

Chapter 3

ESTABLISHMENT OF DISTRICTS AND PROVISIONS FOR NONCONFORMING USES

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10-3-1: ESTABLISHMENT AND DESIGNATION OF USE DISTRICTS:

The following use districts are established and shall apply to and govern the use, maintenance or development of any land in the city:

<u>Use Districts</u>	
GB	Gateway business
U	University
AG	Agricultural
RA	Suburban residential
RS	Single-family residential
RD	Two-family (duplex) residential
RML	Limited multiple-family residential
RMH	Multiple-family residential
RP	Residential professional
BN	Neighborhood business
DB, DV, DH	Downtown
BC	Community business

BF	Freeway business
IP	Industrial park
IL	Light industrial
IH	Heavy industrial

(Ord. 3805, 7-21-2008)

The section below has been affected by a recently passed ordinance, 4050 - SPECIAL EXCEPTIONS AND SPECIAL EXCEPTION PERMITS. [Go to new ordinance.](#)

10-3-2: SCHEDULE OF DISTRICT/ZONE LAND USE CONTROLS:

District land use controls shall be as set forth in the succeeding schedule.

A. Determining Where Uses Are Allowed: To determine in which district a specific use is allowed:

1. Find the use in one of the groups.
2. Read across the schedule until either a P or C appears.
3. If a P appears, the use is a permitted use; if a C appears the use is only allowed upon the issuance of a conditional use permit in accordance with the provisions of chapter 25 of this title.
4. If a P or C does not appear under a district that use is not allowed in that district.
5. Review notes to determine exceptions, requirements and conditions for various uses.

B. Unlisted Land Uses: The director or his/her designee shall interpret the appropriate district for land uses not specifically listed by determining the district in which similar uses are permitted. Such other similar uses shall not be inconsistent with the purpose of the district, shall not impair the present or potential use of properties in the surrounding areas and shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the specifically listed buildings and uses. When several combined uses exist, or are proposed, the most intensive shall be considered as the primary activity.

Where a use is not authorized or where no other similar uses are listed and ambiguity exists concerning the appropriate district or procedure for the establishment of a particular use, said use may be established by conditional use permit in accordance with the provisions of chapter 25 of this title until such time as this section is amended to specifically include such use. Alternatively, application may be made for a special exception although transfers shall comply with subsection [10-25-16F](#) of this title. (Ord. 4010, 3-19-2012)

gardenin g																			
Gardenin g (for home consumpt ion)		P	P	P	P	P	P	P		C ₃	C ₃	C ₃							
Gardenin g, truck		P	P							C ₃	C ₃	C ₃					P	P	P
Livestock sales		C																C	P
Mineral resource s, natural (subject to state law provision s)		C																C	C
Orchards , tree crops		P	P	P	P					C ₃	C ₃	C ₃					C	P	P
Plant nurseries		P	P							C ₃	C ₃	P	P	P	P	P	P	P	P
Plant or tree farm	C	P	P							C ₃	C ₃	C ₃					P	P	P
Roadside stands ²		P	C																

Agricultural land use/building occupancy type notes:

1. Any enterprise customarily carried on in the field of general agriculture, which is not obnoxious or detrimental to the public welfare. No commercial slaughterhouse or feedlot operation is allowed.
2. For the display and sale of only those products raised upon the premises, provided it does not exceed an area of 200 square feet and 4 off street parking spaces are provided.

Dwelling, caretaker ³										C ₉	C ₉	C ₉						P	P	P
Dwelling (combined with a business) ²							P	P	P	P	P	P	C	C	C	P				
Dwelling, condominium					P	P	P	P	P	P	P					P				
Dwelling, congregate residence						P	P	P			P	P								
Dwelling, duplex (two-family)				C	P	P	P	P			C ₉	P				P				
Dwelling, fourplex (four-family)					P	P	P	P			P	P				P				
Dwelling, multiple-family	P					P	P	C	C		P	P				C				
Dwelling, single-family attached, multi-unit, zero lot line ⁵						P	P	P	C		P	P				P				
Dwelling, single-family attached, 2 unit, zero lot line ⁵				C	P	P	P	P			C ₉	C ₉				P				
Dwelling,					P	P	P	P	C		P	P				P				

single-family attached, 3 _ 4 unit, zero lot line ⁵																			
Dwelling, single-family (move-on house) ⁴		P	P	P	P	P	P	P		C ₉	C ₉	C ₉							
Dwelling, single-family including legal "group residences" as defined by chapter 1 of this title and Idaho Code (1 per lot/parcel) ⁴		P	P	P	P	P	P	P		C ₉	P	P							
Dwelling, triplex (three-family)					P	P	P	P	C		C ₉	P					P		
Fraternity, sorority, dormitory, residence hall	P					P	P	P		C	C ₉	C ₉					C	P	
Home occupation (subject to chapter 1 of this title) ⁶		P	P	P	P	P	P	P		C ₉	P	P							

Home occupation daycare (1 _ 6 children) ⁸	P	P	P	P	P	P	P	P		C ₉	C ₉	P							
Home occupation daycare (7 _ 12 children) ^{7,8}	P	C	C	C	C	C	P	P			C ₉	P							
Manufactured home (subject to chapter 29 of this title)		P	P	P	P	P	P	P		C ₉	C ₉	C ₉							
Manufactured/mobile home park (subject to chapters 28 and 29 of this title)		C	C		C	C	C	C	P	C ₉	C ₉	C ₉	P	P			P	C	C
Mobile home (subject to chapter 28 of this title)																			
Nursing home, assisted living center/home, retirement home, convalescent, geriatrics,		C	C	C	C	C	C	C		C ₉	C	C	C			C			

Alzheimer's care, hospice, group care home (9+ beds) or rest home																		
Planned unit development (residential as subject to chapter 26 of this title)		P	P	P	P	P	P	P	P	C ₉	C ₉	P	P	P	P	P	P	P
Shelter or temporary home for care or lodging		C	C		C	C	P	P		C ₉	C ₉	C	P					
Transition home/dwelling, being a group residence consisting of 2 or more persons under the supervision of the state department of corrections or other licensed agency such as state health and welfare (these uses							C						C					C

are often called halfway houses or transitions homes)

Residential land use/building occupancy type notes:

1. Uses normal and incidental to the uses permitted in each respective zoning district. Attached accessory residential wings shall be limited to 1 bedroom, 1 bathroom, a kitchenette (no 220 watt power source), no split electrical panel. They shall not have: a separate and exclusive laundry facility/room, separate address, separate mailbox, or have their only access to the suite from the outside of the structure. (Note that a building permit and occupancy permit to sanction such improvement and the use thereof may be required by the city.)

Detached accessory residential "guesthouses" as separate structures are allowed provided they contain but 1 bedroom, no 220 watt power source, no separate address nor parking facility for their use, and they may be combined with or be part of another detached structure such as a detached garage. In all residential (R) zones, detached accessory (residential) structures built after April 4, 2011, may and shall not be larger (in square footage) than the area of the footprint of the principal structure (i.e., a house) on the same lot/parcel as the proposed accessory structure. (Height and quantity regulations shall be as per requirements listed under each zone's regulations in this title.)

Accessory structures in AG zones 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 section [10-1-18](#), 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.

4. "Move-on" houses allowed subject to compliance with regulations in section [10-1-21](#) of this title.

5. 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.

6. Certain types of home occupations require application for and issuance of a conditional use permit prior to establishment; see section [10-1-10](#) of this title.

7. Operations in existence before September 1, 1986, providing care for 7 plus children do not require a CUP in RS districts.

8. A caregiver's children under age 6 count against the number of daycare children allowed.

9. A conditional use permit is granted by the city for any use of this particular category that was already in existence on the effective date of ordinance 3459. Any other use classified to be of the same category on a different lot or parcel or in a different tenant space or building shall not, however, be allowed in the zone.

(blank) = Not allowed

P = Permitted use

C = Conditional use permit required

Civic And Cultural Land Use/ Building Occupancy Type	U	A G	R A	R S	R D	R M L	R M H	R P	B N	D B	D V	D H	B C	B F	G B1	G B2	I P	I L	I H
Accessory use or building 1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Aquarium	P									P	P	P	P	P	P	P	P	P	
Arboretum	P	P	P	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	C
Art gallery	P					C	C	P	P	P	P	P	P	P	P	P	P	P	
Auditorium	P					C	C	C	C	P	P	P	P	P	C	C	P	C	
Botanical garden	P	P	P	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	C
Cemetery or mausoleum		C	C	C						C ₂	C ₂	C ₂					P	P	P
Civic, social	P					C	P	P	P	C	C	C	P		P	C			

Freight transfer point											C ₃	C ₃	C ₃	P	P	C		P	P	P	
Railroad buildings and equipment	P										C ₃	C ₃	C ₃			C		C	P	P	
Taxicab office											C ₃	P	P	P	P	P	P	P	P	P	
Telephone/ telegraph center or station/call center	P										P	P	P	P	P	P	P	P	P	P	
Travel agency								C	P	P	P	P	P			P	P	P	P	P	
Truck and bus parking lot											C ₃	C ₃	C	C	P	C	C	P	P	P	
Trucking yard or terminal											C ₃	C ₃	C ₃					C	P	P	
Utility owned building, structure or use	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P

Communication, utility and transportation land use/building occupancy type notes:

1. Uses normal and incidental to the uses permitted in each respective zoning district.
2. No vehicle or storage areas in BN or IP zones.
3. A conditional use permit is granted by the city for any use of this particular category that was already in existence on the effective date of ordinance 3459. Any other use classified to be of the same category on a different lot or parcel or in a different tenant space or building shall not, however, be allowed in the zone.

(blank) = Not allowed

P = Permitted use

C = Conditional use permit required

Sporting, Recreation And Amusement Land Use/Building Occupancy Type	U	A	R	R	R	R	R	R	B	D	D	D	B	B	G	G	I	I	I
	G	A	S	D	M	M	P	N	B	B	V	H	C	F	B	B	P	L	H
	1	2																	
Accessory use or building 1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Carnivals, circuses, amusement parks (over 2 weeks long)		C								C	C	C	C		C			C	C
Concession		C										C	C	C	C			C	C
Dance hall											C	C						C	
Entertai										C	P	P	P	P	P	P		P	

or outdoor public																			
Tennis court, indoor or outdoor public		C	C	C	C	C	C	P	C	C ₃	P	P	P	P	P	P	P	P	P

Sporting, recreation and amusement land use/building occupancy type notes:

1. Uses normal and incidental to the uses permitted in each respective zoning district.
2. Provided the lot area shall be no less than 10 acres.
3. A conditional use permit is granted by the city for any use of this particular category that was already in existence on the effective date of ordinance 3459. Any other use classified to be of the same category on a different lot or parcel or in a different tenant space or building shall not, however, be allowed in the zone.

(blank) = Not allowed	P = Permitted use	C = Conditional use permit required
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Commercial Land Use/ Building Occupancy Type	U	A	R	R	R	R	R	B	D	D	D	B	B	G	G	I	I	I
	G	A	S	D	M	M	P	N	B	V	H	C	F	B ₁	B ₂	P	L	H
Accessory use or building ₁	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Antique									P	P	P	P		P	P	C	C	

store																				
Auction sales (no livestock in BC)									C ₅	C ₅	C ₅	C			C			P	P	
Automobile or truck sales, new									C ₅	C	C ₅	P	P	P	P			P	P	
Automobile or truck sales, used									C ₅	C	C ₅	P	P					P	P	
Automobile parts and accessories									C ₅	C	C ₅	P			C			C	P	
Bakery									P	C	P	P			C			C	P	P
Bar, nightclub or cocktail lounge (associated with and accessory to a restaurant)									P	P	P	P	P	P	P					
Bar,											C	C	C	C				C	C	

nightclub, tavern or cocktail lounge (stand alone, no restaurant) ²																			
Bicycle shop									P	P	P	P	P		P	P	C	C	
Bookstore	P								P	P	P	P	P		P	P	C	C	
Bowling alley	P									P	P		P		P	P	C	C	
Building material										C	C	C	P		P	C	C	P	P
Cabinet shop	P									C	C	C	P		P	C	P	P	P
Camera and supplies	P									P	P	P	P		P	P	C	C	
Clothing	P									P	P	P	P		P	P	C	C	
Commercial planned unit development		P	P	P	P	P	P	P	P	C ₅	C ₅	P	P	P	P	P	P	P	P

Drugstore or pharmacy								P	P	P	P	P	P	P	P	P			
Electrical and electronic supply	P									C ₅	P	P	P		P	C	C	P	
Fabric										P	P	P	P		P	P	C	C	
Farm and garden supply		C							P	C ₅	P	C ₅	P		P	C	C	C	
Florist									P	P	P	P	P		P	P	C	C	
Fuel sales or service station										C ₅	C ₅	C	P	P	C	C	P	P	P
Furniture										C	P	P	P		P	P	C	C	
Gift shop	P								P	P	P	P	P		P	P	C	C	
Greenhouse	P	C								C ₅	P	P	P	P	P	P	C	P	
Grocery									P	C ₅	P	P	P	P	P	P	C	C	
Hardware									P	P	P	P	P		P	P	C	C	

Hobby, toy, teaching aides, games, etc.									P	P	P	P		P	P	C	C		
Home furnishin g and equipm ent									C	P	P	P		P	P	C	C		
Hotel									P	P	P	P	P	P	P	C	C		
Ice cream								P	P	P	P	P	P	P	P	C	C		
Import									C ₅	P	P	P		P	P	C	C		
Jewelry									P	P	P	P		P	P	C	C		
Leather goods									P	P	P	P		P	P	C	C		
Liquor store, package									C ₅	C ₅	C ₅	P				C	C		
Meat market								P	P	P	P	P		P	P	C	C		
Mobile home, manufa									C ₅	C ₅	C ₅	P	P	C		P	P	P	

ctured home and RV sales																		
Pet shop									P	P	P	P		P	P	C	C	
Pharmacy (drugs and medical supplies only)								P	P	P	P	P	P	P	P	C	C	
Restaurant (not drive-in, drive-through or walk-up)	P							C	P	P	P	P	P	P	P	P	P	P
Restaurant (with drive-in, drive-through, or walk-up)									C ₅	P	P	P	P	P	P	P	P	P
Second hand (if conducted within a wholly enclosed building)									C ₅	P	P	P				C	C	
Sewing machine									C ₅	P	P	P		P	P	C	C	

sales and service																			
Shoe store									P	P	P	P		P	P	C	C		
Shopping center, community									C ₅	C ₅	C ₅	P	P	C	C	C	C		
Shopping center, neighborhood								P	C ₅	C ₅	C ₅	P		C	C	C	C		
Sporting goods		P							C	P	P	P		P	P	C	C		
Surgical, medical and dental supplies and equipment									P	P	P	P		P	P	C	C		
Swap meet facility/yard (including parking lot areas no longer in		C									C	C							

regular use as such)																			
Telephone, computer store, etc.	P							P	P	P	P	P		P	P	C	C		
Theater, drive-in ⁴		C							C ₅	C ₅	C ₅	P				C	P		
Theater, movie (indoor)	P								C ₅	P	P	P		P	C	C	C		
Tobacco shop									C ₅	C	P	P		C	C	C	C		
Upholstery, automobile and furniture									C ₅	C	C ₅	P	P	P	P	P	C		
Variety store								P	C ₅	P	P	P		P	P	C	C		

Commercial land use/building occupancy type notes:

1. Uses normal and incidental to the uses permitted in each respective zoning district.
2. Bars, taverns and cocktail lounges are and shall be prohibited uses in or on any parcel or lot that fronts or is otherwise within 300 feet of Garrity Boulevard.
3. Are prohibited in the city regardless of wherever they are proposed/operated as a "principal" use as accessory to another (e.g., in association with a smoke shop).
4. Except at locations designated for future residential use or development on the comprehensive plan.
5. A conditional use permit is granted by the city for any use of this particular category that was already in existence on the effective date of ordinance 3459. Any other use classified to be of the same category on a different lot or parcel or in a different tenant space or building shall not, however, be allowed in the zone.

(blank) = Not allowed

P = Permitted use

C = Conditional use permit required

Service And Office Land Use/ Building Occupancy Type	U	A G	R A	R S	R D	R M L	R M H	R P	B N	D B	D V	D H	B C	B F	G B 1	G B 2	I P	I L	I H
Accessory use or building ¹	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Advertising								P	P	P	P	P	P		P	P	P	C	
Animal shelter		P	C							C ₄	C ₄	C ₄	C		C	C	C	P	P
Apparel, repair or alteration								P	C	P	P	P		P	P	C			
Appliance repair										C ₄	C ₄	C ₄	P		C		C	P	
Automobile or truck repair										C ₄	C	C ₄	C	C			C	P	P
Bank/credit union								P	P	P	P	P	P	P	P	P	C	C	
Barber or beauty shop, day spa, nail salon								P	P	P	P	P	P	P	P	P			
Blood bank										C	C	P	P	P	C		P	P	

										4	4								
Blueprinting, duplicating, etc.	P									P	P	P	P		P	P	C	C	
Building maintenance	P									C ₄	C ₄	P	P		P	P	C	P	P
Business association, office										P	P	P	P		P	P	C	C	
Car wash									C	C ₄	P	C ₄	P		C	C	C	P	P
Catering										P	P	P	P		P	P	P	P	
Church or religious facility		P	P	P	P	P	P	P	P	P	P	P	P		P	P		P	
Clinic, small animal									C	C ₄	C	C	C		C		C	P	P
Construction trade/sales office (carpet, tile, fixtures, etc.)							P	P	P	C ₄	P	P	P		P		P	P	
Data processing										P	P	P	P		P	P	P	P	
Daycare/day nursery (commercial)	P	C	C		C	C	P	P	C	P	P	P	P		C	P	C	C	

versions)																				
Governmental office building or facility	P	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	
Governmental water, pressure irrigation and/or sewer lift stations (including combined facilities and satellite versions thereof)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Horticultural services	P	P	C							C ₄	C ₄	P	P		P	P	P	P		
Hospital		C	C		C	C	C	C	C	C	C	C	C	C	C	C				
Hospital, large animal									C	C ₄	C ₄	C ₄	C		C		C	P	P	
Hospital, small animal									C	C ₄	C ₄	C ₄	C		C	C	C	P	P	
Insurance and related							P	P	P	P	P	P	P		P	P	C			
Kennel, commercial		C	C											C					C	C
Kennel, noncomm	P	P	C	C	C	C	C	C	C					C	C	C	C	C	C	C

rcial																			
Labor union organization									P	P	P	P		P	P	C	C		
Laboratory, biochemical and X-ray	P						P	C	C	C	C		C		C	C			
Laboratory, medical and dental	P						P	C	C	C	P		P	P	C	C			
Laundromat self-service cleaner	P							P	C ₄	P	P	P		P	P	C			
Laundry, commercial plant									C ₄	C ₄		P	P	P		P	P	P	
Lockers, cold storage, retail use only									C ₄	C ₄	C ₄	P	P	P	P	P	P		
Locksmith	P								C ₄	P	P	P		P	P	C	C		
Medical clinic and related services	P					P	P		P	P	P	P	P	P	P				
Mortuary and funeral							C		C ₄	C ₄	C ₄	P		P	P				
Motel and motor hotel						C			C ₄	P	C ₄	P	P	P	P	C	P		

Newspaper printing	P									C ₄	C ₄	C ₄	P		P	P	P	P	P
Photography, camera, supplies, developing	P								P	P	P	P	P		P	P	C	C	
Planned unit development (subject to chapter 26 of this title)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Post office	P								P	P	P	P	P	P	P	P	P		
Printing and publishing	P									P	P	P	P		P	P	P	P	P
Prison, jail, etc.		C											C	C			C	C	P
Professional office	P						P	P	P	P	P	P	P	P	P	P	C		
Radiator repair and service										C ₄	C ₄	C ₄	C	C	C	C	C	P	P
Real estate, title and related							P	P	P	P	P	P			P	P	C		
School, academic/vocational, commercial	P							P		C	C	C	P		C	C	P		

(subject to chapter 1 of this title)																			
School, public/nonprofit (subject to chapter 1 of this title)	P	P	P	P	P	P	P	P		C	C	C	P		P	P	P		
Shoe repair									P	C	P	P	P		P	P	C		
Storage (including for RVs) space rental (open to the general public for business)								C ₅	C ₅	C ₄	C ₄	C ₄	P	P	C	C	P	P	P
Storage (including for RVs) space (used exclusively inside an approved subdivision or PUD for residents therein as an amenity, not open to the general public for business, and not held/operat		C	P	P	P	P	P									C			

ed as a private business enterprise by a developer or other party)																			
Studio (artist, interior decorator, photographer, etc.)	P						C	P	P	P	P	P	P		P	P	C		
Taxidermy										C ₄	P	P	P		P	P	C		
Tire shop, including recapping										C ₄	C	C ₄	P	P	C	C	P	P	P
Treatment center - alcoholism/chemical dependency ²							C	C	C		C	C	C						
Veterinary	P	C					C	P	P	P	C ₄	P	C ₄	P		P	C		C
Wedding chapel, etc.									P	C ₄	C ₄	P	P		P	P			
Welfare and charitable distribution							C	C	P		C ₄	P	C	P		P	P		P

Service and office land use/building occupancy type notes:

1. Uses normal and incidental to the uses permitted in each respective zoning district.

2. Conditional use permit required for residential and outpatient facilities.
3. Denotes a commercial daycare of 13 plus children and/or a "not at home" occupation or a purposeful commercial operation.
4. A conditional use permit is granted by the city for any use of this particular category that was already in existence on the effective date of ordinance 3459. Any other use classified to be of the same category on a different lot or parcel or in a different tenant space or building shall not, however, be allowed in the zone.
5. Public storage facilities shall require a conditional use permit as noted in the RP and BN zones and shall be further required to comply with regulations found in section [10-1-19](#) of this title. Public mini-/self-storage facilities' units shall not be used for business operations (e.g., retail sales, car repairs, etc.); nor shall they be used to store illegal, highly flammable or combustible materials/chemicals in quantities not allowed by the fire code; nor shall they be used for residential dwelling purposes.

(blank) = Not allowed	P = Permitted use	C = Conditional use permit required
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Industrial Land Use/Building Occupancy Type	U	A	R	R	R	R	R	R	B	D	D	D	B	B	G	G	I	I	I
	G	A	S	D	M	H	P	N	B	V	H	C	F	B	B	P	L	H	
					L									1	2				
Accessory use or building ¹	P									P	P	P			P		P	P	P
Administrative and sales offices related to industrial uses										C ₃	C ₃	C ₃	C		C		P	P	P
Agricultural supply										C ₃	C ₃	C ₃						P	P
Asphalt plant																		C	C
Automobile body, paint										C ₃	C	C ₃	C					P	P

shop																			
Concrete batching and mixing																		C	C
Dairy products processing									C ₃	C ₃	C ₃						P	P	P
Equipment or implement sales, large or heavy equipment									C ₃	C ₃	C ₃						C	P	P
Grain/feed and seed processing and sales									C ₃	C ₃	C ₃							P	P
Hatchery									C ₃	C ₃	C ₃							P	P
Impound/storage yard, vehicle	P																	C	P
Incineration/reduction of garbage, dead animals, offal or refuse																			C
Laboratory	P								C ₃	C ₃	C ₃			C	C	P	P	P	
Lumberyard, retail									C	C	C	P					P	P	P

Machine shop	P									C ₃	C	C ₃	C		C		C	P	P
Manufacture, assembly or packaging of products from previously prepared materials	P									C ₃	C ₃	C ₃	C		C	C	P	P	P
Manufacture, compounding, bottling, processing, packaging, or treatment of food and beverage products	P																C	C	C
Manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of the following products: textile, apparel and related items, building materials, furniture	P									C ₃	C ₃	C	C		C		P	P	P

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																			
Meat, poultry and fish processing and packing																	C	C	C
Monument works, stone									C ₃	C ₃	C ₃	P					P	P	P
Petroleum storage									C ₃	C ₃	C ₃	P					P	P	P
Plumbing supplies and services									C ₃	C ₃	C ₃	C					P	P	P
Research facility								C	C	C ₃	C ₃	P		P			P	P	P

ng ¹																			
Animals, agricultural, including apiaries ⁴		P	P														P	P	P
Animals, agricultural kept as pets ^{2,4}		n/a	P	P	P	P	P	P											
Animals, defined as pets	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Animals, exotic ³																			

Animals, care and keeping notes:

1. Accessory enclosures housing pets or their supplies shall comply with regulations in subsection [10-1-12A12](#) of this title, unless specifically allowed otherwise according to chapter regulations concerning a zone. Accessory enclosures housing agricultural animals or "AG" animals as pets, including apiaries but excluding swine (unless permitted by planning as potbellied pigs), shall comply with regulations in subsection [10-21-2B](#) or section [10-21-3](#) of this title as appropriate.
2. Potbellied pigs are only allowed when kept as "pets" as outlined in section [10-21-3](#) of this title.
3. Exotic animals shall be dealt with according to regulations in section [10-21-5](#) of this title.
4. Refer to chapter 21 of this title for regulations governing keeping certain agricultural animals as pets.

(Ord. 3958, 3-21-2011; amd. Ord. 3960, 4-4-2011; Ord. 4010, 3-19-2012)

10-3-3: PUD SUBDISTRICTS: 

A subdistrict of any district may be created within planned unit development boundaries provided a PUD permit has been issued for said development pursuant to chapter 26 of this title. The subdistrict shall be designated by the suffix "PUD" added to the symbol of the parent district. (Ord. 2140)

10-3-4: ESTABLISHMENT OF DISTRICTS BY MAP AND ADOPTION OF MAP:

The geographical boundaries of various districts shall be shown on a zoning map, which map shall be designated as "map of the zoning regulations of the city of Nampa, Idaho". The map sets forth the district classifications applicable to the city. The map is adopted as a part of this title. If a conflict between the map and the text of this title arises, the text shall prevail. (Ord. 2140)

10-3-5: SPLIT ZONING OF A LOT/PARCEL:

When a lot/parcel has one-half ($1/2$) or less of its area in a zone judged by the planning director or his/her designee to be more restrictive in nature (in terms of uses that it allows and setback restrictions it imposes) than the zone which is in the remainder, the planning director or his/her designee may (but shall not be required to) apply the regulations of the more restrictive zone to the entire lot/parcel when in the judgment of the director or his/her designee so doing would provide the best pattern for harmonious development of a property as viewed in conjunction with existing land uses on abutting/adjacent properties. For example, a property split zoned partially BC and predominantly RP may be allowed the uses and standards applicable in the more restrictive RP zone. Rezoning shall be the means used to effectuate a change to that portion of a lot/parcel zoned differently from the balance of that lot/parcel where this regulation is deemed undesirable. (Ord. 3805, 7-21-2008)

10-3-6: CHANGES IN BOUNDARIES:

Change in boundaries of districts shall be made by ordinance in accordance with the provisions of section [10-2-3](#), "Amendments To Zoning Ordinance And Zoning Map (Rezoned)", of this title. The amended maps shall become a part of this title. (Ord. 3805, 7-21-2008)

10-3-7: UNCERTAINTY OF DISTRICT BOUNDARIES:

When uncertainty exists as to the boundaries of any district as shown on the zoning map the following shall apply:

- A. Where such boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be construed to be such boundaries.

- B. In the case of unsubdivided property where a zone boundary divides a lot, the location of such boundary, unless the division is indicated by dimensions, shall be determined by the use of the scale appearing on the zoning map.

- C. Where a public street or alley is officially vacated, the zoning regulations applicable to abutting property on each side of the centerline shall apply up to the centerline of such vacated street or alley on each respective side thereof. (Ord. 3805, 7-21-2008)

10-3-8: ZONING OF ANNEXED AREAS:

Prior to the annexation of an unincorporated area, the council shall receive a recommendation from the commission on the proposed zoning district classification for the unincorporated area. A recommendation on any required comprehensive plan change shall also be provided. The commission and council shall follow the notice and hearing procedures provided in [chapter 2](#) of this title. Concurrently or immediately following the adoption of an ordinance of annexation, the council shall amend the zoning ordinance. (Ord. 3805, 7-21-2008)

10-3-9: NONCONFORMING USES:

Legal, nonconforming uses or situations shall be considered those wherein a lawful use of land or the physical improvements (i.e., the "site situation") thereon existed on and before May 5, 1971, or prior to a rezone, annexation or zoning code change that occurred subsequently to that date, and although a use or site situation does not currently conform with regulations specified by this title for the district in which such land is presently located, it may be continued subject to the provisions of this section.

A. Maintenance Or Expansion Of Structures Occupied By Nonconforming Uses: Nonconforming use(s) of structures may be maintained subject to the following conditions, provided said structure is not abated or specifically regulated by this and other chapters of this code:

1. A nonconforming use of a structure shall not be expanded in any manner except as follows:
 - a. Additions or enlargements to a nonconforming structure may be made provided that they cause the structure to be made (more) code compliant (in accordance with the city's adopted building code) and do not have the effect of further reducing zoning code compliance.
 - b. Additions or enlargements to existing dwellings, churches and schools if such buildings otherwise conform to the regulations then in effect for the district in which located, including height, yard and area provisions.

B. Repair Or Replacement Of Structures Occupied By Or In Operation As, Nonconforming Uses:

1. Whenever, in any district, a structure (other than a singlewide/1 sectional mobile home/manufactured home), being occupied as or by a nonconforming use is damaged or destroyed to the extent of fifty percent (50%) or less of its replacement value by fire, explosion or other casualty, it may be restored and any lawful occupancy or use of such structure, or part thereof, which existed at the time of such partial destruction may be continued, if such restoration is started within a period of twelve (12) months of such damage or destruction and is diligently completed.
2. In the event such damage or destruction exceeds fifty percent (50%) of the replacement value of a structure, no repairs or reconstruction shall be thereafter made (unless every portion of such structure is made to conform to the height, yard, parking area and use regulations of the district within which it is located).

The planning director or his/her designee, by issuing a rebuild letter or permit, may grant exceptions

to this standard in order to allow for the reconstruction of single-family residential structures in nonresidential zones upon finding that:

- a. Apparent commercial or industrial development in the area is slow or nonexistent, and
 - b. The majority of abutting property owners or business managers are not opposed to continuation of the use of the structure as a principal residence. An applicant shall supply the director or his/her designee with evidence indicating the opinions of surrounding property owners or business managers.
3. A "singlewide" (1 sectional) mobile/manufactured home structure when proposed to be replaced (whether by desire of the property owner or because the unit has been damaged to more than 50 percent of its replacement value by fire or other calamity) may only be replaced by another such structure or repaired in accordance with the following provisions:
- a. A conditional use permit allowing replacement or reconstruction is first issued by the city's planning and zoning commission (all conditions of said permit must and shall be adhered to);
 - b. Any replacement "singlewide" structure has a minimum floor area of four hundred (400) square feet;
 - c. Any replacement "singlewide" structure shall have a pitched roof with a slope of a nominal three feet (3') in height for each twelve feet (12') in width;
 - d. Any replacement "singlewide" structure shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the city or which is comparable to the predominant materials used on surrounding dwellings within the immediate neighborhood as determined at the time of building permit issuance;
 - e. Any replacement "singlewide" structure shall bear the insignia of approval of the U.S. department of housing and urban development (HUD) certifying that it was built in compliance with federal mobile home construction and safety standards; or even though it does not bear an insignia of approval of HUD, it has been issued a certificate of compliance from the administrator of the division of building safety of the state of Idaho certifying that the home has been rehabilitated and meets the rehabilitation requirements of Idaho Code section 44-2503;
 - f. Any replacement "singlewide" structure shall meet proper setbacks and easement clearances as required of other principal structures in the same zone;
 - g. Any replacement "singlewide" structure shall have either a permanent foundation that meets applicable building codes or be properly skirted. Skirting of mobile homes shall be designed so as not to create a fire hazard nor provide a harborage for rodents. Skirting shall be of moisture resistant, noncombustible material or fire retardant wood, which must be maintained. Where skirted, the home shall be provided with pedestals or blocking supports. Such systems shall ensure adequate support and be in compliance with the HUD and manufacturer's specifications; and
 - h. No permanent additions, except as provided in this chapter, shall be built onto, or become part of, any mobile home.
 - i. The mobile home was, and if replaced will be, the only principal residential structure on a lot/parcel.

Requests for "rebuild letters" for other than single-family dwelling units shall be processed as variances.

C. Conversion Of One Nonconforming Use To Another Nonconforming Use: Shall conform to the requirements of section [10-25-16](#) of this title.

D. Repairs And Maintenance: Nothing in this section shall be deemed to prevent the repair or maintenance of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety. In no event shall such repair or maintenance prolong the time within which the nonconforming use must terminate.

E. Nonconforming Use Of Land In Any District:

1. Where no principal structures are used in connection with the nonconforming use of land, or where the only structures are accessory or incidental to such use in any district, the nonconforming use of such land shall be discontinued not later than three (3) years after such use becomes nonconforming, and all uses thereafter shall conform to the regulations of the applicable district classification and the provisions of this title unless approved for conversion into a different nonconforming use as stated in subsection C of this section.
2. In cases where the nonconforming use of the land is actually a situation where certain site improvements or conditions/situations are either lacking or nonconforming, then they shall be considered eligible for legal nonconforming use status provided they were determined to exist prior to May 5, 1971, or prior to enactment of a zoning based law that made them nonconforming and that no worsening of their noncompliance is afforded.
3. A nonconforming use of land shall not be expanded.

F. Existing Uses; Occupancy Permit: An occupancy permit is granted hereby, so as to permit the continuation of the particular existing uses of any structure, improvement or premises existing in the respective districts immediately prior to May 5, 1971. (Ord. 3960, 4-4-2011)

G. Rezones: Whenever a zone change (i.e., rezone) occurs, any uses or situations that were allowed by conditional use permit in the original zone but could not be applied for under conditional use allowances in the new zone shall be considered legally nonconforming uses or situations. Notwithstanding, such permits shall remain valid for the length of time specified by the commission when they were originally considered or else shall be considered approved indefinitely unless the conditional use associated with them is revoked.

H. Abandonment/Vacancy: The city shall not enact any ordinance or resolution which deprives an owner of the right to use improvements on private property for their designed purpose based solely on the nonuse of the improvements for their designed purpose for a period of ten (10) years or less. Where an owner or his authorized agent permits or allows an approved or unlawful intervening use of the owner's property, the provisions of this section are not applicable.

1. If nonuse of a property or structure continues for a period of one year or longer, the city may, by written request, require that the owner declare their intention with respect to the continued nonuse of the improvements in writing within twenty eight (28) days of receipt of the request. If the owner elects to continue the nonuse, they shall notify the city in writing of their intention and shall post the property with notice of their intent to continue the nonuse of the improvements. They shall also publish notice of their intent to continue the nonuse in a newspaper of general circulation in Canyon County. If the property owner complies with those requirements, their right to use such improvements in the future for their designed purpose shall continue, notwithstanding any change in the zoning of their property.
 2. The property owner may voluntarily elect to withdraw the use by filing with the city clerk an affidavit of withdrawn use. If the property is redesigned for a different use, the property owner shall be deemed to have abandoned any legal nonconforming ("grandfather") right to prior use of the property. The affidavit may be forwarded to the city planning and zoning office for review and recordkeeping.
 3. For purposes of this section, "designed purpose" means the use for which the improvements were originally intended, designed and approved pursuant to any applicable planning and zoning ordinances.
 4. The provisions of this section shall not be construed to prohibit the city from passing or enforcing any other law or ordinance for the protection of the public health, safety and welfare.
 5. Action by the city to cause a nonconforming use or situation to be eliminated may be pursued when it is believed said use or site situation is/was illegally commenced, operated or utilized. No statute of limitations shall apply to the city in such situations.
- I. Establishment Of Legal Nonconforming Use Rights: Applications to establish legal nonconforming use rights shall be made with the office of the planning and zoning department on a form prescribed by the planning director. The application shall be accompanied by such information as may be required by the director to enable a determination to be made together with a nonrefundable filing fee in an amount established by resolution of the city council. (Ord. 3878, 8-17-2009)