

ELEMENT D, THE CLIFFS PLANNED COMMUNITY

AN ORDINANCE AMENDING TITLE 8, CHAPTER 21, ADA COUNTY CODE TO ADOPT A NEW ARTICLE C ENTITLED THE CLIFFS PLANNED COMMUNITY ZONING ORDINANCE, TO PROVIDE FOR REGULATIONS INCLUDING A SHORT TITLE, PURPOSE STATEMENT, APPLICABILITY, ALLOWABLE USES, SETBACK AREAS, STRUCTURE HEIGHT AND BULK, STRUCTURE AND IMPERVIOUS SURFACE COVERAGE, PROPERTY SIZE, LANDSCAPING REQUIREMENTS, OPEN SPACE REQUIREMENTS, STREET FRONTAGE AND ACCESS REQUIREMENTS, SIGN REQUIREMENTS, ON- AND OFF-STREET PARKING REQUIREMENTS, STANDARDS FOR ENERGY AND WATER CONSERVATION, GRADING REQUIREMENTS, DESIGN STANDARDS FOR STRUCTURES AND SITE IMPROVEMENTS, ADMINISTRATIVE REGULATIONS FOR THE IMPLEMENTATION AND/OR REVISION OF THE CLIFFS SPECIFIC PLAN, AS WELL AS SUBSEQUENT DEVELOPMENT APPROVALS REQUIRED PRIOR TO CONSTRUCTION, AND ANY OTHER REGULATIONS NECESSARY TO IMPLEMENT THE CLIFFS SPECIFIC PLAN, INCLUDING APPLICABLE FEE SCHEDULES AND AMENDMENTS.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, ADA COUNTY, THAT TITLE 8, CHAPTER 21, ADA COUNTY CODE, BE AMENDED TO ADOPT A NEW ARTICLE C ENTITLED THE CLIFFS PLANNED COMMUNITY ZONING ORDINANCE AS FOLLOWS:

8-21C-1: SHORT TITLE:

This article shall be known, cited and referred to as *The Cliffs Planned Community ZONING ORDINANCE*.

8-21C-2: PURPOSE AND INTENT:

Generally, this Article is enacted with the purpose and intent of promoting, on behalf of The Cliffs Planned Community, public health, safety, comfort and general welfare; to conserve and control the population density and to facilitate adequate and economical provisions for public improvements, all in accordance with The Cliffs Specific Plan for the desirable future physical development of The Cliffs; and to provide a method of administration, all as authorized by the Ada County Comprehensive Plan, the Ada County Zoning Ordinance, the State Legislature, and the Constitution of the State.

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Specifically, the purpose and intent of this Article is to set forth the development standards and administrative procedures for implementing the land use policies of The Cliffs Specific Plan. This Article shall be consistent with the adopted The Cliffs Specific Plan. Furthermore, it is the purpose of this Article to:

- A. Provide for the design of quality, mixed use development within The Cliffs Planned Community;
- B. Provide distinctive, efficient and effective regulations to guide development in The Cliffs;
- C. Encourage flexibility and creativity in The Cliffs' design and development in order to respond to market demand and site specific conditions while enhancing the economic viability and quality of The Cliffs;
- E. Provide for the integration and balance of a variety of uses in The Cliffs;
- H. Provide flexibility for reconfiguration of residential and nonresidential uses and/or population density as long as these reconfigurations do not conflict with the overall intent of The Cliffs Specific Plan and this Article;
- I. Identify and define standards for uses which may occur in each of the land use categories;

8-21C-3: APPLICABILITY:

This Article governs the development and administration of The Cliffs, as shown on The Cliffs Land Use Map found in The Cliffs Specific Plan. Where issues arise that are not covered under this Article, or where this Article specifically references other sections of the Ada County Code, such other sections of said Code shall apply and govern. This Article shall not apply to any land not incorporated within The Cliffs boundary.

- A. Scope And Content: This Article shall consist of the text hereof and The Cliffs Land Use Map, which is now filed in the office of the Recorder of Ada County and in the Ada County Development Services Department. For the purpose of administration and enforcement, The Cliffs Land Use Map in the Ada County Development Services Department shall be considered as an official Land Use Map. Any and all amendments to The Cliffs Land Use Map shall be made concurrently on the Zoning Map in the Ada County Development Services Department and made concurrently with the amendment being recorded with the Ada County Recorder.

The approved The Cliffs Specific Plan, as it may be amended, is now filed in the office of the Ada County Development Services Department.

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- B. Flexibility: The development standards and design guidelines contained in The Cliffs Specific Plan, including, without limitation, the Specific Plan, and this Article are intended to depict the general nature and relative intensity of residential and nonresidential development in The Cliffs, while allowing sufficient flexibility at the time of detailed planning and platting so that the overall goals and policies and purpose and intent of The Cliffs can be achieved. The configuration and densities of development parcels and phases may be altered from those shown on The Cliffs Specific Plan to accommodate market, financing, site and other conditions and revisions to the project's implementation strategy providing that the reconfiguration does not conflict with the Land Use Map, specific restrictions contained within subsection 8-21C-5 of this Article, or the general intent of The Cliffs Specific Plan and this Article.
- C. Conflict of Laws: If conflict arises between this Article and the Ada County Code, the provisions of the Article shall apply.
- C. Phased Development: This Article is intended to regulate all development and improvement of The Cliffs, but is not intended to regulate the bulk sale and conveyance of raw land to subdevelopers. Subdevelopers intending to develop land within The Cliffs, or any portion thereof, are subject to The Cliffs Specific Plan and this Article.

8-21C-4 DEFINITIONS

The following definitions shall be used in the interpretation and construction of The Cliffs zoning ordinance; words used in the present tense include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure", the word "used" shall include "arranged", "designed", "constructed", "altered", "converted", "rented", "leased", or "intended to be used", and the word "shall" is mandatory and not directory. Any term used in this article not defined herein, shall have the meaning set forth in chapter 1, article A of this title. Any term not defined herein or in Chapter 1, Article A of this title, shall have its plain and ordinary meaning.

ALTERNATE ENERGY PRODUCTION: any small power plant production or cogeneration facility regulated by 18 CRF 131 Part 80.

ANIMAL CLINIC, ANIMAL HOSPITAL OR VETERINARY OFFICE: Any structure, or portion thereof, that is designed or used for the medical or surgical treatment of animals in which veterinary services, including boarding incidental to treatment, are limited to short term care.

ARTICLE: This Planned Community Zoning Ordinance.

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BED AND BREAKFAST ESTABLISHMENT:

1. Any such facility shall be an owner occupied dwelling. For the purposes of this subsection, an "owner" shall be defined as a person with a fifty percent (50%) or greater interest in the bed and breakfast establishment.
2. If remodeling an existing structure, the exterior appearance of the structure shall be that of a single-family dwelling. Fire escapes and other features may be added to protect public safety; however, structural alterations may not be made that would prevent future use of the structure as a single-family dwelling.
3. No more than ten (10) occupants (including, but not limited to, the owner, the owner's family, and any resident or nonresident employees) shall be permitted to occupy the facility at any one time (daytime, evening, or night).
4. The maximum stay shall be two (2) weeks for any guest.
5. Breakfast shall be served on the premises only for guests and employees of the facility. No other meals shall be provided on the premises. Guestrooms may not be equipped with cooking facilities including, but not limited to, stoves, hot plates, or microwave ovens.
6. Only business signs referring solely to a principal permitted use of the bed and breakfast are permitted.

CONDOMINIUM: A condominium within The Cliffs shall have the same meaning as set forth in Idaho Code section 55-101B, as the same is amended and modified from time to time, and as further defined and described in the Idaho Condominium Property Act.

DESIGN REVIEW COMMITTEE (DRC): The Design Review Committee for The Cliffs shall be comprised of at least one (1) design professional, and two (2) other members appointed by the Board of the Property Owners Association of The Cliffs. The DRC shall be responsible for reviewing, including but not limited to, building plans, site development and grading plans, landscaping plans, elevations, and parking recommendations prior to submission of a development permit application to Ada County. A letter of approval from the DRC that authorizes the development of a specific project will be a precondition to Ada County's issuance of a building permit.

DWELLING: A building or portion thereof containing one or more dwelling units. The term dwelling does not include any recreational vehicle, motel, hotel, guest house, or boarding house.

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DWELLING UNIT: One or more rooms designed for or used as a residence for not more than one family including all necessary household employees of such family and constituting a separate and independent housekeeping unit with a kitchen permanently included. A dwelling unit may be occupied by a family relation by blood or marriage, or by up to five (5) unrelated individuals or by any number of physically or mentally handicapped or elderly persons as long as the residential character of the dwelling is preserved.

DWELLING UNIT PER ACRE: means the number of dwelling units per gross acre.

ESSENTIAL PUBLIC SERVICES: As provided in the Ada County Comprehensive Plan these shall include, but are not limited to, water systems, public safety services, wastewater collection and treatment systems, storm water detention and drainage facilities and structures, a public school site, streets, roads and open space.

FAR: Floor to Area Ratio. The sum of the horizontal areas of the several floors inside the exterior walls of a building or portion thereof, divided by the lot area.

OPEN SPACE: An open area for passive or active recreation that is developed, designed and protected for the benefit and of residents and employees within The Cliffs. Developed open space is a created open area for both recreation activities and passive pastimes. Natural open space is undeveloped area that remains in its natural condition or is enhanced with native or improved vegetation.

PUBLIC UTILITY: Any person, entity or municipal department, duly authorized to furnish to the public under public regulation, electricity, gas, steam, telephone, transportation, water, cable television or other services.

PUBLIC UTILITY STRUCTURE: Any structure utilized by a public utility.

TEMPORARY SALES OFFICE: That particular sales office(s), wherever located, used primarily for the wholesale or retail sales of property or lots located within The Cliffs.

THE CLIFFS LAND USE MAP: A map identifying land use designations and/or land use districts within The Cliffs Planned Community and found on Figure B6.a, in The Cliffs Specific Plan.

THE CLIFFS PROPERTY OWNERS ASSOCIATION: The Idaho nonprofit or profit corporation whose members or stockholders consist exclusively of property

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owners within The Cliffs and whose purpose is to provide for the administration and governance of the affairs of The Cliffs.

THE CLIFFS OR THE CLIFFS PLANNED COMMUNITY: That area depicted on The Cliffs Land Use Map, as amended from time to time.

THE CLIFFS SPECIFIC PLAN: The Cliffs Specific Plan consists of the goals, vision, objectives, policies, maps (such as sketch plan maps), development standards/administration provisions and other components of The Cliffs application for a planned community which have been adopted by the Board, and which shall serve as a guide for development. A copy of the approved The Cliffs Specific Plan is on file with the Ada County Development Services Department.

THE CLIFFS ZONING MAP OR ZONING MAP: A Map depicting The Cliffs boundary and the zoning designation of “PC”.

WASTEWATER COLLECTION AND TREATMENT SYSTEM: An installation which collects and treats domestic wastewater and utilizes at a minimum subsurface disposal or discharge and which conforms to the rules, regulations and adopted plans of the health authority.

WATER SUPPLY SYSTEM: An approved water supply system which provides a domestic water supply meeting local, State and Federal drinking water standards and fire flow requirements.

8-21C-5 LAND USE DISTRICTS

The purpose of this section is to implement the Specific Plan of The Cliffs. These districts are intended to provide appropriate density for residential, commercial, open space, and other development based on the availability of essential public services, the surrounding land uses, and The Cliffs Specific Plan designation.

The Cliffs Specific Plan depicts the general nature and relative intensity of residential and nonresidential development and uses and overlay district subject to the appropriate flexibility and other standards discussed elsewhere in this Article.

A. Residential Districts:

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It is the purpose of these districts to provide regulations and standards for development of residential dwelling units in a variety of typologies including but not limited to single-family detached dwellings, zero lot line developments of single-family detached, single-family attached dwellings, duplexes and multiple-family dwellings including, but not limited to, townhouses and condominiums, where a municipal wastewater collection and treatment system and community water system are provided. The maximum allowed density shall be as follows:

1. Edge District:

A single and multiple family residential dwelling unit district with a density of one (1) to seven (7) dwelling units per acre. This district may include single-family detached, single-family attached dwellings, duplexes and multiple-family dwellings including, but not limited to, townhouses and condominiums.

2. Traditional District:

A single and multiple family residential dwelling unit district with a density of five (5) to fifteen (15) dwelling units per acre. This district may include detached single family dwellings, townhouses, duplexes, and multiple family dwelling units including, but not limited to, townhouses and condominiums.

3. Core District:

A single and multiple family residential dwelling unit district with a density of ten (10) to twenty five (25) dwelling units per acre. This district may include detached single family dwellings, townhouses, duplexes, and multiple family dwelling units including, but not limited to, townhouses and condominiums.

B. Mixed Use Overlay:

The purpose of this overlay is to establish areas for civic, institutional and commercial uses that are envisioned to intermix with underlying residential districts along core streets that provide for the sale of a full range of merchandise and services required of persons living within The Cliffs, as well as the trade area. This Overlay is intended to provide creativity and flexibility in planning and design of buildings and encourages both vertical and horizontal mixing of uses.

C. Open Space District:

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To provide two types of open space, developed open space (including active and passive uses) and natural open space (which includes wild lands and restored or enhanced open space). Areas within The Cliffs designated as open space areas are intended to provide both active and passive recreational opportunities as well as educational facilities and wildlife habitat areas. Open space area uses include, but are not limited to, neighborhood and community parks, the project-wide trail system, environmental education support facilities and designated limited access wildlife areas.

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TABLE 8-21C-5D
THE CLIFFS
LAND USE MATRIX

Land Use District	Design Principles	Land Type/ Location	Uses	Density	Max Height	Lot Size/Coverage	Minimum Frontage	Minimum Setbacks From R/W	Streets/ Parking
Residential – Edge A low density residential area to accommodate single family detached dwellings, single family attached dwellings, duplexes, townhouses, and multiple family dwellings.	See The Cliffs Specific Plan Element B13	See The Cliffs Specific Plan Land Use Map	See Land Use Table 8-21C-6A	1 to 7 dwelling units per acre	30 feet	Minimum lot size is 6,000 square feet Coverage: No Maximum	40 feet corner lot 45 feet or Each lot shall abut a public street or private road, having a recorded right of access for vehicles and pedestrians and enjoy practical access to such street for a minimum of 10 feet or have a recorded right of access for vehicles and pedestrians for a minimum of 20 feet (16 feet paved) via a street or other vehicular driveway and enjoy practical and physical access from the building site to a public street or a private road.	Front: Dwelling: 10 feet Garage: 20 feet Side: 6 feet between dwellings Street Side: Dwelling: 10 feet, Garage: 20 feet Rear: Dwelling: 10 feet Garage: 3 feet	All streets shall meet ACHD standards or 8-4-D of this Title Off-street parking per 8-21C-11 of this Article

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Land Use District	Design Principles	Land Type/ Location	Uses	Density	Max Height	Lot Size/Coverage	Minimum Frontage	Minimum Setbacks From R/W	Streets/ Parking
Residential – Traditional A medium lot size residential area to accommodate single family detached dwellings, single family attached dwellings , duplexes, townhouses, and multiple family dwellings	See The Cliffs Specific Plan Element B13.	See The Cliffs Specific Plan Land Use Map	See Land Use Table 8-21C-6A	5 to 15 units to the acre	34 feet	Minimum lot size is 3,000 square feet Coverage: No Maximum	30 feet corner lot 35 feet or Each lot shall abut a public street or private road, having a recorded right of access for vehicles and pedestrians and enjoy practical access to such street for a minimum of 10 feet or have a recorded right of access for vehicles and pedestrians for a minimum of 20 feet (16 feet paved) via a street or other vehicular driveway and enjoy practical and physical access from the building site to a public street or a private road.	Front: Dwelling:6 feet Garage:20 feet Side: 6 feet between dwellings Street Side: Dwelling: 6 feet, Garage: 20 Rear: Dwelling:10 feet Garage: 2 feet	All streets shall meet ACHD standards or 8-4-D of this Title Off-street parking per 8-21C-11 of this Article

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Land Use District	Design Principles	Land Type/ Location	Uses	Density	Max Height	Lot Size/Coverage	Minimum Frontage	Minimum Setbacks From R/W	Streets/ Parking
Residential – Core A high density residential zone to accommodate single family detached dwellings, single family attached dwellings, duplexes, townhouses, and multiple family dwellings.	See The Cliffs Specific Plan Element B13	See The Cliffs Specific Plan Land Use Map	See Land Use Table 8-21C-6A	10 to 25 units to the acre 4.0 maximum Floor Area Ratio	38 feet	Minimum Lot size 1,500 square feet. Coverage: No Maximum	20 feet corner lot 25 feet or Each lot shall abut a public street or private road, having a recorded right of access for vehicles and pedestrians and enjoy practical access to such street for a minimum of 10 feet or have a recorded right of access for vehicles and pedestrians for a minimum of 20 feet (16 feet paved) via a street or other vehicular driveway and enjoy practical and physical access from the building site to a public street or a private road.	Front: Dwelling:3 feet Garage:20 feet Side: 6 feet between dwellings; Street Side: Dwelling: 3 feet Garage: 20 feet Rear: Dwelling: 10 feet Garage: 2 feet	All streets shall meet ACHD standards or 8-4-D of this Title Off-street parking per 8-21C-11 of this Article

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Land Use District	Design Principles	Land Type/ Location	Uses	Density	Max Height	Lot Size/Coverage	Minimum Frontage	Minimum Setbacks From R/W	Streets/ Parking
Mixed Use Overlay A centrally located Overlay providing for civic, commercial, retail, and office uses; including but not limited to mixed use, high density housing, neighborhood scale commercial, pedestrian orientation of all non-residential uses, buildings related to streets, and shared parking.	See The Cliffs Specific Plan Element B13 Public or Quasi-Public Uses to allow for the central collection and treatment of wastewater and a central water supply system.	See The Cliffs Specific Plan Land Use Map	See Land Use Table 8-21C-6B	See underlying Residential District 4.0 maximum Floor Area Ratio	44 feet	1,500 square feet Coverage: No Maximum	16 feet corner lot 18 feet or Each lot shall abut a public street or private road, having a recorded right of access for vehicles and pedestrians and enjoy practical access to such street for a minimum of 10 feet or have a recorded right of access for vehicles and pedestrians for a minimum of 20 feet (16 feet paved) via a street or other vehicular driveway and enjoy practical and physical access from the building site to a public street or a private road.	No minimum setbacks	All streets shall meet ACHD standards or 8-4-D of this Title Off-street parking per 8-21C-11 of this Article

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Land Use District	Design Principles	Land Type/ Location	Uses	Density	Max Height	Lot Size/Coverage	Minimum Frontage	Minimum Setbacks From R/W	Streets/ Parking
<p>Open Space-Developed</p> <p>An area to provide active and/or passive recreational activities and preservation of natural features, wildlife habitat and view corridors.</p>	See The Cliffs Specific Plan Element B13	See The Cliffs Specific Plan Land Use Map	See Land Use Table 8-21C-6C	N/A	30 feet	N/A	20 feet	20 feet for front, side and rear	<p>All streets shall meet ACHD standards or 8-4-D of this Title</p> <p>Off-street parking per 8-21C-11 of this Article</p>
<p>Open Space-Natural</p> <p>An area for preservation of natural features, wildlife habitat and view corridors.</p>	See The Cliffs Specific Plan Element B13	See The Cliffs Specific Plan Land Use Map	See Land Use Table 8-21C-6C	N/A	30 feet	N/A	<p>20 feet corner lot 25 feet</p> <p>or</p> <p>Each lot shall abut a public street or private road, having a recorded right of access for vehicles and pedestrians and enjoy practical access to such street for a minimum of 10 feet or have a recorded right of access for vehicles and pedestrians for a minimum of 20 feet (16 feet paved) via a street or other vehicular driveway and enjoy practical and physical access from the building site to a public street or a private road.</p>	20 feet for front, side and rear	<p>All streets shall meet ACHD standards or 8-4-D of this Title</p> <p>Off-street parking 8-21C-11 of this Article</p>

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8-21C-6 LAND USE REGULATIONS

Unless otherwise specified in the specific land use standards of Sub-Element B6 of The Cliffs Specific Plan, Tables 8-21C-6A, B, C of this section lists allowed uses within each base district. Approval to construct these uses shall follow the approval process outlined in 8-21C-7 of this Article.

TABLE 8-21C-6A

Allowable Uses in Edge, Traditional and Core Residential Land Use Districts
Accessory Dwelling Unit
Accessory Structure
Agricultural Use
Alternate Energy Production
Amusement or Recreation Facility, indoor
Barbed Wire
Bed and Breakfast Establishment
Church
Club, Lodge, or Social, Hall
Day Care Facility
Day Care Home, group
Duplex or single family attached, dwelling
Dwelling, Multiple Family
Dwelling, secondary attached
Dwelling, secondary detached
Dwelling, single family detached
Dwelling, Townhouse
Fence
Home Occupation
Kennel, Hobby
Nursery, retail
Office, related to an approved use
Office, temporary construction
Public or Quasi Public Use
Signs, non-accessory, off premises
Swimming Pool, Public
Swimming Pool, Private
Tower or antenna structure, commercial

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TABLE 8-21C-6B

Allowable Uses in Mixed Use Overlay	
Accessory Structure	Remediation, in situ
Agricultural Use	Research and Development facility
Alternate Energy Production	Residential Care Facility
Amusement or Recreation Facility, indoor	Restaurant or eating place
Animal Clinic, animal hospital, or veterinary office	Retail Sales Related to an Approved Use
Bank	Retail Store
Bar, brew pub, or nightclub	School, vocational or trade
Barbed Wire	School, Public or Private
Bed and Breakfast Establishment	Signs, non-accessory, off premises
Church	Storage Facility, self service
Clinic, medical	Structures over 10,000 square feet in size
Club, Lodge, or Social, Hall	Studio
Contractor's yard or shop	Swimming Pool, Private
Dangerous or protected animals	Swimming Pool, Public
Day Care Facility	Tower or antenna structure, commercial
Day Care Home, group	Tower or antenna structure, private
Dry Cleaner, Drop Off only	Transit Facility
Duplex or single family attached, dwelling	
Dwelling secondary attached	
Dwelling secondary detached	
Dwelling single family detached	
Dwelling Townhouse	
Dwelling, caretaker of an approved use	
Farm, garden, lumber, or building supply store	
Fence	
Fuel Cell	
Home Occupation	
Laundromat	
Museum	
Office building	
Office, related to an approved use	
Office, temporary construction	
Off-street parking facility	
Outdoor Storage	
Package and letter delivery service	
Personal, business, or professional service	
Portable Classroom	
Public or Quasi Public Use	
Radio and television broadcasting station	

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TABLE 8-21C-6C

Allowable Uses in Open Space District
Accessory Structure
Agricultural Use
Alternate Energy Production
Amphitheater
Barbed Wire
Educational Structures and Uses
Fence
Office, temporary construction
On – and off- Street Parking
Outdoor Storage
Playfields
Portable Classroom
Public or Quasi Public Use
Remediation, in situ
Swimming Pool
Trails

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8-21C-7 ADMINISTRATIVE REGULATIONS:

- A. All allowable uses shall be reviewed in accord with the land use standards in Sub-Element B6 of The Cliffs Specific Plan, unless specifically exempt under subsection 8-4E-2B of this Title.
- B. Building Permits: Building permits and grading permits shall be issued in accordance with the Ada County building code ordinance; provided, however, that no building or grading permit shall be issued to an applicant until such time as the applicant has provided to the county a certificate issued by The Cliffs DRC approving the proposed building improvements and/or grading for which the building permit or grading permit is being sought.
- C. All Allowable Uses: Residential use, Mixed Use, and Open Space uses listed in Tables 8-21C-6A, B, C of this article, contain allowable uses. The development of any allowable use requires, however, that no building or grading permit, Zoning Certificate, or any other approval by the County shall be issued to an applicant until such time as the applicant has provided to the County a letter issued by The Cliffs DRC approving the proposed building improvements, grading, and/or use for which the building permit, grading permit, or use is being sought.

8-21C-8 LANDSCAPING

- A. Purpose:
 - 1. Ensure development consistent with the goals of The Cliffs Specific plan related to community design;
 - 2. Enhance the aesthetic appearance of streets, parking areas, and development sites and visually screen and buffer incompatible land uses;
 - 3. Conserve existing healthy trees and rare plants;
 - 4. Encourage the use of native species and drought tolerant landscape materials with the intent to enhance wildlife habitat areas and conserve water;
 - 5. Break up large areas of pavement, and provide shade in parking areas and around structures with the intent to decrease heat island effect;
 - 6. Reduce impervious surface areas to minimize storm water runoff and promote ground water recharge; and

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B. Applicability:

All allowable uses in the districts as listed in Tables 8-21C-6A, B, C of this Article shall be exempt from the regulations of this Title.

C. Process:

For all uses within The Cliffs, a landscape plan as defined by the Community Design Standards shall be required. The landscape plan must be reviewed and approved by The Cliffs DRC who has the sole discretion to determine its conformance with the community objectives.

8-21C-9 OPEN SPACE

A. Purpose:

The purpose of this article is to encourage well designed open space at The Cliffs, and to provide standards for dedicated open space areas as specified in The Cliffs Specific Plan and/or uses approved as part of a development application.

B. Applicability:

These regulations shall apply to The Cliffs Specific Plan and the subsequent subdivision plats that include dedicated open space areas and/or uses.

C. General Regulations:

1. Dedicated Open Space Plan: The dedicated open space plan shall include the following information on a map of an appropriate scale and may be accompanied by any associated documents as may be necessary:
 - a. The boundaries and legal description of all dedicated open space areas;
 - b. Existing distinctive natural characteristics including, but not limited to, prime agricultural land and topographical elements;
 - c. The dedicated open space uses;
 - d. Depiction of all impervious surfaces including, but not limited to, structure footprints, driveways, or roadways; and

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- e. Description of the manner in which the dedicated open space area shall be maintained, managed, and administered.
2. Allowed Open Space Uses: All allowable uses in the Open Space Districts shall include, but not be limited to, the following:
 - a. Natural areas;
 - b. Agriculture;
 - c. Active areas designed for specific active recreational uses including, but not limited to, tot lots, tennis courts, swimming pools, and ball fields;
 - d. Greenways identified on the adopted Ada County ridge-to-rivers pathway plan;
 - e. Lawns or ground cover with or without trees;
 - f. Bicycling and walking trails;
 - g. Public Utilities;
 - h. Amphitheater;
 - i. Educational structures and uses;
 - j. Use associated with an historic structure; or
 - k. Any combination of uses listed above.
3. Term And Form Of Restrictions For Dedicated Open Space: The open space shall be recorded as either a deed restriction or conservation easement prepared subject to the regulations of Idaho Code section 55-2105.
4. Ownership: Dedicated open space shall be held in one or more of the following methods of ownership:
 - a. Property Owners Association: The dedicated open space may be held in common ownership by an incorporated Property Owners' Association.
 - b. Fee Simple Dedication:
 - 1) The dedicated open space may be dedicated to a federal, state, or municipal government body empowered to hold an interest in real property subject to the

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laws of Idaho or the United States, or a charitable corporation, charitable association, or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property, assuring the availability of real property for agricultural, forest, recreation, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

- 2) The applicant or owner shall submit for county review and approval any offer of dedication and the terms and conditions thereof that demonstrate the dedicated open space shall be maintained as dedicated open space for the required term as specified in subsection D of this section.
- 3) The board may, but shall not be required to, accept any portion or portions of the dedicated open space, provided the land is accessible to the residents of the county, there is no cost of acquisition other than any costs incident to ownership, such as title insurance, and the board agrees to and has access to maintain such lands.

c. Private Ownership: Private ownership.

5. Maintenance Requirement: In the event any private owner of dedicated open space fails to maintain same according to the standards of this title, Ada County may, in accord with the dedicated open space plan and following reasonable notice, demand that deficiency of maintenance be corrected and enter the dedicated open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the dedicated open space.
6. Improvements: Required improvements including, but not limited to, landscaping and recreation facilities within the dedicated open space areas shall be provided by the applicant, owner or appropriate entity. A surety agreement, as set forth in this Title, may be required to cover costs of installation or maintenance of such improvements.

D. Design Standards

1. Consistent with The Cliffs Specific Plan or other Adopted Plans: The design shall be consistent with The Cliffs Specific Plan or other adopted regional or local open space and recreation plans including the Ada County ridge-to-rivers pathway plan.
2. Accessibility: The dedicated open space shall be easily accessible to residents of The Cliffs.

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3. Roadways: The number of private or public roadways that divide the dedicated open space shall be limited to those necessary for proper traffic circulation, and the roadways shall not detract from the efficient use of the open space.
4. Structures: The dedicated open space shall be free of all structures, except those that enhance the use of the dedicated open space including, but not limited to, structures related to outdoor recreational use, educational buildings, well houses, utilities, infrastructure and facilities, and storm water retention basins.
5. Storm Water Basins: Storm water retention or detention basins designed and approved as part of the storm water management system for the property may be located within the dedicated open space area.
6. Impervious Surface: No more than ten percent (10%) of the dedicated open space shall be impervious surface.
7. Additional Standards For Dedicated Open Spaces:
 - a. The dedicated open space shall an appropriate width as determined by the DRC and may include a trail system, pathway network, pocket parks for active or passive recreational use or linear open spaces.
 - b. The dedicated open space shall be connected to open space areas on neighboring properties wherever possible including provisions for pedestrian walkways to create linked walkway or pathway systems.
 - c. The dedicated open space shall have the required number of automobile and bicycle parking spaces as set forth in this Title.
 - 1) Parking areas shall have safe and convenient access from an abutting public street or other rights of way or easements capable of accommodating pedestrian, bicycle, or vehicle traffic.
 - 2) Required parking areas for outdoor amusement or recreation facilities may be included in calculating the amount of dedicated open space.
 - d. When children's play equipment is proposed, a minimum of two (2) shade trees shall be planted to shade the play equipment on the west and southern exposure. Additional trees shall be at the discretion of the applicant.

E. Alternative Open Space Plan:

The director may approve, or recommend approval of, an alternative open space plan when the overall design, as proposed by the applicant, meets or exceeds the intent and

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the requirements of this article and shall not be detrimental to the public health, safety, and welfare of The Cliffs

8-21C-10 SIGN REQUIREMENTS

Signs are allowed throughout The Cliffs in accordance with Chapter 4, article I of this title, except as follows:

The Design Review Committee shall have exclusive authority to approve all temporary signs within The Cliffs. Temporary signs shall be those with a dimension of eighteen (18) square feet or less in sign facia and shall be in existence for a period of one hundred eighty (180) days or less.

8-21C-11 ON- AND OFF-STREET PARKING

All parking shall meet Federal Americans with Disabilities Act (ADA) requirements and shall be in accordance with the provisions of 8-4-G of this Title, except as follows:

A. Improvements:

1. Except as otherwise provided in this section, all off-street parking areas shall be improved with a compacted gravel base, not less than four inches (4") thick, surfaced with asphaltic concrete or some comparable all-weather dustless material. This standard shall not apply to temporary uses, the education center, the road to the water tank(s), the road to the amphitheater, the road to the sewer treatment plant., areas designated as infiltration zones as part of the roadway LID techniques or temporary construction offices.
2. Except as otherwise provided in this section, all off-street parking areas shall be provided with a substantial wheel restraint to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions. This standard shall not apply to temporary uses, or temporary construction offices.
3. When a bumper overhangs onto a sidewalk or landscape area, the parking stall dimensions may be reduced two feet (2') in length if two feet (2') is added to the width of the sidewalk or landscaped area planted in ground cover.
4. Parking spaces and access lanes shall be marked including handicapped symbols and signs.

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5. All lighting provided to illuminate a parking area shall comply with the lighting standards provided in Article H of this Title.

B. Alternative Plan:

The director may approve, or recommend approval of, an alternative off-street parking and loading plan, when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this article and shall not be detrimental to the public health, safety, and welfare of The Cliffs.

C. Required Number of Off-Street Parking:

Add the following to the list of uses in Section 8-4G-6 of the Ada County Code:

TABLE 8-21C-11C

Use	Required Number Of Automobile Spaces
Educational Facility	1 per 2 employees and 1 per 12 students

8-21C-12 STANDARDS FOR ENERGY AND WATER CONSERVATION

Development standards for energy and water conservation shall be consistent with The Cliffs Specific Plan and shall be enforced by the DRC.

8-21C-13 GRADING REQUIREMENTS

The grading requirements shall be in conformance with this Title and Article 7-2 (Building Code) of the Ada County Code. Grading on slopes greater than 15% shall use the hillside adaptive grading standards found in The Cliffs Specific Plan Element B and Element F.

8-21C-14 DESIGN STANDARDS FOR STRUCTURES AND SITE IMPROVEMENTS.

The design standards for structures and site improvements shall be consistent with The Cliffs Specific Plan Element B13 and shall be enforced by the DRC.

8-21C-15 AMENDMENTS

Amendments to this Article shall be in accordance to 8-7-3 of this Title.

