‘tiny house’ (see ‘Tiny House’ definition below) (see ‘Tiny House’ definition below).

TINY HOUSE

A ‘Tiny House’ is a residential structure that is 400 square feet or less in floor area excluding lofts with specific building code requirements. Tiny houses shall be constructed on site on a permanent foundation using standard construction methods or placed on site on a permanent foundation as a modular or manufactured structure. No ‘mobile’, ‘axle’ or ‘frame with axle’ foundations are permitted. Tiny house construction shall meet the city of Nampa adopted building codes for tiny houses and require necessary permits.

10-26-4.E.1.a: Units, Zoning and Lot Sizes:

- Each cottage/cluster subdivision shall consist of single-family detached cottages, two-unit townhouses, or some combination thereof, in the AG, RA, and RS-4 Zoning Districts; or a combination of single-family detached cottages, two – and three-unit townhouses in the RD, RML, RMH, GB2 and RP Zoning Districts.
- Cottage/cluster subdivisions shall be configured with cluster homes surrounding a central courtyard. The central common courtyard shall be sized at least 500 square feet per dwelling unit.
- Lot Sizes: No minimum lot size is required for each individual dwelling unit. The square footage of the entire cottage/cluster subdivision shall be sized utilizing the following lot size matrix:

Future Land Use Designation	Zoning District	Min. amount of square footage required per DU for the entire development	Max. amount of square footage allowed per DU for the entire development	Gross Density
MDR	RS-4 (single-family detached only)	3,200	7,000	2.51 - 8 DU/acre
MDR	RD (sing.-fam. detached or duplex)	2,500	5,000	
HDR	RD (3-4 DU per building only)	2,500	5,000	8.01 + DU/acre
HDR	RML	1,350	3,500	
HDR	RMH	1,350	3,500	
HDR	GB2	1,350	3,500	
RMU	RP	1,350	3,500	2.51 - 8 DU/acre
CMU	RP	1,350	3,500	8.01 + DU/acre

DU = One (1) Individual Dwelling Unit

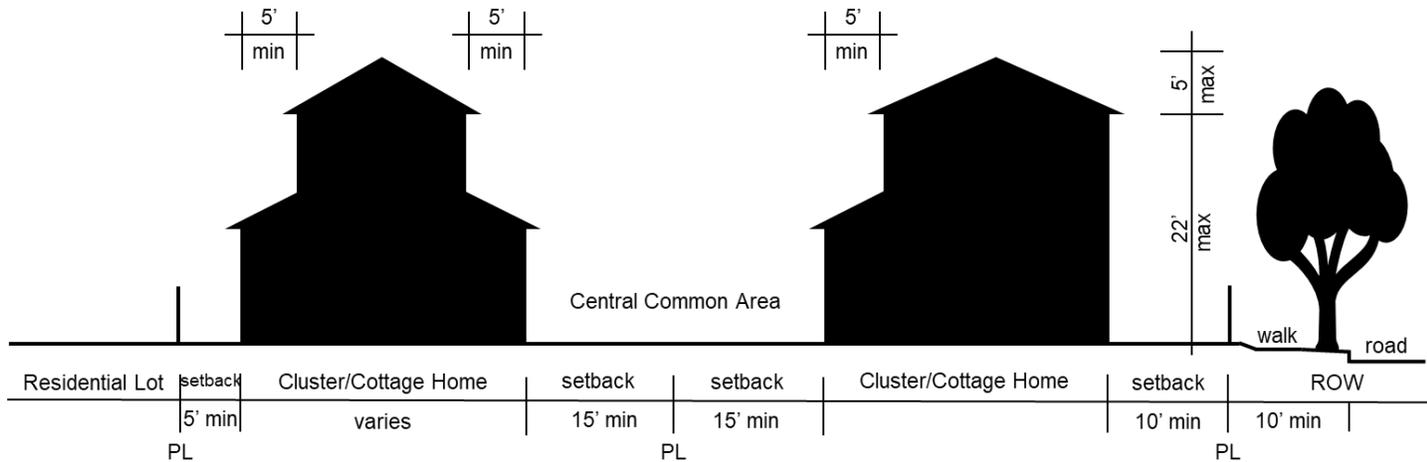
10-26-4.E.1.b: Floor Area and Building Articulation:

- Dwelling unit minimum floor area and ceiling height shall be determined by the building codes utilized by the Nampa Building Department.
- Fronts of all dwelling units shall face the central common area, with exception of corner units, which may face the side of a dwelling unit that faces the central common area.
- At least 60% of the living space shall be located on the first floor of any two-story dwelling unit excluding sleeping lofts.

10-26-4.E.1.c: Setbacks and Height Limitations:

- Lot property lines of dwelling units facing the central common area shall join in the center of the central courtyard where feasible.
- A common easement shall be created for all common areas.
- The side and rear setback between the subdivision and unrelated adjoining properties shall be a minimum of 5'.
- Setbacks from any right-of-way shall be 10'.
- The side and rear setbacks between dwelling units within a cottage/cluster subdivision shall be a minimum of 4' with a maximum 1' eave overhang into the setback.
- The front setback of dwelling units that face the central common area and share a common property line shall be a minimum of 15'.
- The front setback from a dwelling unit's front property line that abuts another dwelling unit's side property line shall be a minimum of 15'.

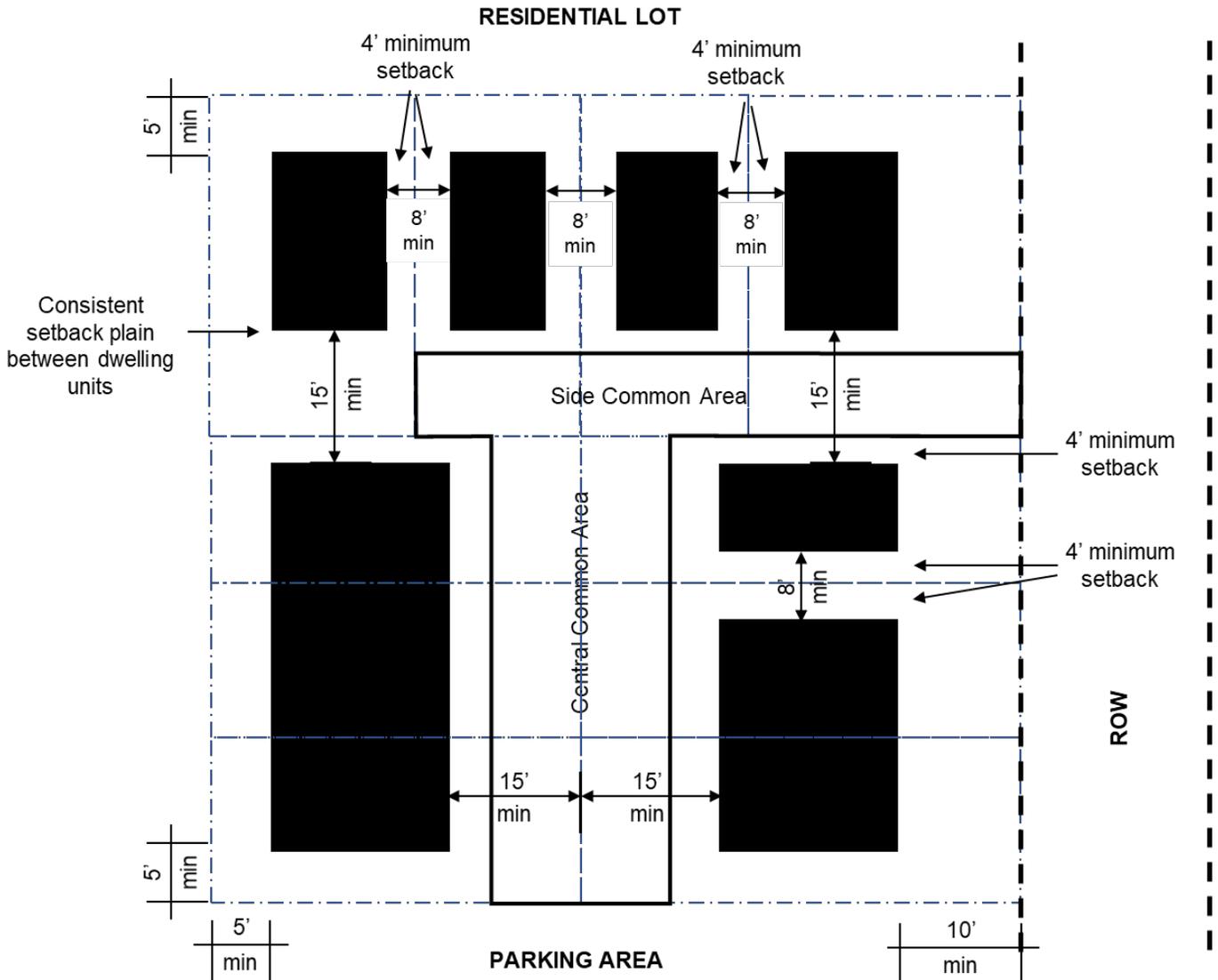
- Setbacks from the center line of any alley shall be a minimum of 15'.
- If an easement is wider than a required setback, the easement width shall prevail as the minimum required setback.
- Second story walls that face common areas shall be setback at least 5' from the first story front wall or front porch plane.
- Second story walls that face an adjacent residential property that is not part of the cottage/cluster subdivision shall be setback 5' from the first story rear or side wall plane.
- Each building shall be no higher than 22' (measured from the finished floor elevation to the highest ceiling elevation).
- The height of the apex of the roof may exceed the building height limit by no more than 5'.



10-26-4.E.1.d: Street Frontage Requirements: None required for dwelling units. Parking lot must have legal access to a public street or City-approved private drive or common driveway.

10-26-4.E.1.e: Accessory Structures: One (1) accessory structure is permitted per dwelling unit. Accessory structures:

- Shall not exceed 100 square feet in size;
- Shall not exceed 7' in height (ceiling elevation);
- Shall not be any closer than 3' to the principal dwelling unit;
- Shall not be located within any setback area;
- Shall complement the architecture of the primary dwelling unit and subdivision; and
- Shall not be used as a dwelling unit.



10-26-4.E.1.f: Landscaping:

- All cottage/cluster subdivisions shall be fully landscaped with trees, shrubs and groundcover.
- A 15' landscape buffer is required on all collector and arterial roads and shall be designed per NCC 10-33.
- Street trees shall be required on all subdivision street frontages and shall be spaced dripline to dripline (utilizing the canopy width of a mature tree of the selected species) with occasional breaks for views and pathways.
- One (1) Class I or Class II tree shall be planted for every two dwelling units anywhere in the subdivision.

- All planted areas shall be irrigated with a subterranean automatic irrigation system.
- Subdivision HOA shall include a provision in the subdivision CCR's for the maintenance and preservation of trees in a healthy and safe condition. Those provisions shall include a requirement that any tree that dies within the subdivision shall be replaced within 90 days, or as soon as the weather permits (see subsection 10-33-2.l of this title for specific information about the maintenance of landscaped areas).
- Five-foot (5') wide or wider concrete or masonry walkway connections are required to connect the entrance of each dwelling unit to the courtyard, parking lot and public sidewalk.
- All ground cover shall be turf, living groundcover plants or decorative rock. No more than 30% of the total area covered in groundcover shall be decorative rock.
- All trees specified for planting within the subdivision are subject to approval by the City Forester or his/her designee.

10-26-4.E.1.g: Parking:

- Off-street parking lot: 2.5 spaces required per dwelling unit (2 spaces per dwelling unit for residents, and the remainder as guest parking).
- Off-street residential parking lot(s) shall be located in the same cottage cluster subdivision development as the dwelling units that they serve.
- All residential parking spaces shall be covered by a carport. Guest parking is not required to be covered.
- A carport shall be setback 5' from the side and rear property line, and 10' from any right-of-way. The front of any carport that faces the street shall be setback a minimum of 20'.
- Carports must be out of the vision clearance triangle (see § 10-1-15, Figures 5a and 5b of this title).

10-26-4.E.1.h: Required Design Elements:

All dwelling units shall be required to follow the standards listed below:

- Covered front porches are required for each dwelling unit with a minimum area of 80 square feet.
- All fences on the rear and side yard property lines behind the front plane of the dwelling unit(s) shall be a maximum height of 6'.
- Fences in the front of dwelling units shall be a maximum height of 3'.
- No chain link fence shall be permitted.
- Each subdivision shall share a common architectural theme (Bungalow, Craftsman, Stone Cottage, etc.)

- Each unit shall contain at least three (3) different siding elements (planking, staggered shakes, stacked stone, etc.).
- Exterior chimneys shall be covered with masonry, stacked stone, stone, or other elements that match the architecture of the development.
- 3 distinct complementary paint/finish colors are required for wall planes and trim.
- Roof type and colors shall be appropriate to the style of architecture and selected color palette.
- Colors and painting schemes shall not be garish, fluorescent, or harsh.
- At least 30% of the walls that face the courtyard shall be in glazing (doors with at least one third (1/3) in glazing may be considered part of the calculation).
- Large blank wall planes, inadequate glazing, inadequate/inappropriate lighting, limited variation in texture and architectural elements, are not permitted.
- All mechanical units shall be screened from view with a solid fence or with evergreen vegetative screening. HVAC units shall be in rear or side yards and away from common areas.
- Trash enclosures shall be screened from view by fencing with evergreen vegetative screening.
- Exterior gas fireplaces/firepits shall be placed and permitted according to all building and fire code regulations.
- Overhang from exterior awnings, trellises, gazebos and other exterior structures shall be permitted to extend one-foot (1') into any building setback for each lot.
- The subdivision shall be designed to meet engineering standards for runoff and rainwater collection.

10-26-4.E.1.i: Common Space and Amenities:

- Courtyard Area Requirement: (500 square feet) x (# of dwelling units in the subdivision) minimum.
- Private open space, unintegrated stormwater retention management facilities, landscape buffers, parking areas, and driveways do not qualify as courtyard or common open space area.
- Each dwelling unit shall have paved pedestrian access from their front door to:
 - The central open space area
 - The resident parking lot
 - A public sidewalk
 - Trash enclosure(s)

10-26-4.E.1.j: Project Review Process:

10-26-4.E.1.j.i: All Cottage/Cluster Subdivisions without a tiny house shall be subject to the standard subdivision review and approval process (see § 27-2&3 of this title).

10-26-4.E.1.j.ii: All Cottage/Cluster Subdivisions that include a tiny house on a development of 0 – 1.99 gross acres, shall, in addition to being subject to the standards subdivision review and approval process, require a conditional use permit.

10-26-4.E.1.j.iii: All Cottage/Cluster Subdivisions that include a tiny house on a development of two (2) or more gross acres, shall be submitted for review and approval as a Planned Unit Development (see NCC 10-26-8).

10-26-4.E.1.j.iv: Cottage/cluster subdivision preliminary development plans shall be reviewed by City staff in a pre-application meeting. The plan will be presented to the Commission and Council in the preliminary plat application process.

10-26-4.E.1.j.v: The preliminary development plan shall be presented in the same form, and contain the same information, as outlined for preliminary subdivision plats under chapter 27 of this title, or as required for PUD's in chapter 26 of this title. In addition, the development plan shall contain the following information:

- Notation(s) regarding proposed ownership of streets, public or private.
- A landscape plan identifying materials and elements used for private front yards; common courtyard and open space areas; intervening spaces between rights of way and building lines; and between buildings, drives and parking areas.
- Schematics of the proposed development, building elevations and open space area elements.
- Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.

- [General outline of intended organizational structure related to property owners' association, deed restrictions and provisions of services.](#)
- [A copy of the legal title to the property or proof of a legally binding sales agreement ensuring the entire project area is under single ownership or control.](#)
- [Existing features of the development site including major wooded areas and structures.](#)
- [The pattern of public and private roads, driveways, parking facilities, pedestrian ways and intended design standards.](#)
- [The size arrangement and location of lots or of proposed building groups.](#)
- [Preliminary building elevation renderings/pictures/etc.](#)

10-26-5: OPEN SPACE REQUIREMENTS

10-26-5.A: Qualified Open Space:

10-26-5.A.1: PUDs:

10-26-5.A.1.a: For developments with a gross acreage of 2-4.99 acres: At least ten percent (10%) of the total ~~net area of buildable~~ [gross](#) acreage shall be retained as Qualified Open Space. Buildable acreage with residential lots that are 32,000 square feet or greater is not required to contain Qualified Open Space.

10-26-5.A.1.b: For developments with a gross acreage of 5 acres or greater: At least fifteen percent (15%) of the total ~~net area of buildable~~ [gross](#) acreage shall be retained as Qualified Open Space. Buildable acreage with residential lots that are 32,000 square feet or greater is not required to contain Qualified Open Space.

10-26-5.A.2: MPCs: At least fifteen percent (15%) of the total ~~net area of buildable~~ [gross](#) acreage shall be retained as Qualified Open Space.

...

10-26-5.D: ~~MPC~~ Qualified Open Space [Required Elements Requirement](#):

Each ~~Master Planned Community~~ [development over 5 acres \(gross\) or over](#) shall contain at least two (2) Qualified Open Space elements from the following list:

10-26-5.D.1: Large Play/Picnic Area: Large play area with a tot lot (0-5 yr.), youth (5-12 yr.) play equipment; and splash pad or shelter for a minimum of three picnic tables. The play areas shall include a drinking fountain, an adjacent grassy area of at least 1 acre in size with at least five (5) Class II Trees.

...AND...

10-27-1.J: Ratio of Land Uses: Ratio of land uses for subdivisions that are larger than 5 acres in a Mixed Use Land Use Setting: In the Residential Mixed-Use land use setting on the Future Land Use Map, ~~the primary~~ over fifty percent (50%) of the proposed land use shall be residential with no less than 5% of the land use as commercial. In the Community Mixed-Use land use setting on the Future Land Use Map, ~~the primary~~ over fifty percent (50%) of the proposed land use shall be commercial with no less than 5% of the land use as High-Density Residential and/or light industrial.

...

10-27-2.B.3.e: An 'Open Space Plan' illustrating the following:

10-27-2.B.3.e.i. Qualified open space locations and elements provided within. The size of each qualified open space area (expressed in square feet and acres) and the total area of qualified open space (expressed in acres and expressed as a percentage of the gross ~~net~~ buildable area) shall be indicated on the plan.

...

10-27-3.C.2: Lot Area: Submittals shall include areas of all lots. Lots and density for a Standard Subdivision (~~not a PUD, Master Planned Community, Cottage or Cluster Development~~) shall adhere to the following lot size and density requirements:

Residential Zoning Districts—Lot Size and Density—Standard Subdivision					
Future Land Use Designation	Zoning District	Min Lot-Size Requirement per DU	Max Lot-Size Requirement per DU	Min-NET Density (DU/acre) bldg.-lot area only	Max-NET Density (DU/acre) bldg.-lot area only
VLDR	AG	-	-	-	.2-
VLDR	RA	30,000	-	-	1.45
LDR	RS-22	17,600	32,000	1.36	1.98
LDR	RS-18	14,400	22,000	1.98	2.42
LDR	RS-15	12,000	18,000	2.42	2.90
LDR	RS-12	9,600	15,000	2.90	3.63
MDR	RS-8.5	6,800	12,000	3.63	5.12
MDR	RS-7	5,600	10,000	4.36	6.22
MDR	RS-6	4,800	9,000	4.84	7.26
MDR	RS-4	3,200	7,000	6.22	10.89
MDR	RD (Single-Fam Detached)	5,000	10,000	4.36	6.22
MDR	RD (Duplex)*	5,000	10,000	8.71	12.44
MDR	RD (Townhouse)**	2,500	5,000	8.71	12.44
HDR	RD (Multi-Family)***	2,500	3,500	12.45	17.42
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MU	RP (Single-Family)	4,800	9,000	4.84	7.26
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*The Lot-Size allowed is 5,000 sq. ft. to 10,000 sq. ft. for a duplex (two [2] dwelling units in the same building).					
**A townhouse development in an RD Zoning District shall consist of a single building with two, three or four townhouses. No more than 1 townhouse building is allowed per parcel. A minimum of 2,500 sq. ft. and a maximum of 5,000 sq. ft. of parcel area is required for each townhouse. For example—a three-unit townhouse building must sit on a parcel that is at least 7,500 sq. ft., but no more than 15,000 sq. ft. Each individual townhouse lot is not limited to a certain size. For example—a three-unit townhome building that sits on a 15,000 square foot parcel could have a townhouse on a lot that is 2,000 square feet, another on a lot that is 3,000 square feet and another on a lot that is 10,000 square feet. Each townhouse is a dwelling unit and is individually owned.					
***Triplex and quadraplex buildings in the RD Zoning District can only be located in a High-Density Residential, Residential Mixed Use or Community Mixed Use Land Use Setting. Multi-plex subdivisions must consist of triplex and/or quadraplex buildings. One duplex building may be part of a multi-plex subdivision of triplex and quadraplex buildings, if there is insufficient parcel area to locate a triplex or quadraplex building lot. 2,500—3,500 square feet of parcel area is required for every dwelling unit. A single building may contain no more than 4 dwelling units—no more than one building per subdivision lot or stand-alone parcel is permitted.					
****The first 2 dwelling units of any building require a minimum of 6,000 sq. ft. of parcel area for both units combined. The 'minimum lot size' is the minimum amount of square footage of parcel area allowed for each additional dwelling unit, and the 'maximum lot size' is the maximum amount square footage of parcel area allowed for each additional dwelling unit.					
DU = One (1) dwelling unit					
Note: The NET density of a lot may be doubled for 'Permitted Corner Lot Splits', and for lots in the RS Zoning District that are permitted by a CUP for duplex or two-unit townhouse.					

Standard Subdivisions and Lot Splits

Residential Zoning Districts - Lot Size and Density - Standard Subdivision				
Future Land Use Designation	Zoning District	Min Lot Size per DU	Max Lot Size per DU	Gross Density Range in Comp Plan
AG	AG	5 acres	-	1 DU/acre or less
AG	RA	1 acre	-	
LDR	RS-22	22,000	43,560	1.01 - 2.5 DU/acre
LDR	RS-18	18,000	36,000	
LDR	RS-15	15,000	30,000	
LDR	RS-12	12,000	24,000	
MDR	RS-8.5	8,500	17,000	2.51 - 8 DU/acre
MDR	RS-7	7,000	14,000	
MDR	RS-6	6,000	12,000	
MDR	RS-4	4,000	8,000	
MDR	RD (single-family detached)	6,000	10,000	
MDR	RD (duplex)*	6,000	10,000	
MDR	RD (townhouse)**	see (**) below		
MDR	RML (single-family detached)	6,000	8,000	
HDR	RD (3-4 unit building)***	2,500	5,000	8.01 + DU/acre
HDR	RML (duplex)*	6,000	10,000	
HDR	RML (3+ dwelling units)****	1,350	3,500	
HDR	RML (townhouse)****	1,350	3,500	
HDR	RMH (duplex)*	5,000	10,000	
HDR	RMH (townhouse)****	5,000	10,000	
HDR	RMH (3+ dwelling units)****	500	3,500	
HDR	GB****	1,350	3,500	
RMU	RP (single-family detached)	6,000	12,000	2.51 - 8 DU/acre
RMU	RP (duplex)*	6,000	10,000	
RMU	RP (townhouse)****	1,350	3,500	

NOTE: LDR: Proposals with a density greater than 2.5 DU per acre are required to be a Planned Unit Development.

NOTE: MDR and RMU subdivision development proposals with a density greater than 5.1 DU per acre are required to be a Planned Unit Development or part of a Master Planned Community.

(*) Duplex ALL: The lot size range shown is for two dwelling units in one duplex building.

(**) Townhouse RD: A townhouse development in an RD Zoning District shall consist of a single building with two, three or four dwelling units. The 'minimum lot size' is 6,000 sq. ft. for the first two (2) dwelling units plus the minimum amount of square footage of parcel area allowed for each additional dwelling unit. No more than one (1) townhouse building is allowed per parcel. A minimum of 2,500 sq. ft. and a maximum of 5,000 sq. ft. of parcel area is required for each townhouse. For example - a three-unit townhouse

building must sit on a parcel that is at least 7,500 sq. ft., but no more than 15,000 sq. ft. Each individual townhouse lot is not limited to a certain size. For example - a three-unit townhouse building that resides on a 15,000 square foot parcel could have a townhouse on a lot that is 2,000 square feet, another on a lot that is 3,000 square feet and another on a lot that is 10,000 square feet. Each townhouse is a dwelling unit and is individually owned.

(**) A multi-building subdivision must only consist of triplex and/or quadraplex buildings, except one (1) duplex building may be located in the development if there is insufficient parcel area to locate a triplex or quadraplex building. 2,500 square feet minimum and 5,000 square feet maximum of lot area is required for every dwelling unit. A single building may contain no more than 4 dwelling units - no more than one building per subdivision lot or stand-alone parcel is permitted.

(***) 3+ dwelling units and Townhouses RML, RMH, GB & RP: The 'minimum lot size' is 6,000 sq. ft. for the first two (2) dwelling units plus the amount of square footage of parcel area allowed for each additional dwelling unit.

If an existing lot is less than 6,000 sq. ft. in the RML, RMH, GB, RP & RD Zoning District, a single family detached residence may be placed on the lot after obtaining a variance from the Nampa City Council. The same requirement for a variance applies to lots in the RS, RA and AG (except cluster developments) zoning districts that are smaller than the required minimum lot size.

DU = One (1) dwelling unit

~~10-27-3.C.2.a: Buildable Acreage and Density Allowance of a Parcel:~~

~~**Buildable Acreage** = The acreage of a parcel that remains after the acreage in pre-existing restricted (non-buildable) areas, Public ROW, required landscape buffers and required Qualified Open Space are subtracted from the total acreage of the parcel.~~

~~**Maximum NET density** = Maximum number of dwelling units allowed on a site's **buildable** acreage.~~

~~**Minimum NET density** = Minimum number of dwelling units allowed on a site's **buildable** acreage.~~

10-27-3.C.2.ba: Buildable Lot Size and Density Requirements:
New lots created on or after October 4, 2021 by an administrative lot split or through a subdivision of the land must conform to the minimum and maximum lot size and density requirements established for the zoning district assigned to that parcel in order to be considered a 'buildable' lot.

...

10-27-3.c.5.g: An 'Open Space Plan' illustrating the following:

10-27-3.c.5.g.i: Qualified open space locations and elements provided within. The size of each qualified open space area (expressed in square feet and acres) and the total area of qualified open space (expressed in acres and expressed as a percentage of the gross net buildable area) shall be indicated on the plan.

...

10-27-4.A: Planned Unit Developments, Master Planned Communities, Condominiums, Townhouses, Urban Neotraditional, ~~Cottage and Cluster~~ And Other "Special" Developments:

...

10-27-4.A.4.b: In an RS PUD the minimum lot size per each two-unit townhouse shall be at least one-half (1/2) that normally required in the RS zone within which the residential structure is proposed. (For example, the minimum lot size for 1 unit of a 2-unit townhouse in an RS6 Zone PUD shall be ~~2,400~~ 3,000 square feet according to that standard.)

10-27-4.A.4.c: Townhouse developments require a preliminary and final plat. All preliminary plats are subject to the review and approval process outlined in Chapter 27, Sections 2 & 3 of this title.

10-27-4.A.4.d: Front, side and rear yard setbacks, bulk requirements and height limitations pertaining to townhouse lot(s) and buildings, shall be per pertinent district standards.

~~**10-27-4.A.4.e:** Townhouse developments on parcels with a gross acreage of less than 2 acres – 5% of the net buildable acreage in qualified open space is required. Developments that have a gross acreage area of 2 – 4.99 acres – 10% of the net buildable acreage in qualified open space is required. Developments that have a net buildable area of 5+ acres – 15% of the net buildable acreage in qualified open space is required.~~

10-27-4.A.5: Cottage and Cluster Housing Development: [See chapter 26 of this title for a detailed list of submittal requirements and guidelines.](#)

~~10-27-4.A.5.a: Definitions:~~

~~**COTTAGE:** A compact self-contained detached dwelling unit with at least one bedroom, kitchen, living area, laundry, and bathroom.~~

~~Each cottage shall be on its own lot and individually owned. Although there are no building size requirements, generally cottages are no larger than 1,200 square feet in size. They shall be single-story, or two-story with setback limitations (see 10-27-4.A.5.d “Setbacks and Height Limitations” below). Cottage homes shall be permanent structures built on a permanent foundation and typed as manufactured, modular, or standard construction. A cottage unit may be a ‘tiny house’ (see ‘Tiny House’ definition below).~~

~~COTTAGE/CLUSTER SUBDIVISION: A cottage/cluster subdivision is a stand-alone subdivision not associated with any other subdivision. It shall consist of a cluster of cottage or cluster homes each residing on its own lot. Cottage/cluster developments shall share a common interior open space around which the dwelling units are clustered. Generally, a cottage/cluster subdivision contains 5-15 dwelling units, however no less than 3 units and no more than 20 units per subdivision shall be permitted. All units shall be connected to the open space area and city walks by an integrated pathway system. Parking shall be provided to the dwelling units by a shared parking area.~~

~~CLUSTER HOME: A self-contained single-family dwelling unit in a cottage, two- or three-unit townhome building. Each cluster home shall contain at least one bedroom, kitchen, living area, laundry, and bathroom. Each cluster home shall be on its own lot and individually owned. Although there are no building size requirements, generally each dwelling unit is no larger than 1,200 square feet in size. They shall be single-story, or two-story with setback limitations (see 10-27-4.A.5.d “Setbacks and Height Limitations” below). Cluster homes shall be permanent structures built on a permanent foundation and typed as manufactured, modular, or standard construction. A cluster home unit may be a ‘tiny house’ (see ‘Tiny House’ definition below) (see ‘Tiny House’ definition below).~~

~~TINY HOUSE~~

~~A ‘Tiny House’ is a residential structure that is 400 square feet or less in floor area excluding lofts with specific building code requirements. Tiny houses shall be constructed on site on a permanent foundation using standard construction methods or placed on site on a permanent foundation as a modular or manufactured structure. No ‘mobile’, ‘axle’ or ‘frame with axle’ foundations are permitted. Tiny house construction shall meet the city of Nampa adopted building codes for tiny houses and require necessary permits.~~

10-27-4.A.5.b: Units, Zoning and Lot Sizes:

- ~~Each cottage/cluster subdivision shall consist of single-family detached cottages, two-unit townhouses, or some combination thereof, in the RS-4 Zoning District; or a combination of single-family detached cottages, two- and three-unit townhouses in the RD, RML, RMH and RP Zoning Districts.~~
- ~~Cottage/cluster subdivisions shall be configured with cluster homes surrounding a central courtyard. The central common courtyard shall be sized at least 500 square feet per dwelling unit.~~
- ~~Lot Sizes: No minimum lot size is required for each individual dwelling unit. The square footage of the entire cottage/cluster subdivision shall be sized utilizing the following lot size matrix:~~

Residential Zoning Districts—Lot Size and Density Cottage and Cluster Developments Only					
Future Land Use Designation	Zoning District	Min. amount of square footage required per DU for the entire development	Max. amount of square footage allowed per DU for the entire development	Min GROSS Density (DU/acre)	Max GROSS Density (DU/acre)
MDR	RS-4	3,200	7,000	6.22	13.61
MDR	RD	2,500	5,000	8.71	17.42
HDR	RD	2,500	3,500	12.45	17.42
HDR	RML	1,350	3,500	12.45	29.82
HDR	RMH	1,350	3,500	12.45	29.82
HDR	GB2	1,350	3,500	12.45	29.82
MU	RP	1,350	3,500	12.45	29.82

DU = One (1) Individual Dwelling Unit

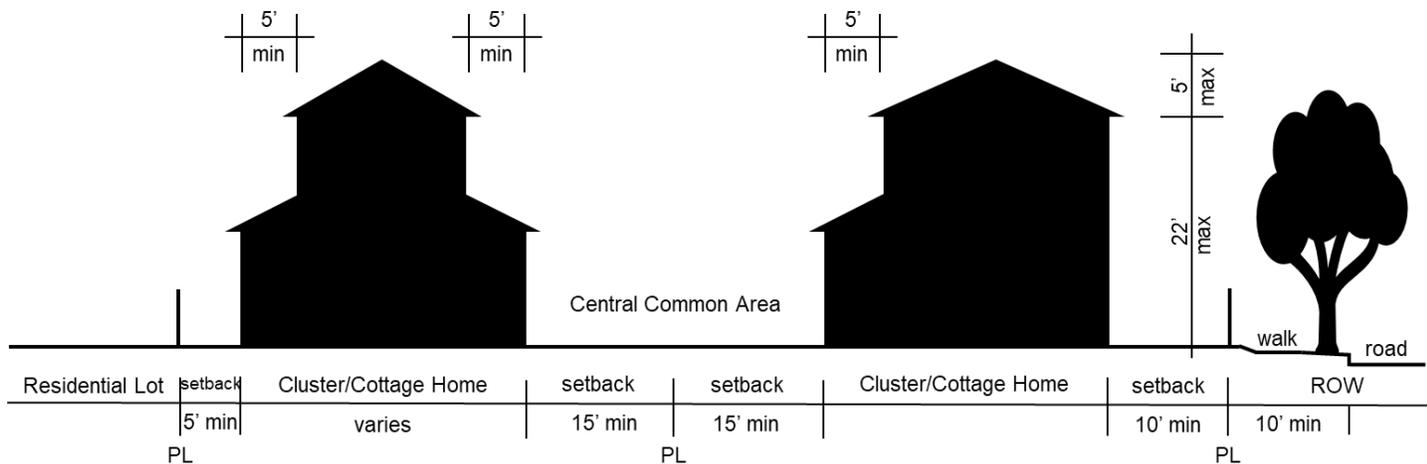
10-27-4.A.5.c: Floor Area and Building Articulation:

- ~~Dwelling unit minimum floor area and ceiling height shall be determined by the building codes utilized by the Nampa Building Department.~~
- ~~Fronts of all dwelling units shall face the central common area, with exception of corner units, which may face the side of a dwelling unit that faces the central common area.~~
- ~~At least 60% of the living space shall be located on the first floor of any two-story dwelling unit excluding sleeping lofts.~~

10-27-4.A.5.d Setbacks and Height Limitations:

- ~~Lot property lines of dwelling units facing the central common area shall join in the center of the central courtyard where feasible.~~

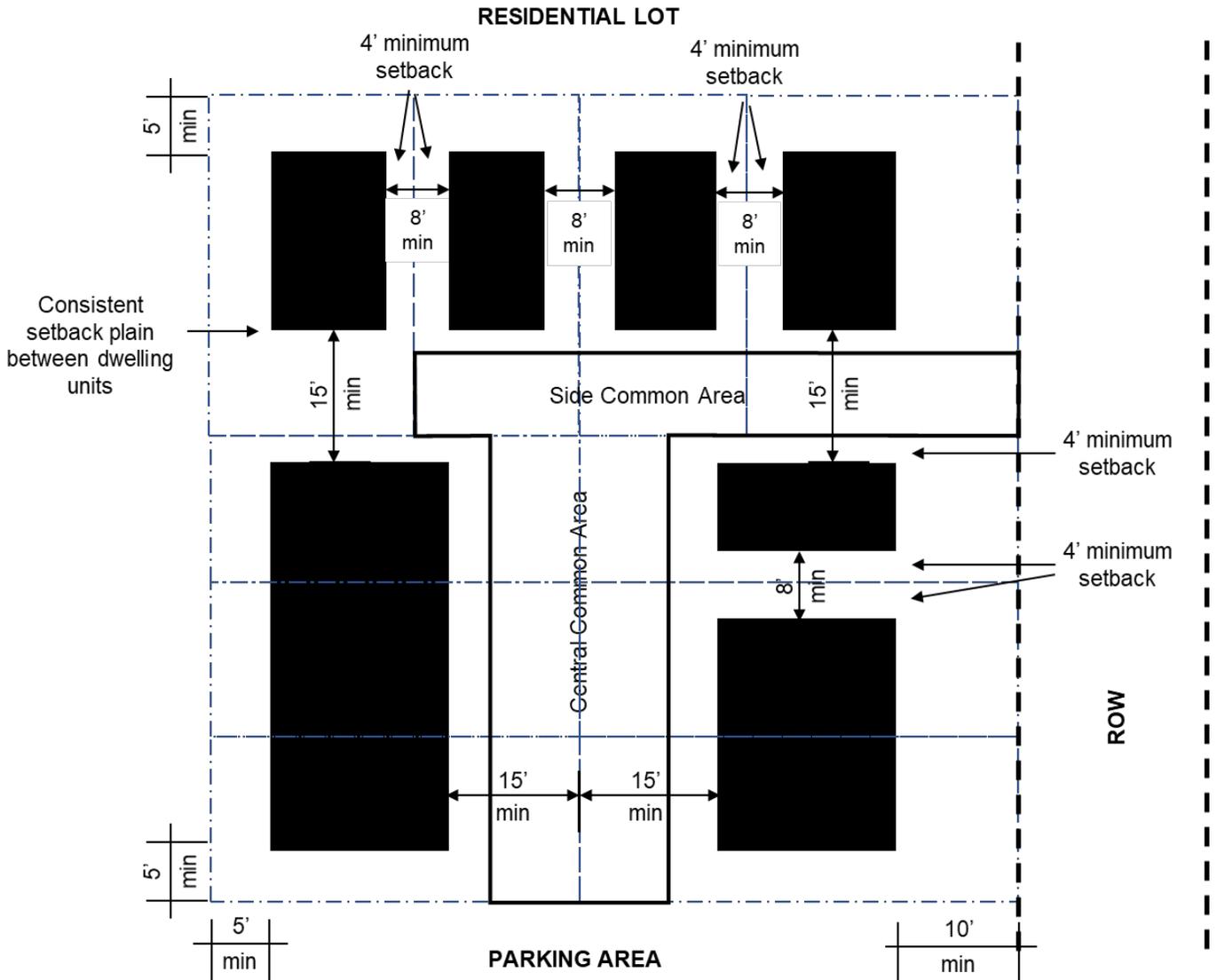
- ~~• A common easement shall be created for all common areas.~~
- ~~• The side and rear setback between the subdivision and unrelated adjoining properties shall be a minimum of 5'.~~
- ~~• Setbacks from any right-of-way shall be 10'.~~
- ~~• The side and rear setbacks between dwelling units within a cottage/cluster subdivision shall be a minimum of 4' with a maximum 1' eave overhang into the setback.~~
- ~~• The front setback of dwelling units that face the central common area and share a common property line shall be a minimum of 15'.~~
- ~~• The front setback from a dwelling unit's front property line that abuts another dwelling unit's side property line shall be a minimum of 15'.~~
- ~~• Setbacks from the center line of any alley shall be a minimum of 15'.~~
- ~~• If an easement is wider than a required setback, the easement width shall prevail as the minimum required setback.~~
- ~~• Second story walls that face common areas shall be setback at least 5' from the first story front wall or front porch plane.~~
- ~~• Second story walls that face an adjacent residential property that is not part of the cottage/cluster subdivision shall be setback 5' from the first story rear or side wall plane.~~
- ~~• Each building shall be no higher than 22' (measured from the finished floor elevation to the highest ceiling elevation).~~
- ~~• The height of the apex of the roof may exceed the building height limit by no more than 5'.~~



~~**10-27-4.A.5.e: Street Frontage Requirements:** None required for dwelling units. Parking lot must have legal access to a public street or City-approved private drive or common driveway.~~

10-27-4.A.5.f: Accessory Structures: One (1) accessory structure is permitted per dwelling unit. Accessory structures:

- Shall not exceed 100 square feet in size;
- Shall not exceed 7' in height (ceiling elevation);
- Shall not be any closer than 3' to the principal dwelling unit;
- Shall not be located within any setback area;
- Shall complement the architecture of the primary dwelling unit and subdivision; and
- Shall not be used as a dwelling unit.



10-27-4.A.5.g: Landscaping:

- ~~All cottage/cluster subdivisions shall be fully landscaped with trees, shrubs and groundcover.~~
- ~~A 15' landscape buffer is required on all collector and arterial roads and shall be designed per NCC 10-33.~~
- ~~Street trees shall be required on all subdivision street frontages and shall be spaced dripline to dripline (utilizing the canopy width of a mature tree of the selected species) with occasional breaks for views and pathways.~~
- ~~One (1) Class I or Class II tree shall be planted for every two dwelling units anywhere in the subdivision.~~
- ~~All planted areas shall be irrigated with a subterranean automatic irrigation system.~~
- ~~Subdivision HOA shall include a provision in the subdivision CCR's for the maintenance and preservation of trees in a healthy and safe condition. Those provisions shall include a requirement that any tree that dies within the subdivision shall be replaced within 90 days, or as soon as the weather permits (see subsection 10-33-2.1 of this title for specific information about the maintenance of landscaped areas).~~
- ~~Five-foot (5') wide or wider concrete or masonry walkway connections are required to connect the entrance of each dwelling unit to the courtyard, parking lot and public sidewalk.~~
- ~~All ground cover shall be turf, living groundcover plants or decorative rock. No more than 30% of the total area covered in groundcover shall be decorative rock.~~
- ~~All trees specified for planting within the subdivision are subject to approval by the City Forester or his/her designee.~~

10-27-4.A.5.h: Parking:

- ~~Off-street parking lot: 2.5 spaces required per dwelling unit (2 spaces per dwelling unit for residents, and the remainder as guest parking).~~
- ~~Off-street residential parking lot(s) shall be located in the same cottage cluster subdivision development as the dwelling units that they serve.~~
- ~~All residential parking spaces shall be covered by a carport. Guest parking is not required to be covered.~~
- ~~A carport shall be setback 5' from the side and rear property line, and 10' from any right-of-way. The front of any carport that faces the street shall be setback a minimum of 20'.~~
- ~~Carports must be out of the vision clearance triangle (see § 10-1-15, Figures 5a and 5b of this title).~~

~~10-27-4.A.5.i: Required Design Elements:~~

~~All dwelling units shall be required to follow the standards listed below:~~

- ~~• Covered front porches are required for each dwelling unit with a minimum area of 80 square feet.~~
- ~~• All fences on the rear and side yard property lines behind the front plane of the dwelling unit(s) shall be a maximum height of 6'.~~
- ~~• Fences in the front of dwelling units shall be a maximum height of 3'.~~
- ~~• No chain link fence shall be permitted.~~
- ~~• Each subdivision shall share a common architectural theme (Bungalow, Craftsman, Stone Cottage, etc.)~~
- ~~• Each unit shall contain at least three (3) different siding elements (planking, staggered shakes, stacked stone, etc.).~~
- ~~• Exterior chimneys shall be covered with masonry, stacked stone, stone, or other elements that match the architecture of the development.~~
- ~~• 3 distinct complementary paint/finish colors are required for wall planes and trim.~~
- ~~• Roof type and colors shall be appropriate to the style of architecture and selected color palette.~~
- ~~• Colors and painting schemes shall not be garish, fluorescent, or harsh.~~
- ~~• At least 30% of the walls that face the courtyard shall be in glazing (doors with at least one third (1/3) in glazing may be considered part of the calculation).~~
- ~~• Large blank wall planes, inadequate glazing, inadequate/inappropriate lighting, limited variation in texture and architectural elements, are not permitted.~~
- ~~• All mechanical units shall be screened from view with a solid fence or with evergreen vegetative screening. HVAC units shall be in rear or side yards and away from common areas.~~
- ~~• Trash enclosures shall be screened from view by fencing with evergreen vegetative screening.~~
- ~~• Exterior gas fireplaces/firepits shall be placed and permitted according to all building and fire code regulations.~~
- ~~• Overhang from exterior awnings, trellises, gazebos and other exterior structures shall be permitted to extend one foot (1') into any building setback for each lot.~~
- ~~• The subdivision shall be designed to meet engineering standards for runoff and rainwater collection.~~

~~10-27-4.A.5.k: Common Space and Amenities:~~

- ~~• Courtyard Area Requirement: (500 square feet) x (# of dwelling units in the subdivision) minimum.~~

- ~~Private open space, unintegrated stormwater retention management facilities, landscape buffers, parking areas, and driveways do not qualify as courtyard or common open space area.~~
- ~~Each dwelling unit shall have paved pedestrian access from their front door to:

 - ~~The central open space area~~
 - ~~The resident parking lot~~
 - ~~A public sidewalk~~
 - ~~Trash enclosure(s)~~~~

~~10-27-4.A.5.I: Project Review Process:~~

~~10-27-4.A.5.I.i: All Cottage/Cluster Subdivisions without a tiny house shall be subject to the standard subdivision review and approval process (see § 27-2&3 of this title).~~

~~10-27-4.A.5.I.ii: All Cottage/Cluster Subdivisions that include a tiny house on a development of 0 – 1.99 gross acres, shall, in addition to being subject to the standards subdivision review and approval process, require a conditional use permit.~~

~~10-27-4.A.5.I.iii: All Cottage/Cluster Subdivisions that include a tiny house on a development of two (2) or more gross acres, shall be submitted for review and approval as a Planned Unit Development (see NCC 10-26-8).~~

~~10-27-4.A.5.I.iv: Cottage/cluster subdivision preliminary development plans shall be reviewed by City staff in a pre-application meeting. The plan will be presented to the Commission and Council in the preliminary plat application process.~~

~~10-27-4.A.5.I.v: The preliminary development plan shall be presented in the same form, and contain the same information, as outlined for preliminary subdivision plats under chapter 27 of this title, or as required for PUD's in chapter 26 of this title. In addition, the development plan shall contain the following information:~~

- ~~Notation(s) regarding proposed ownership of streets, public or private.~~
- ~~A landscape plan identifying materials and elements used for private front yards; common courtyard and open space areas; intervening spaces between rights of way and~~

~~building lines; and between buildings, drives and parking areas.~~

- ~~▪ Schematics of the proposed development, building elevations and open space area elements.~~
- ~~▪ Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.~~
- ~~▪ General outline of intended organizational structure related to property owners' association, deed restrictions and provisions of services.~~
- ~~▪ A copy of the legal title to the property or proof of a legally binding sales agreement ensuring the entire project area is under single ownership or control.~~
- ~~▪ Existing features of the development site including major wooded areas and structures.~~
- ~~▪ The pattern of public and private roads, driveways, parking facilities, pedestrian ways and intended design standards.~~
- ~~▪ The size arrangement and location of lots or of proposed building groups.~~
- ~~▪ Preliminary building elevation renderings/pictures/etc.~~

10-27-4.A.6: Additional General Provisions: The City Council may further approve reductions in required setbacks for special developments during review of a plat wherein the units will be located. In such cases, the following conditions shall apply:

10-27-4.A.6.a: In no case shall garages or carports be allowed closer than twenty feet (20') to the property line adjacent to the street giving access to a lot, although, the living space (non-parking) part of the home may be within fifteen feet (15') of the front property line and ten feet (10') from the street side property line on a corner lot.

~~Exception: The side and rear of carports within a Cluster/Cottage subdivision may be ten feet (10') from a right-of-way.~~

...

10-27-6.J.4: Fencing Along Waterways: Four foot (4') to Six foot (6') high ~~chain-link~~ open-vision fencing shall be emplaced adjacent to all water laterals (not farmer's ditches) in conjunction with new subdivision development. To provide for maintenance (e.g., weed control) of the area of land between the fencing and the waterway, a developer may propose one of the following methodologies:

...

10-27-6.M: Open Space Requirement:

10-27-6.M.1: ~~For d~~ Developments with a gross acreage of 0-1.99 acres: At least five percent (5%) of the total gross net parcel-area of buildable acreage shall be retained as Qualified Open Space. ~~Buildable acreage with r-Residential~~ lots that are 32,000 square feet or greater within a development is not required to contain are not required to contribute to the gross parcel area utilized to calculate the required Qualified Open Space.

10-27-6.M.2: ~~For d~~ Developments with a gross acreage of 2-4.99 acres: At least ten percent (10%) of the total gross net parcel-area of buildable acreage shall be retained as Qualified Open Space. ~~Buildable acreage with r-Residential~~ lots that are 32,000 square feet or greater within a development is not required to contain are not required to contribute to the gross parcel area utilized to calculate the required Qualified Open Space.

10-27-6.M.3: ~~For d~~ Developments with a gross acreage of 5 acres or greater: At least fifteen percent (15%) of the total gross net parcel-area of buildable acreage shall be retained as Qualified Open Space. ~~Buildable acreage with r-Residential~~ lots that are 32,000 square feet or greater within a development is not required to contain are not required to contribute to the gross parcel area utilized to calculate the required Qualified Open Space.

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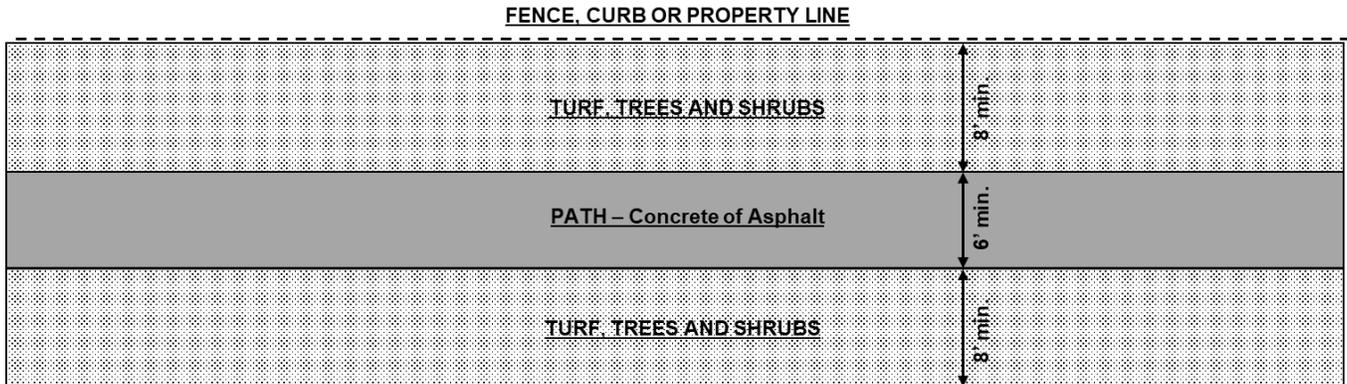
10-27-6.M.11: Qualified Open Space Required Elements:

Each development over 5 acres (gross) shall contain at least two (2) Qualified Open Space elements from the following list:

10-27-6.M.11.i: Large Play/Picnic Area: Large play area with a tot lot (0-5 yr.), youth (5-12 yr.) play equipment; and splash pad or shelter for a minimum of three picnic tables. The play areas shall include a drinking fountain, an adjacent grassy area of at least 1 acre in size with at least five (5) Class II Trees.

10-27-6.M.11.ii: Walking Path: For every 200 dwelling units: 1 mile of 6' wide paved looped walking trail with 8' shoulders of turf, trees and shrubs, seating every 1,000', and ¼ mile markers is required. Trees shall be (1 ½") caliper at one (1) foot above the root ball Class I or Class II deciduous variety, or 6' minimum height evergreen trees (no more than 25% of the total trees utilized may be evergreen trees). The total number of trees required shall be one (1) tree for every 50 linear feet of trail. Trees and shrubs may be linear or grouped in clusters that are evenly distributed along the

trail corridor, or some combination thereof (see below). Exceptions to the width of the 8' shoulders and the tree planting requirements may be granted by the Commission as part of the conceptual plan approval process.



10-27-6.M.11.iii: Community Swimming Pool: Community Swimming Pool with landscaping and pool house with restrooms/changing rooms and gathering area.

10-27-6.M.11.iv: Recreational Field: 2 acres of turf field area for recreational activities with one (1 ½") caliper tree for every 5 dwelling units to be planted on the periphery of the athletic field area.

10-27-6.M.11.v: Basketball and Tennis Courts: 1 full-size concrete-edged, paved and surfaced basketball court and (two) 2 fenced tennis courts for every 200 dwelling units (1 tennis court can be replaced with 4 pickle ball or "sport" courts).

10-27-6.M.11.vi: Community Garden: A Community Garden with garden building containing a gathering room and restrooms. The Community Garden area shall be 2 acres for every 150 dwelling units.

10-27-6.M.11.vii: Outdoor Amphitheater: An Amphitheater with stage, grass seating area – with space for 2 lawn chairs (or seat wall seats) for every dwelling unit.

10-27-6.M.11.viii: Community Plaza: Large Community Plaza in decorative paving, fountain, seating, lighting and elements for public gatherings/farmer's market with neighborhood-scale commercial, live-work units, apartments, multi-family, condominiums or townhomes surrounding.

10-27-6.M.11.ix: Additional Embellishment: As approved by the Planning and Zoning Commission, may include significantly enhanced streetscaping with added trees and vegetation; community entrance with iconic wayfinding or artistic features throughout the development; additional street furnishings; additional open space elements, etc.

10-27-6.M.11.x: Other Open Space Elements: As proposed by the applicant and approved by the Planning and Zoning Commission and City Council.

10-27-6.M.12: Common Open Space: Open space and landscaped areas which are not Qualified Open Space and held in common and maintained by all property owners in the PUD or MPC.

10-27-6.M.13: Maintenance: The maintenance of such qualified and common open space areas -shall be assured by establishment of appropriate management organization for the project (HOA) . The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the title to each property.

10-27-6.M.14: Ownership: Ownership and tax liability of private qualified and common open space area reservation shall be established in a manner acceptable to the City and made a part of the conditions of the plan approval.

...AND...

Chapter 31

AIRPORT ZONING

SECTION:

~~10-31-1: DEFINITIONS~~

~~10-31-2: ZONES~~

~~10-31-3: HEIGHT LIMITATIONS~~

~~10-31-4: USE RESTRICTIONS~~

~~10-31-5: NONCONFORMING USES~~

~~10-31-6: PERMITS~~

~~10-31-7: ENFORCEMENT~~

~~10-31-8: APPEALS~~

~~10-31-9: CONFLICTING REGULATIONS~~

~~10-31-1: DEFINITIONS~~

~~AIRPORT ELEVATION: The established elevation of the highest point on the usable landing area.~~

~~AIRPORT HAZARD: Any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.~~

~~AIRPORT REFERENCE POINT: The point established, and the approximate geographic center of the airport landing area, and so designated.~~

~~DEPARTMENT: The Idaho transportation department.~~

~~DIRECTOR: The director of the Idaho transportation department or his agent.~~

~~HEIGHT: For the purpose of determining the height limits in all zones set forth in this chapter, the datum shall mean sea level elevation unless otherwise specified.~~

~~LANDING AREA: The area of the airport used for the landing, taking off, or taxiing of aircraft.~~

~~NONCONFORMING USE: Any preexisting structure, tree or natural growth or use of land which is inconsistent with the provision of this chapter.~~

~~NONPRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance for which a straight in nonprecision instrument approach procedure has been approved or planned and for which nonprecision approach facilities are planned or indicated on an FAA or military service planning document.~~

~~RUNWAY: The paved surface of an airport landing strip.~~

~~STRUCTURE: An object constructed or installed by man, including, but without limitation to, buildings, towers, smokestacks and overhead transmission lines.~~

~~TREE: Any object of natural growth.~~

~~UTILITY RUNWAY: A runway that is constructed for and intended to be used by aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less, excluding turbojet powered aircraft.~~

~~VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures, with no existing instrument procedure and no instrument designation indicated on a federal aviation administration or military service approved airport layout plan or by any other FAA or military planning document.~~

Footnote: 1 IC § 21-5011

10-31-2: ZONES

~~In order to carry out the provisions of this chapter, there are hereby established certain zones which include all of the land lying within the visual approach zone, transition zone, horizontal zone and conical zone. Such areas and zones are shown on the Nampa municipal airport zoning map prepared by the City Engineer and dated November 15, 1971. The various zones are defined as follows:~~

~~**10-31-2.A: Nonprecision Approach Zone:** This zone is established at each end of all nonprecision runways for noninstrument landings and takeoffs. The precision approach zone shall have a width of five hundred feet (500') at a distance of two hundred feet (200') beyond each end of the runway, widening thereafter uniformly to a width of two thousand feet (2,000') at a distance of five thousand feet (5,000') beyond each end of the runway, its centerline being the continuation of the centerline of the runway, and has a slope of twenty to one (20:1).~~

~~**10-31-2.B: Visual Approach Zone:** This zone shall have a width of five hundred feet (500') at a distance of three hundred feet (300') beyond each end of the runway widening thereafter uniformly to a width of one thousand two hundred fifty feet (1,250') at a distance of five thousand feet (5,000') beyond each end of the runway, its centerline being the continuation of the centerline of the runway, and has slope of twenty to one (20:1).~~

~~**10-31-2.C: Transitional Zone:** This zone extends outward and upward at right angles to the runway centerline extended at a slope of seven to one (7:1) from the sides of the primary zone and from the sides of the approach zones. Transitional zones for those portions of the precision approach zone which project through and beyond the limits of the conical zone, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach zone and at right angles to the runway centerline.~~

~~**10-31-2.D: Horizontal Zone:** A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each runway and connecting the adjacent lines tangent to those arcs. The radius of each~~

arc, is: 1) five thousand feet (5,000') for all runways designated as utility or visual, and 2) ten thousand feet (10,000') for all runways other than utility designated as nonprecision instrument. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a five thousand foot (5,000') arc is encompassed by tangents connected to adjacent ten thousand foot (10,000') arcs, the arch shall be disregarded on the construction of the perimeter of the horizontal zone.

~~**10-31-2.E: Conical Zone:** A zone extending outward and upward from the periphery of the horizontal zone at a slope of twenty to one (20:1) for a horizontal distance of four thousand feet (4,000').~~

~~**10-31-2.F: Primary Zone:** A zone longitudinally centered on a runway. The primary zone extends two hundred feet (200') beyond each end of the runway. The elevation of any point on the primary zone coincides with the elevation of the nearest point on the runway centerline. The width of a primary zone is: 1) two hundred fifty feet (250') for utility runways having only visual approaches, and 2) five hundred feet (500') for utility runways having nonprecision instrument approaches. The width of the primary zone of a runway is that width prescribed in this subsection for the most precise approach existing or planned for either end of that runway.~~

~~**10-31-2.G: Approach Zone:** A zone longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary zone. An approach zone is applied to each end of each runway based upon the type of approach available or planned for that runway end.~~

~~**10-31-2.G.1:** The inner edge of the approach zone is the same width as the primary zone and it expands uniformly to a width of: a) one thousand feet (1,000') for that end of a utility runway with only visual approaches, and b) two thousand feet (2,000') for that end of a utility runway with a nonprecision instrument approach.~~

~~**10-31-2.G.2:** The approach zone for utility runways with a nonprecision instrument approach and/or visual approach extends for a horizontal distance of five thousand feet (5,000') at a slope of twenty to one (20:1).~~

~~**10-31-2.G.3:** The outer width of an approach zone to an end of the runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway.~~

10-31-3: HEIGHT LIMITATIONS

Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow, or maintained to a height in excess of the lower limit for airport zones established in this chapter.

~~10-31-3.A: Nothing in this chapter shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to thirty feet (30') above the surface of the land.~~

~~10-31-2.B: Where an area is covered by more than one height limitation the more restrictive limitation shall prevail.~~

~~10-31-4: USE RESTRICTIONS~~

~~Notwithstanding any other provisions of this chapter no use may be made of land within any zones established by this chapter in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for fliers to distinguish between airport lights and other lights, result in glare in the eyes of fliers using the airport, impair visibility in the vicinity of the airport or otherwise endanger aircraft.~~

~~10-31-5: NONCONFORMING USES~~

~~10-31-5.A: Regulations not Retroactive: The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of November 15, 1971, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to November 15, 1971.~~

~~10-31-5.B: Marking and Lighting: Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or tree is required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Director to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the owner.~~

~~10-31-6: PERMITS~~

~~10-31-6.A: Future Uses: Except as specifically provided in subsections A1, A2 and A3 of this section, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient information to allow it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.~~

~~10-31-6.A.1: In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than~~

~~seventy five feet (75') of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.~~

~~**10-31-6.A.2:** In the areas lying within the limits of the instrument and noninstrument approach zones but at a horizontal distance of not less than four thousand two hundred feet (4,200') from each end of the runways, no permit shall be required for any tree or structure less than seventy six feet (76') of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or non-instrument approach zone.~~

~~**10-31-6.A.3:** In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy six feet (76') of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transitional zones.~~

~~Nothing contained in any of the foregoing exceptions shall be construed as permitting any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this chapter except as set forth in § 10-31-3 of this chapter or in violation of any other ordinances of the City.~~

~~**10-31-6.B: Existing Uses:** No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on November 15, 1971, or that it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.~~

~~**10-31-6.C: Nonconforming Uses Abandoned or Destroyed:** Whenever the Director determines that a nonconforming structure or tree has been abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.~~

~~**10-31-6.D: Variances:** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this chapter, must obtain a permit from the director authorizing such action. Such variances shall be allowed where literal application or enforcement of this chapter would result in practical difficulty and unnecessary hardship and the relief granted would not be contrary to the public interest or create undue hazards to air flight. Any such special permits may be allowed subject to such reasonable conditions as the director may deem necessary~~

~~to effectuate the purposes of this chapter, including the condition that the owners of the structure or tree in question permit the City to install, operate and maintain at its own expense such markers and lights as may be necessary to indicate to fliers the presence of any airport hazard.~~

10-31-7: ENFORCEMENT

~~It is the duty of the Director to administer and enforce these regulations. Application for permits and variances shall be made to the director upon a form furnished by him. Applications required by this chapter to be submitted to the Director shall be promptly considered and granted or denied by him. Applications for action by the Department of Transportation shall be transmitted by the Director.~~

10-31-8: APPEALS

~~Any person aggrieved or any taxpayer affected by any decision of the department may appeal any zoning regulation or order affecting such person or taxpayer to the district court of the judicial district in which the airport hazard area involved is situated¹.~~

Footnote: 1. IC § 21-506

10-31-9: CONFLICTING REGULATIONS

~~When there is a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.~~

Chapter 31 **SPECIFIC AREA PLANS**

SECTION:

10-31-1: PURPOSE

10-31-2: APPLICABILITY

10-31-3: AIRPORT

10-31-4: HIGHWAY 16

10-31-5: HIGHWAY 20/26

10-31-6: MIDLAND CORRIDOR

10-31-7: SOUTHWEST NAMPA

10-31-8: SOUTHEAST NAMPA

10-31-9: CENTRAL NAMPA

10-31-10: OLD NAMPA NEIGHBORHOOD

10-31-1: PURPOSE

Specific Area Plans provide guidance for land use; site design; and building design for unique areas of Nampa where the zoning district requirements cannot achieve the desired results or vision for that area. Specific Area Plans establish an Overlay District boundary that shall be shown on the Nampa Future Land Use Map. Land uses described in a Specific Area Plan may be named differently than those shown on the Nampa Future Land Use Map. When applying Specific Area Plan land use designations to the Nampa Future Land Use Map, the Nampa Future Land Use Map designations that best match the Specific Area Plan designations shall be used. The Nampa Future Land Use designations within an Overlay District shall be subject to the policies in the current Nampa Comprehensive Plan and Specific Area Plan that are associated with that land use.

10-31-2: APPLICABILITY

10-31-2.A: Overlay Districts may incorporate any zoning districts that comply with the Nampa Comprehensive Plan future land use map and the Specific Area Plan maps and will allow uses in accordance with those prescribed zoning districts per Nampa City Code §10-3-2 , unless otherwise specified herein.

10-31-2.B: Specific Area Plans will provide standards and guidance for enhanced site design/layout, land use, streetscape treatments, recreational elements, area themes, neighborhood characteristics, circulation, infrastructure, transportation enhancements, architectural design, implementation measures, funding opportunities and any other details desired by the City and community. These standards and guidelines shall apply to an Overlay District as identified by the associated Specific Area Plan.

10-31-2.C: Overlay Districts shall be governed by the Nampa City Council, Planning and Zoning Commission, Arts and Historic Preservation Committee and Design Review Committee as per Nampa City Code sections pertaining to specific zones, landscaping, parking, site improvement, and design review unless otherwise indicated in this chapter.

10-31-3: AIRPORT

10-31-3.A: Definitions:

AIRPORT ELEVATION: The established elevation of the highest point on the usable landing area.

AIRPORT HAZARD: Any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

AIRPORT REFERENCE POINT: The point established, and the approximate geographic center of the airport landing area, and so designated.

DEPARTMENT: The Idaho transportation department.

DIRECTOR: The director of the Idaho transportation department or his agent.

HEIGHT: For the purpose of determining the height limits in all zones set forth in this chapter, the datum shall mean sea level elevation unless otherwise specified.

LANDING AREA: The area of the airport used for the landing, taking off, or taxiing of aircraft.

NONCONFORMING USE: Any preexisting structure, tree or natural growth or use of land which is inconsistent with the provision of this chapter.

NONPRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance for which a straight in nonprecision instrument approach procedure has been approved or planned and for which nonprecision approach facilities are planned or indicated on an

FAA or military service planning document.

RUNWAY: The paved surface of an airport landing strip.

STRUCTURE: An object constructed or installed by man, including, but without limitation to, buildings, towers, smokestacks and overhead transmission lines.

TREE: Any object of natural growth.

UTILITY RUNWAY: A runway that is constructed for and intended to be used by aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less, excluding turbojet powered aircraft.

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures, with no existing instrument procedure and no instrument designation indicated on a federal aviation administration or military service approved airport layout plan or by any other FAA or military planning document.

Footnote: 1 IC § 21-5011

10-31-3.B: ZONES

In order to carry out the provisions of this chapter, there are hereby established certain zones which include all of the land lying within the visual approach zone, transition zone, horizontal zone and conical zone. Such areas and zones are shown on the Nampa municipal airport zoning map prepared by the City Engineer and dated November 15, 1971. The various zones are defined as follows:

— **10-31-3.B.1: Nonprecision Approach Zone:** This zone is established at each end of all nonprecision runways for noninstrument landings and takeoffs. The precision approach zone shall have a width of five hundred feet (500') at a distance of two hundred feet (200') beyond each end of the runway, widening thereafter uniformly to a width of two thousand feet (2,000') at a distance of five thousand feet (5,000') beyond each end of the runway, its centerline being the continuation of the centerline of the runway, and has a slope of twenty to one (20:1).

— **10-31-3.B.2: Visual Approach Zone:** This zone shall have a width of five hundred feet (500') at a distance of three hundred feet (300') beyond each end of the runway widening thereafter uniformly to a width of one thousand two hundred fifty feet (1,250') at a distance of five thousand feet (5,000') beyond each end of the runway, its centerline being the continuation of the centerline of the runway, and has slope of twenty to one (20:1).

— **10-31-3.B.3: Transitional Zone:** This zone extends outward and upward at right angles to the runway centerline extended at a slope of seven to one (7:1) from the sides of the primary zone and from the sides of the approach zones. Transitional zones for those portions of the precision approach zone which project through and beyond the limits of the conical zone, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach zone and at right angles to the runway centerline.

— **10-31-3.B.4: Horizontal Zone:** A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each runway and connecting the adjacent lines tangent to those arcs. The radius of each arc, is: 1) five thousand feet

(5,000') for all runways designated as utility or visual, and 2) ten thousand feet (10,000') for all runways other than utility designated as nonprecision instrument. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a five thousand foot (5,000') arc is encompassed by tangents connected to adjacent ten thousand foot (10,000') arcs, the arch shall be disregarded on the construction of the perimeter of the horizontal zone.

10-31-3.B.5: Conical Zone: A zone extending outward and upward from the periphery of the horizontal zone at a slope of twenty to one (20:1) for a horizontal distance of four thousand feet (4,000').

10-31-3.B.6: Primary Zone: A zone longitudinally centered on a runway. The primary zone extends two hundred feet (200') beyond each end of the runway. The elevation of any point on the primary zone coincides with the elevation of the nearest point on the runway centerline. The width of a primary zone is: 1) two hundred fifty feet (250') for utility runways having only visual approaches, and 2) five hundred feet (500') for utility runways having nonprecision instrument approaches. The width of the primary zone of a runway is that width prescribed in this subsection for the most precise approach existing or planned for either end of that runway.

10-31-3.B.7: Approach Zone: A zone longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary zone. An approach zone is applied to each end of each runway based upon the type of approach available or planned for that runway end.

10-31-3.B.7.1: The inner edge of the approach zone is the same width as the primary zone and it expands uniformly to a width of: a) one thousand feet (1,000') for that end of a utility runway with only visual approaches, and b) two thousand feet (2,000') for that end of a utility runway with a nonprecision instrument approach.

10-31-3.B.7.2: The approach zone for utility runways with a nonprecision instrument approach and/or visual approach extends for a horizontal distance of five thousand feet (5,000') at a slope of twenty to one (20:1).

10-31-3.B.7.3: The outer width of an approach zone to an end of the runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway.

10-31-3.C: HEIGHT LIMITATIONS

Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow, or maintained to a height in excess of the lower limit for airport zones established in this chapter.

10-31-3.C.1: Nothing in this chapter shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to thirty feet (30') above the surface of the land.

10-31-3.C.2: Where an area is covered by more than one height limitation the more restrictive limitation shall prevail.

10-31-3.D: USE RESTRICTIONS

Notwithstanding any other provisions of this chapter no use may be made of land within any zones established by this chapter in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for fliers to distinguish between airport lights and other lights, result in glare in the eyes of fliers using the airport, impair visibility in the vicinity of the airport or otherwise endanger aircraft.

10-31-3.E: NONCONFORMING USES

10-31-3.E.1: Regulations not Retroactive: The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of November 15, 1971, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to November 15, 1971.

10-31-3.E.2: Marking and Lighting: Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or tree is required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Director to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the owner.

10-31-3.F: PERMITS

10-31-3.F.1: Future Uses: Except as specifically provided in subsections A1, A2 and A3 of this section, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or

otherwise established in any zone unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient information to allow it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

10-31-3.F.1.a: In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than seventy five feet (75') of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

10-31-3.F.1.b: In the areas lying within the limits of the instrument and noninstrument approach zones but at a horizontal distance of not less than four thousand two hundred feet (4,200') from each end of the runways, no permit shall be required for any tree or structure less than seventy six feet (76') of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or non-instrument approach zone.

10-31-3.F.1.c: In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy six feet (76') of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transitional zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this chapter except as set forth in § 10-31-3 of this chapter or in violation of any other ordinances of the City.

10-31-3.F.2: Existing Uses: No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on November 15, 1971, or that it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

10-31-3.F.3: Nonconforming Uses Abandoned or Destroyed: Whenever the Director determines that a nonconforming structure or tree has been

abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

10-31-3.F.4: Variances: Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this chapter, must obtain a permit from the director authorizing such action. Such variances shall be allowed where literal application or enforcement of this chapter would result in practical difficulty and unnecessary hardship and the relief granted would not be contrary to the public interest or create undue hazards to air flight. Any such special permits may be allowed subject to such reasonable conditions as the director may deem necessary to effectuate the purposes of this chapter, including the condition that the owners of the structure or tree in question permit the City to install, operate and maintain at its own expense such markers and lights as may be necessary to indicate to fliers the presence of any airport hazard.

10-31-3.G: ENFORCEMENT

It is the duty of the Director to administer and enforce these regulations. Application for permits and variances shall be made to the director upon a form furnished by him. Applications required by this chapter to be submitted to the Director shall be promptly considered and granted or denied by him. Applications for action by the Department of Transportation shall be transmitted by the Director.

10-31-3.H: APPEALS

Any person aggrieved or any taxpayer affected by any decision of the department may appeal any zoning regulation or order affecting such person or taxpayer to the district court of the judicial district in which the airport hazard area involved is situated².

Footnote: 1. IC § 21-506

10-31-3.I: CONFLICTING REGULATIONS: When there is a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

10-31-4: HIGHWAY 16

The Nampa Highway 16 Specific Area Plan addresses community growth in Nampa in the vicinity of State Highway 16 (SH-16). The specific area plan document provides guidance for design, infrastructure, circulation, layout, and, development expectations; and establishes a design theme for the corridor. The following standards are intended to implement that plan.

10-31-4.A: Established: The Highway 16 Specific Area Plan was established in February 2023.

10-31-4.B: Boundary: The area on either side of the Highway 16 corridor bound by Ustick Road on the north, McDermott Road on the east, one half mile (½-mile) past Star Road to the west to the UPRR tracks, and then south on Star and Robinson Road to Airport Road on the south.

10-31-4.D: Land Use Designations/Zones: The specific area plan outlines the zones allowed in each of the specific land use designations and describes the intent of each designation.

10-31-4.E: Theme: Properties located within this overlay district shall maintain a ‘Traditional’ theme identified for the area. When designing a building the owner/developer shall consider traditional design styles. Most major paint retailers have appropriate “heritage” color palettes, for example:

<https://www.sherwin-williams.com/homeowners/color/exterior-color-schemes/americas-heritage>

10-31-4.F: State Highway 16 Corridor Design Standards: Properties that front the State Highway 16 Corridor shall provide enhanced design elements as follows:

10-31-4.F.1: The landscape buffer area shall extend into the parcel sixty-five feet (65’) from the property line that is adjacent to Highway 16. The landscape buffer shall follow the landscape buffer guidelines established in Title 10, Chapter 33. Plants may be selected from the approved plant list for this specific area plan.

10-31-4.F.2: Setbacks: In every zoning designation: for every ten feet (10’) in height over which a structure exceeds forty feet (40’), measured from the grade to the ceiling of the top floor of the structure, the structure shall be setback an additional five feet (5’) property line that is adjacent to Highway 16.

10-31-4.F.3: Mechanical Units: Roof mounted mechanical units are prohibited on structures that are located within five hundred feet (500’) of Highway 16.

10-31-4.F.4: Lighting:

10-31-4.F.4.i: All exterior structure lighting shall be consistent with the intent of the district and shall be shielded, screened, and/or shuttered with ninety-degree (90°) cutoff luminaires and shall be otherwise directed to prevent illumination of adjoining properties, particularly when located adjoining or across the street from residentially used or zoned properties.

10-31-4.F.4.ii: Lighting to highlight or illuminate architecture and signs shall be attractive without significant spillage of light upward or downward.

10-31-4.F.4.iii: Pedestrian circulation routes shall be illuminated.

10-31-4.F.4.iv: Streetlights installed by the city of Nampa, the Nampa Highway District or the Idaho Division of Transportation shall be exempt from these standards.

10-31-4.G: Owyhee Storm Avenue Corridor Design Standards: Any property/development fronting Owyhee Storm Avenue is subject the following provisions:

10-31-4.G.1: Landscape buffer: The landscape buffers installed in this area shall be at least thirty-five feet (35') wide, shall adhere to Nampa City Code, Title 10, Chapter 33 and use the approved plant list for this specific area plan.

10-31-4.G.2: Lighting:

10-31-4.G.2.i: All exterior structure lighting shall be consistent with the intent of the district and shall be shielded, screened, and/or shuttered with ninety degree (90°) cutoff luminaires and shall be otherwise directed so as to prevent illumination of adjoining properties, particularly when located adjoining or across the street from residentially used or zoned properties.

10-31-4.G.2.ii: Lighting to highlight or illuminate architecture and signs shall be attractive without significant spillage of light upward or downward.

10-31-4.G.2.iii: Pedestrian circulation routes shall be illuminated.

10-31-4.G.2.iv: Streetlights installed by the city of Nampa, the Nampa Highway District or the Idaho Division of Transportation shall be exempt from these standards.

10-31-4.H: Designations/Districts Design Standards:

10-31-4.H.1: Low, Medium and High Density Residential

Designations: Properties within the low, medium, and high density residential land use designation shall refer to the zoning chapters associated with the specific land use, and Chapter 22, Chapter 26, Chapter 27, Chapter 33, Chapter 34 in title 10 of the Nampa City Code for specific development and design standards.

High density developments within one-half (1/2) mile of Highway 16 shall comply with the following additional standards:

- 3 stories minimum (additional stories are encouraged)
- Each dwelling unit shall have a balcony
- Residential design elements shall maintain the 'Traditional' theme of the specific plan area. For example, the use of masonry, wood (horizontal lap board, vertical board & batten or shake siding), brick, pitched or gabled roof is encouraged.
- A minimum 5% of the gross parcel area is required to be in outdoor open space
- The outdoor open space shall be landscaped with trees, pathways and vegetation and other outdoor elements that make the space accessible, usable, and enjoyable for residents.
- An additional 3% (minimum) of the gross parcel area shall be indoor and/or outdoor qualified recreational space.
- The 3% qualified recreational space shall include:
 - Pathways (connectivity throughout)
 - Gathering spaces (Clubhouses, pool, gazebos, picnic areas, etc.)
 - Play areas
 - Indoor/outdoor recreational amenities as approved by the Director

10-31-4.H.2: Commercial/Residential Planned Development:

Developments in this designation shall comply with the Planned Unit Development standards in Nampa City Code, Title 10, Chapter 26.

A regional transit center is proposed for the intersection of Franklin and Highway 16. The transit center shall be designed as a plaza style development with commercial and residential elements.

Design Elements in this designation shall follow guidelines outlined in 10-31-4.H.1 and 10-31-4.H.4.

10-31-4.H.3: Commercial Industrial Campus: Bulk standards shall follow the standards in Nampa City Code, Title 10, Chapter 18,

IP (Industrial Park) District, unless otherwise noted herein.

10-31-4.H.3.a: Landscape buffer: The landscape buffers installed in this area shall be at least twenty-five feet (25') wide, shall adhere to Nampa City Code, Title 10, Chapter 33 and use the approved plant list for this specific area plan.

10-31-4.H.3.b: Building Heights: One to three story buildings (maximum of fifty feet (50') to the top of the structure/roofline).

10-31-4.H.3.c: Design Elements:

The intent of this land use designation is to encourage the development of pedestrian-scale campus environments.

Primary entrances for tenant spaces shall create focal points on the building or entrance plaza with an architectural relationship between the buildings.

Examples of elements that are encouraged to tie the campus together may include, but are not limited to, artwork, outdoor dining areas, landscaping, recreational opportunities, and convenient access to services within the campus setting.

The primary connectivity between buildings should be pedestrian oriented without having to cross large parking areas, drive aisles, roadways or access points. The use of connected pathways through landscape buffers and common areas is encouraged.

10-31-4.H.3.d: Parking: Large expanses of asphalt are discouraged. Parking areas shall be integrated into the overall connectivity between buildings and include landscaping features to soften the effect of large amounts of asphalt.

10-31-4.H.4: Commercial: Bulk standards shall follow the standards in Nampa City Code, Title 10, Chapter 4, GB (Gateway Business) District.

10-31-4.H.5: Neighborhood Commercial: Bulk standards shall follow the standards in Nampa City Code, Title 10, Chapter 14, BN (Neighborhood Business) District.

10-31-4.H.6: Industrial: Bulk standards shall follow the standards in Nampa City Code, Title 10, Chapter 19, IL (Light Industrial) District.

10-31-4.H.6.a: Landscape buffer: The landscape buffers installed

in this area shall be at least twenty-five feet (25') wide, except where a property fronts Franklin Blvd, in which case the buffer shall be thirty-five feet (35') wide. The landscaping shall adhere to Nampa City Code, Title 10, Chapter 33 and use the approved plant list for this specific area plan.

10-31-4.H.6.b: Loading Docks: Loading docks shall not face Highway 16 or I-84.

10-31-4.H.7: Ustick Business District:

10-31-4.H.7.a: Landscape buffer: The landscape buffers installed in this area shall be at least thirty-five feet (35') wide, shall adhere to Nampa City Code, Title 10, Chapter 33 and use the approved plant list for this specific area plan.

10-31-4.H.7.b: Building Orientation: Buildings shall be oriented with primary consideration being given to the visual impact from the perspective of the driver or pedestrian on Ustick Rd., and the corners of Ustick Road and Star Rd., Ustick Rd and Owyhee Storm Ave, and Ustick Road and McDermott Road. The view from this principal arterial should be dominated by a green front yard and the view of one of the primary building facades. External views of large expanses of parking lots are strongly discouraged, therefore shall be placed behind or to the side of the building.

10-31-4.H.7.c: Parking: Properties with Ustick Rd frontage shall design parking lots to be located to the side or rear of the primary or front building facade with the number of spaces in the front yard being minimized. Where geographic conflicts with this intent occur, landscaping shall be used to buffer the visual impact of the parking area.

Large expanses of parking are highly discouraged and shall instead be designed as smaller modules, separated by vegetation and pedestrian connections.

10-31-4.H.7.d: Lighting, Streetscape and Furnishings: Furnishings from a coordinated pallet provide consistency and unity in streetscape design and contribute to a welcoming feel. Furnishings from the following list are specified for sub-district:

- Benches
- Trash and recycling containers
- Bike racks
- Post top pole lights
- Lighted bollards

10-31-4.H.7.d.ii: Where open space and amenities are required, landscaping and streetscape elements and furnishings shall be installed in accordance with new construction, additions, or remodels as detailed in § 10-1-6 of this title.

10-31-4.H.7.d.iii: Streetscape amenities and furnishings installed in the Ustick Business District shall include the following elements. All furnishings shall be black color. Any substitutions shall be approved by the Planning and Zoning Director. All fixtures shall be installed where public amenities are desired, or as required by code:

Specification Sheets can be found at this Nampa Planning and Zoning weblink:

https://www.cityofnampa.us/DocumentCenter/View/16438/Street_Pedestrian-Furnishings-Specification-Sheets

10-31-4.H.7.d.iii.(a) Seating:

Six foot (6') "Savannah Bench" – "Slat" Style - Surface Mounted in the color "black."



Product Information: Item # 398-9005 from "The Park Catalog".

10-31-4.H.7.d.iii.(b) Light Posts/Poles and Bollards:

Pole lighting:

"Euro Large Scale" post top light – Black Textured



[Product Information \(Pole Lights\): #E450LED/#E460LED from Sternberg Lighting](#)

[**Bollards:**
"Euro Lighted Bollard" - Black Textured](#)



[Product Information \(Bollards\): #E250LED-E260LED from Sternberg Lighting.](#)

[All lighting fixtures shall be installed according to code section 10-31-4.H.7.f.](#)

10-31-4.H.7.d.ii.(c) Trash and Recycling Containers:

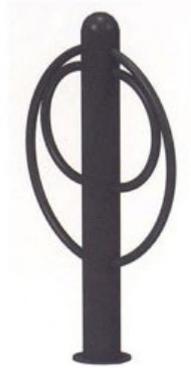
“40 Gal. Receptacle with Flat Top Lid and Plastic Liner” with “TRASH” or “RECYCLING” labels, in the color “black”.



Product Information: Item # 263-1198 from “The Park Catalog”.

10-31-4.H.7.d.ii.(d) Bicycle Racks:

“36H Metal Bike Bollard” – Surface Mounted in the color “black.”



Product Information: Item # 154-1009 from “The Park Catalog”.

10-31-4.H.7.e: Fencing: Fencing is prohibited for non-residential uses, except under the following conditions:

10-31-4.H.7.e.i: Screening of mechanical or maintenance related equipment or trash receptacles. Materials used for screening shall be durable materials that match the

building's façade. Materials shall include, but are not limited to brick, masonry, stone, textured masonry block, wood, or iron.

10-31-4.H.7.e.ii: Chain link is prohibited in all instances.

10-31-4.H.7.f: Lighting: All exterior structure lighting shall be consistent with the intent of the district and shall comply with the following code sections:

10-31-4.H.7.f.i: Exterior lighting shall be shielded, screened, and/or shuttered with ninety degree (90°) cutoff luminaires and shall be otherwise directed so as to prevent illumination of adjoining properties, particularly when located adjoining or across the street from residentially used or zoned properties;

10-31-4.H.7.f.ii: Lighting to highlight or illuminate architecture and signs shall be attractive without significant spillage of light upward or downward;

10-31-4.H.7.f.iii: All on-site pedestrian circulation systems (sidewalks, side paths, accessways) shall install post top pole lights or lighted bollards every sixty feet (60'). In parking lots, post top pole lights shall be installed in every parking interrupt.

10-31-4.H.7.f.iv: Streetlights installed by the city of Nampa, the Nampa Highway District or the Idaho Division of Transportation shall be exempt from these standards;

10-31-4.H.7.f.v: The height of a freestanding light fixture shall not exceed twenty-five feet (25') or the height of the principal permitted structure, whichever is less. The effective zone of light (as documented by a photometric test report) shall not trespass on any abutting residential properties;

10-31-4.H.7.f.vi: Floodlights shall not be allowed;

10-31-4.H.7.f.vii: Electrical feeds to outdoor light fixtures shall be placed underground, not overhead.

10-31-4.H.7.g: Signage: All signage shall conform to the sign provisions of chapter 23 of this title and, in addition, shall comply with the following standards:

10-31-4.H.7.g.i: All new signs shall be architecturally compatible with the traditional design theme for the district;

10-31-4.H.7.g.ii: Internally illuminated projecting cabinet signs are not permitted;

10-31-4.H.7.g.iii: Signs that are wholly or in part electronic message center displays shall not be allowed notwithstanding any other provision of this code that makes allowances for electronic reader board signs;

10-31-4.H.7.g.iv: Manual reader boards are prohibited;

10-31-4.H.7.g.v: Portable pedestrian signs or "sandwich boards":

- Fluorescent, black or bright colors are not permitted
- A maximum square footage of nine feet (9') per side, with a thirty six inch (36") maximum height.
- Each portable pedestrian sign must be removed during nonbusiness hours.
- Only one portable sign per business is permitted.
- The portable sign must also be placed within fifty feet (50') of the business for which they are advertising;
- Shall not block any portion of a sidewalk/ADA accessible route.

10-31-4.H.7.g.vi: Rotating, moving or flashing signs are not permitted;

10-31-4.H.7.g.xv: City sponsored "wayfinding" signage that identifies specific businesses or district amenities is allowed to be installed by City staff on the streetlight poles.

10-31-4.H.8: Waterways District

10-31-4.H.8.a: Landscape buffer: The landscape buffers installed in this area shall be at least twenty-five feet (25') wide, except where a property fronts Cherry Lane, in which case the buffer shall be thirty-five feet (35') wide. The landscaping shall adhere to Nampa City Code, Title 10, Chapter 33 and use the approved plant list for this specific area plan.

10-31-4.H.8.b: Ten Mile Creek Pathway: Properties along Ten Mile Creek shall dedicate a twenty foot (20') easement on both sides of the waterway and install a ten foot (10') pathway within

said easement. Development shall also consider installing bridges for access from north to south of the waterway.

10-31-4.H.8.c: Building Orientation: Buildings shall be oriented with primary consideration being given to the visual impact from the perspective of the pedestrian along Ten Mile Creek. The view from this waterway should be dominated by a green front yard and the view one of the primary building facades. External views of large expanses of parking lots are strongly discouraged.

10-31-4.H.8.d: Parking: Parking areas shall not be located adjacent to the Ten Mile Creek pathway. Properties with Ten Mile Creek frontage shall design parking lots to be located on the property in such away as to reduce the visual impact to pedestrians using the Ten Mile Creek Pathway. Where geographic conflicts with this intent occur, landscaping shall be used to buffer the visual impact of the parking area.

Large expanses of parking are highly discouraged and shall instead be designed as smaller modules, separated by vegetation and pedestrian connections.

10-31-4.H.8.e: Lighting, Streetscape and Furnishings: Furnishings from a coordinated pallet provide consistency and unity in streetscape design and contribute to a welcoming feel. Furnishings from the following list are specified for sub-district:

- Benches
- Trash and recycling containers
- Bike racks
- Post top pole lights
- Lighted bollards

10-31-4.H.8.e.i: Where open space and amenities are required, landscaping and streetscape elements and furnishings shall be installed in accordance with new construction, additions, or remodels as detailed in § 10-1-6 of this title.

10-31-4.H.8.e.ii: Streetscape amenities and furnishings installed in the Waterways District shall include the following elements. All furnishings shall be black color. Any substitutions shall be approved by the Planning and Zoning Director. All fixtures shall be installed where public amenities are desired, or as required by code:

[Specification Sheets can be found at this Nampa Planning and Zoning weblink:](#)

https://www.cityofnampa.us/DocumentCenter/View/16438/Street_Pedestrian-Furnishings-Specification-Sheets

10-31-4.H.8.e.ii (a) Seating:

Six foot (6') "Savannah Bench" – "Morning" Style - Surface Mounted, in the color "black."



Product Information: Item # 398-9005 from "The Park Catalog".

10-31-4.H.8.e.ii (b) Light Posts/Poles and Bollards:

Pole lighting:

"Euro Large Scale" post top light – Black Textured



Product Information (Pole Lights):
#E450LED/#E460LED from Sternberg Lighting

Bollards:
“Euro Lighted Bollard” - Black Textured



Product Information (Bollards): #E250LED-E260LED
from Sternberg Lighting.

All lighting fixtures shall be installed according to code
section 10-31-4.H.7.f.

10-31-4.H.8.e.ii (c) Trash and Recycling
Containers:

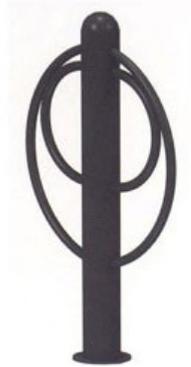
“40 Gal. Receptacle with Flat Top Lid and Plastic
Liner” with “TRASH” or “RECYCLING” labels, in the
color “black.”



Product Information: Item # 263-1198 from “The Park Catalog”.

10-31-4.H.8.e.ii (d) Bike Racks:

“36H Metal Bike Bollard” – Surface Mounted, the color “black.”



Product Information: Item # 154-1009 from “The Park Catalog”.

10-31-4.H.8.f: Lighting: All exterior structure lighting shall be consistent with the intent of the district and shall comply with the following code sections:

10-31-4.H.8.f.i: Exterior lighting shall be shielded, screened, and/or shuttered with ninety degree (90°) cutoff luminaires and shall be otherwise directed so as to prevent illumination of adjoining properties, particularly when located adjoining or across the street from residential or residential-zoned properties;

10-31-4.H.8.f.ii: Lighting to highlight or illuminate architecture and signs shall be attractive without significant spillage of light upward or downward;

10-31-4.H.8.f.iii: All on-site pedestrian circulation systems (sidewalks, side paths, accessways) shall install post top pole lights or lighted bollards every sixty feet (60'). In parking lots, post top pole lights shall be installed in every parking interrupt.

10-31-4.H.8.f.iv: Streetlights installed by the city of Nampa, the Nampa Highway District or the Idaho Division of Transportation shall be exempt from these standards;

10-31-4.H.8.f.v: The height of a freestanding light fixture shall not exceed twenty-five feet (25') or the height of the principal permitted structure, whichever is less. The effective zone of light (as documented by a photometric test report) shall not trespass on any abutting residential properties;

10-31-4.H.8.f.vi: Floodlights shall not be allowed;

10-31-4.H.8.f.vii: Electrical feeds to outdoor light fixtures shall be placed underground, not overhead.

10-31-4.H.8.g: Fences and Walls: Fencing is prohibited for non-residential uses, except under the following conditions:

10-31-4.8.g.i: If desired, fencing along Ten Mile Creek shall be an open vision style fencing.

10-31-4.8.g.ii: Screening of mechanical or maintenance related equipment or trash receptacles. Materials used for screening shall be durable materials that match the building's façade. Materials shall include, but are not limited to brick, masonry, stone, textured masonry block, wood, or iron.

10-31-4.8.g.iii: Chain link is prohibited in all instances.

10-31-4.I: Gateways and Landmarks: Properties where "Gateways" are indicated on the specific area plan land use designation map (page 25 of the Nampa State Highway 16 Corridor Specific Area Plan), are required to dedicate an easement to the City of Nampa for the purposes of installing an entry feature.

10-31-4.J: Fences and Walls: As an exception to the usual design review standards (10-34-10.A.2.a), this area requires simple traditional, farmstyle fencing constructed of high quality wood, stone, or wrought iron. Creative design along the length of the fence is encouraged.

10-31-4.K: Open Space, Public Amenities, and Pathways

10-31-4.K.1: Open Space and Amenities: Non-residential buildings (with a footprint over five thousand (5,000) square feet in area) shall provide a gathering space area that equates to 10% of the gross building footprint, and shall include pedestrian amenities (i.e, walkways, outdoor dining, plazas, water features with seating, etc). Required landscape buffers and drainage areas are not to be considered in the qualified open space

calculation. Residential open space shall be regulated by Nampa City Code 10-26, 10-27 and 10-34.

10-31-4.K.2: Pathway: 10' sidepath along Ustick Rd and Owyhee Storm Ave frontages (both sides) is required to be installed within the landscape buffer.

10-31-4.L: Sign Placeholding: The locations of future wall-mounted or free-standing signs shall be identified on site and elevation drawings provided to the City as part of a design review application.

- Free standing pole signs are prohibited throughout this overlay district
- Monument signs shall be integrated into the frontage buffer of the property.
- Only projecting (blade) or painted wall signs shall be allowed for structures/tenants located within the Ustick Business District and adjacent to the Owyhee Storm Avenue Corridor.

10-31-4.M: Conflicting Regulations: When there is a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

10-31-5: HIGHWAY 20/26

The Nampa Highway 20/26 Specific Area Plan addresses community growth in Nampa in the vicinity of Highway 20/26 and Ustick Rd. The specific area plan document provides guidance for infrastructure, circulation, land use, and, development expectations for the area. The following standards are intended to implement that plan.

10-31-5.A: Established: The Highway 20/26 Specific Area Plan was established in February 2023.

10-31-5.B: Boundary: The area that encompasses the northern most Nampa Area of City Impact and is bound by Ustick Rd to the south, the Boise River to the north, N Can-Ada Rd to the east and Madison Rd to the west.

10-31-5.C: Land Use Designations/Zones: Some designations noted in the specific area plan will continue to be regulated by the city zoning code that is associated with the zone allowed within the future land use designation. Where a "Master Planned Community" is identified, the standards in NCC Title 10, Chapter 26, shall apply. The following designations have additional requirements:

10-31-5.C.1: Very Low Density Residential (VLDR):

10-31-5.C.1.a: The only zones allowed in VLDR are RA (Suburban Residential) or AG (Agriculture).

10-31-5.C.1.b: Residential structural setbacks from the Boise River shall be outside the FEMA identified Floodway. All other setbacks shall adhere to the requirements of the zoning district in which they are located.

10-31-5.C.2: Very Low to Low Density Cluster (VLDR/LDR Cluster): a cluster development in the RA (Suburban Residential) and AG (Agriculture) zoning shall comply with the cluster development standards in NCC Title 10, Chapter 26.

10-31-5.C.3: Medium Density Residential: The zoning district selected shall reflect the densities identified in the Specific Area Plan.

10-31-5.C.4: High Density Residential (HDR): The zoning district selected shall reflect the densities identified in the Specific Area Plan

10-31-5.C.4.a: Townhouse: Properties within the HDR Townhouses designation shall provide over fifty percent (50%) of the development area in townhouses. The remainder of the area of the proposed development may be developed in land uses as allowed by the zoning district.

10-31-5.C.5: Neighborhood Commercial: The only zoning district allowed in the Neighborhood Commercial designation is the BN (Neighborhood Business) zoning district.

10-31-5.C.6: Regional Commercial: The only zoning district allowed in the Regional Commercial designation is the BC (Community Business) zoning district. The following uses, as listed in NCC Title 10, Chapter 3, are **NOT ALLOWED** in this designated area:

- Automobile body, paint shop
- Dwelling, multiple-family – up to 3 stories
- Dwelling, multiple-family – 4+ stories
- Lumberyard, retail
- Machine shop
- Manufacture, assembly or packaging of products from previously prepared materials
- Manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of the following products: textile, apparel and related items, building materials, furniture and fixtures, paper,

chemicals and chemical products, petroleum, electronic, concrete, rubber, plastic, metal, professional and scientific, or any combination thereof of items, materials or goods

- Monument works, stone
- Petroleum storage

10-31-5.C.7: Agribusiness: The only zoning districts allowed in the Agribusiness designation are the BC (Community Business), IP (Industrial Park) or IL (Light Industrial) zoning districts. The following uses, as listed in NCC Title 10, Chapter 3, are the only uses **ALLOWED** in this designated area:

- Agricultural supply
- Animal shelter
- Equipment/implement sales or rental, includes large or heavy equipment
- Farmer's Market
- Grain/feed and seed processing and sales
- Greenhouse
- Grooming establishment, animal
- Horticultural services
- Hospital, animal (Veterinary)
- Kennel, commercial
- Laboratory
- Lockers, cold storage, retail use only
- Lumberyard, retail
- Meat market
- Monument works, stone
- Orchards, tree crops, plant, or tree farm
- Plant nurseries
- Research facility
- Restaurant, with/without a drive-thru or walk-up
- Retail, general & bulky
- Riding stable, commercial
- Taxidermy

The following building type is **NOT ALLOWED** in this designated area:

- Commercial or Industrial warehousing/flex space
- Multi-family residential

10-31-5.D: Buffering Residential: Regardless of the zone, developments adjacent to residential uses shall provide a ten foot (10') landscape along the property line that provides visual screening between land uses as per Nampa City Code 10-33.

10-31-5.E: Landscape Buffer along Highway 20/26: Properties fronting Highway 20/26 shall provide a 35' landscape buffer. All other properties will be regulated by Nampa City Code 10-33.

10-31-5.F: Conflicting Regulations: When there is a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

10-31-6: MIDLAND CORRIDOR:

Reserved

10-31-7: SOUTHWEST NAMPA:

Reserved

10-31-8: SOUTHEAST NAMPA:

Reserved

10-31-9: CENTRAL NAMPA:

Reserved

10-31-10: OLD NAMPA NEIGHBORHOOD:

Reserved

...AND...

10-33-2.C: Land Between ROW and Property Line:

Any land within the right-of-way, between the property line and the developed roadway, shall be designed by a professionally licensed and registered landscape architect or landscape designer. Property shall be landscaped with a balanced combination of turf, crushed rock/gravel and low growing shrubs and flowers. Turf is prohibited in landscape areas less than 5' wide, and on slopes steeper than 3:1. In all cases, any proposed planting within public rights of way shall require approval from the City Forester and Planning Director.

...

10-33-2.F: General Tree Requirements:

10-33-2.F.1: Tree Selection: All trees shall be selected from the Treasure Valley Tree Selection Guide (TVTSG), incorporated herein by reference,

except for species that are determined to be incompatible or prohibited for any reason by the Planning Director or City Forester.

10-33-2.F.1.a. Water-Wise Species Requirements: At least seventy-five percent (75%) of proposed trees must be rated as “lower-water” or “moderate water” demand in the Treasure Valley Tree Selection Guide (TVTSG).

10-33-2.F.2: Tree Caliper Requirements: All trees shall be 1 ½” caliper at 1 foot (1’) above the top of the root ball. Exceptions to the tree caliper requirement and species selection will be made for trees purchased through the city of Nampa's ‘Right-of-Way Tree Program.’

...

10-33-2.G: General Shrub, Groundcover and Turf Grass Requirements:

10-33-2.G.1: ~~Shrub Selection:~~ ~~All shrubs selected shall be species that perform well in the climate and soils in the Nampa area. Shrubs that are available from local area landscape nurseries are acceptable for use.~~

Shrub and Groundcover Plant Selection:

All shrubs and groundcover plants shall be selected from the City of Nampa Approved Water-Wise Plant List (CNAWPL), incorporated herein for reference. Other shrubs, ornamental grasses, and groundcovers that are available from local area landscape nurseries may be considered if approved by the Planning Director or City Forester.

10-33-2.G.1.a. Water-Wise Species Requirements: At least seventy-five percent (75%) of proposed shrub and groundcover plants must be rated as “lower-water” or “moderate water” demand in the City of Nampa Approved Water-Wise Plant List (CNAWPL).

10-33-2.G.2: Shrub and Groundcovers Planting:

Shrubs and groundcovers shall be in good health after delivery to the job site and at the time of planting. Planting shall adhere to best management practices and applicable planting standards in NCC title 5.

10-33-2.G.2.a: Shrub and Groundcover Placement ~~in adjacent to~~ Turf Areas: The base of all shrubs shall be planted at least eighteen inches (18”) from any turf. ~~Shrubs planted in turf areas shall be centered in wells that are a minimum of three feet (3’) in diameter and free of turf grass.~~ Shrub ~~wells and~~ beds shall be covered in mulch or with landscape fabric and decorative rock mulch.

10-33-2.G.3: ~~Groundcover and~~ Turf Grass Selection: ~~The use of water thrifty plants and turf grass is encouraged. All ground cover and turf grass~~

~~specified and utilized shall be species that perform well in the climate and soils in the Nampa area.~~

The use of water thrifty turf grass species is encouraged. All turf grass specified and utilized shall be species that perform well in the climate and soils in the Nampa area. Decorative turfgrass shall not compose more than 50% of the total site landscape area.

~~**10-33-2.G.3.a: Groundcover Plants:** Groundcover plants available from local area landscape nurseries are acceptable for use.~~

~~**10-33-2.G.3.b: Turf Sod:** Turf sod that is grown in the Treasure Valley is acceptable for use.~~

~~**10-33-2.G.3.c: Turf Seed:** Turf seed that has been proven to produce a successful crop in the Treasure Valley, and is packaged for the current year's planting season is acceptable for use.~~

10-33-2.G.4: Groundcover and Turfgrass Sod and Seed Planting: Groundcovers and turf grass sod shall be in good health after delivery to the job site and at the time of planting. Groundcover, turf sod and seeding shall adhere to best management practices and applicable planting standards in NCC title 5.

10-33-2.H: Landscape and Irrigation Plan:

10-33-2.~~I.1~~H.1: Projects Requiring Submittal of Landscape and Irrigation Plans:

A landscape and irrigation plan is required for all developments; which include, but are not limited to: subdivisions, planned unit developments, master planned communities, multi-family developments, cottage/cluster developments, commercial developments, industrial developments, industrial park developments, healthcare developments, institutional developments, and institutional campus developments.

10-33-2.H.2: Projects Requiring Design by a Registered Landscape Architect:

All landscape and irrigation plans for subdivision, commercial, industrial, and multi-family developments greater than one acre in size shall be designed and stamped by a State of Idaho Licensed Landscape Architect (Title 53, Chapter 30).

10-33-2.H.3.~~2~~.b: Design Considerations:

10-33-2.H. 3.~~2~~.b.ia: Tree Spacing Variations: Vision triangles, visibility of signs, underground utility locations, and above grade clearance shall be factors affecting tree location within buffer areas.

The Planning Director is authorized to review and approve species and spacing variations to accommodate these factors.

10-33-2.H.32.b.ii: Landscaping for Defining

Spaces: Landscaping should be used to define specific areas, to help focus on entrances to properties, to screen any loading areas or vehicle or material storage areas, to beautify the community, and to provide a healthy and livable environment.

10-33-2.H.32.b.iii.c: Landscape Protection: Landscaping should be protected from automobile and pedestrian encroachment by raised planting surfaces, depressed walks or the use of curbing. A concrete mow strip shall separate any parking lot or service drive area from the landscape strip.

10-33-2.H.32.ed: Impervious Surfaces: Impervious surfaces shall not encroach the drip line of trees except in the downtown areas and areas with compact development, such as entertainment districts, planned unit developments, master planned communities, and cottage/cluster developments. In such instances, tree wells that encroach the dripline with protective tree grates and planter beds of an appropriate size, as determined by zoning regulations, Planning Director or City Forester may be used.

10-33-2.H.32.de: Existing Vegetation:

10-33-2.H.32.de.i: Retention of Existing Trees: Existing street trees within the landscape buffer area shall be retained, unless otherwise approved for removal by the City Forester or Parks Director. Trees removed from the landscape buffer area shall be replaced with tree species and size approved by the city forester within thirty (30) days in accordance with § 10-33-2.F.4 of this title.

10-33-2.H.32.de.ii: Use of Existing Vegetation: As approved by the Planning Director or City Forester, existing vegetation that is deemed healthy and appropriate for the landscape setting by the City Forester or Planning Director or his/her designee may be used to satisfy landscaping requirements.

10-33-2.H.32.ef: Screening Requirements: When not otherwise specified, screening shall consist of closely spaced evergreen shrubs that will grow to a mature height of five to six feet (5'-6') within 3 years.

10-33-2.H.4: Irrigation Design/Plan Requirements (all projects)

- Separate zones for plant types (turf, trees, shrub/groundcovers)
- Turf zones must be irrigated with MPR (matched precipitation rate heads) within each zone
- All spray heads in sloped areas must have check valves to avoid low-head drainage
- Spray application methods match on site soil characteristics
- Tree and Shrub zones must be irrigated with low-flow drip emission devices (emitters, bubblers, dripline). Overhead spray is prohibited in shrub and flower beds
 - For driplines, provide emitter and row spacing based on soil type and site conditions
 - For emitters, emission points should be located halfway between the edge of rootball and crown of the plant
 - On slopes, specify emission points to be on the upslope side of the root ball
- System is designed to eliminate overspray onto impervious surfaces

10-33-2.H.5: Irrigation Plan Elements:

- The irrigation plan shall be drawn to a scale no smaller than 1-inch equals 30 feet (1" = 30'-0"), shall match the scale of the landscape plan, and shall indicate the following:
- Boundaries and property lines.
- Indication of proposed water source (secondary / domestic) and location of the Irrigation point of connection.
- Location of the following irrigation system components: controller(s), sensor(s), pump (if applicable), mainlines, valves, laterals, irrigation heads, drip lines, and emission devices. Pipe sizing shall be indicated.
- A legend with identifying symbols indicating type of sprinkler heads, type of valves, and other symbols is required.
- Applicable system detail elevations, manufacturers cut sheets and specifications, note to contractors, and installation details.
- North arrow, scale block, title block with project name, project address or parcel number, draftsman initials, date, firm or company information, and State of Idaho licensed landscape architect's stamp with signature, or landscape designer name, business information and signature.

10-33-2.H.6: Irrigation Requirements (Subdivisions, Commercial, Industrial, and Multi-Family projects over one acre)

- Must include master valve / flow sensor
- Controller must be 'WaterSense' labeled, capable of seasonal watering adjustments based on temperature, precipitation, etc.

10-33-2.H.2.a: Landscape Plan Elements: The landscape plan shall be drawn to a scale no smaller than 1 inch equals 30 feet (1" = 30'-0"), and shall indicate the following:

10-33-2.H.2.a.i: Boundaries, property lines and dimensions.

10-33-2.H.2.a.ii: Existing trees and vegetation identified by location, species and size.

10-33-2.H.2.a.iii: The location and design of areas to be landscaped.

10-33-2.H.2.a.iv: Plant legend with the botanical name, common name, quantity, size at maturity, tree caliper size, tree class, unique identifying symbol for each tree, shrub and groundcover, and any notes regarding plant care or notable characteristics.

10-33-2.H.2.a.v: Tree locations as indicated by identifying symbol with the centers of trunks indicated, proposed locations of all shrubs, ground covers, and turf with unique identifying symbols. Spacing dimensions of tree trunks shall be indicated on the plans.

10-33-2.H.2.a.vi: Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights ground cover treatment, curbing, ramps, steps, and paved areas.

10-33-2.H.2.a.vii: Planting and installation details as necessary to ensure conformance with all required standards.

10-33-2.H.2.a.viii: Indication of the proposed method of landscape irrigation including depiction of the irrigation system to include: locations of controller, POC, pump or well (if applicable), mainlines, valves, laterals, irrigation heads and drip lines. Pipe sizing and type shall be indicated. A legend with identifying symbols indicating type of sprinkler heads, type of valves, and other symbols used is required. The plan shall include irrigation system detail elevations, manufacturers cut sheets and specifications, and notes to contractors.

~~10-33-2.H.2.a.ix: Location of approved vision triangle.~~

~~10-33-2.H.2.a.x: General construction notes to contractors.~~

~~10-33-2.H.2.a.xi: North arrow, scale block, title block with project name, project address or parcel number, draftsman initials, date, firm or company information, and State of Idaho licensed landscape architect's stamp with signature, or landscape designer name, business information and signature.~~

10-33-2.H.2H.7: Landscape and Irrigation Plan Application and Review: Landscape and irrigation plans shall be submitted with an application to the Planning and Zoning Department. The plans shall be reviewed for compliance with the Nampa city code by the Planning Director (or his designee) and the City Forester.

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10-33-4.D: Landscape Buffer Tree Spacing and Placement (Corridors, Local Roads and Streets): One Class I Street Tree is required for every 25 feet (25') and/or one Class II Street Tree is required for every 35 feet (35') of street frontage. At least 50% of landscape buffer Class I and Class II Street Trees shall be placed in a linear layout parallel to the street frontage(s). The remainder the Class I or Class II Street Trees shall be in the landscape buffer area in any layout configuration. Street trees shall be placed no closer than six feet (6') from any walk with minimum trunk spacing as follows:

...

10-33-4.F: Shrubs, Ground Cover and Turf in the Landscape Buffer Area: Shrubs, turf, and ground cover shall be provided throughout the landscape buffer area. Planting applications shall be as follows:

<u>Tree Type</u>	<u>Spacing</u>	<u>Caliper at 1' above root ball</u>
<u>Class I Street Tree</u>	<u>Minimum 25' on center</u>	<u>1 1/2"</u>
<u>Class II Street Tree</u>	<u>Minimum 35' on center</u>	<u>1 1/2"</u>
<u>Evergreen Trees</u>	<u>Must be ten feet (10') from walks – they may be utilized but they do not qualify as 'street trees'</u>	

	Quantity	Coverage Requirement
Turf	NA	A minimum <u>maximum</u> of 50% of the total landscape buffer area. Per approval by the planning director, the minimum amount of turf required may be reduced by 25% proportionally by the planting of a low growing evergreen groundcover that shall achieve 100% coverage in 3 years. <u>Turf is prohibited in landscape areas less than 5' wide, and on slopes steeper than 3:1.</u>
Evergreen groundcover	varies	A maximum of 50% of the total landscape buffer area. * All evergreen groundcover area shall achieve 100% coverage in 3 years. All ground cover area shall be covered by landscape fabric and mulched with a decorative rock mulch. * Area may be increased – see “Turf” above
Shrubs with rock mulch. <u>Ornamental Grasses and Perennials</u>	Minimum of 15 for every 1500 square feet of landscape buffer area	A maximum <u>minimum</u> of 50% of the total landscape area. The spacing shall be a combination of individual shrubs and/or shrub groupings located throughout the shrub beds. All shrub beds shall be covered by landscape fabric and mulched with a decorative rock mulch. <u>Shrub planting shall provide a minimum of 50% vegetative coverage at maturity in planting beds.</u>

10-33-4.G: Irrigation: Landscape buffers shall have underground irrigation systems (see § 10-33-2.H.2.a for design requirements). Watershed from the system will be contained as much as possible on site.

10-33-4.H: Medians in Roadways – All Zoning Districts: ~~Medians in roadways shall be fully covered with landscaping that consists of a balanced combination of trees, shrubs, and groundcovers as specified in this Section. Median island landscape design shall be included in the landscape plan. Design layout shall match the landscaping scheme provided in adjacent landscape buffers, subdivision entrance areas, and commercial corridor plantings. Medians with trees shall be a minimum of four (4) feet wide and shall be fully landscaped with a balance of shrubs and groundcover. Tree selections for all median planters shall be reviewed by the City Forester for use. Medians that are less than four (4) feet wide shall be planted and fully covered with a balanced combination of ground cover and shrubs. Rock mulch over landscape fabric may utilized to cover bare ground between plantings in all medians, but shall not be a substitute for planting.~~

Medians in roadways shall be fully covered with landscaping that consists of a balanced combination of trees, shrubs, and groundcovers as specified in this Section. Turf is prohibited within landscape medians. Median island landscape design shall be included in the landscape plan. Design layout shall match the landscaping scheme provided in adjacent landscape buffers, subdivision

entrance areas, and commercial corridor plantings. Medians with trees shall be a minimum of four (4) feet wide and shall be fully landscaped with a balance of shrubs, groundcover, and rock or wood mulch. Shrub planting shall provide a minimum of 50% vegetative coverage at maturity in planting beds. Tree selections for all median planters shall be reviewed by the City Forester for use. Rock mulch over landscape fabric may utilized to cover bare ground between plantings in all medians but shall not be a substitute for planting.

10-33-4.I: Drainage and Irrigation District Facilities in Landscape Buffer

Areas: Drainage and irrigation district facilities are only allowed within a landscape buffer as long as the buffer is able to accommodate the required tree and shrub planting outlined in this Section.

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10-33-45.C: Landscape Corridor Area Conversion: Landscape corridor buffer areas shall be kept in a condition compliant with the requirements of this chapter. Conversion or modification of fifty percent (50%) or more of the landscape buffer area shall require preapproval by the Planning Department.