

AN ORDINANCE AMENDING DEFINITIONS IN ADA COUNTY CODE TITLE 8, CHAPTER 1, ARTICLE A, SECTION 1; AMENDING TITLE 8, CHAPTER 4, ARTICLE E, SECTION 2:B TO ADD USES EXEMPT FROM THE REGULATIONS OF THE ARTICLE; AMENDING TITLE 8, CHAPTER 4 ARTICLE G, SECTION 6, TABLE 8-4G-2 TO REMOVE HOME OCCUPATION FROM COUNTY PARKING REQUIREMENTS; AMENDING TITLE 8, CHAPTER 5, 3-54 TO UPDATE AND CLARIFY STANDARDS FOR ALL HOME OCCUPATIONS; AMENDING TITLE 8, CHAPTER 5, ARTICLE A, SECTION 2, TABLE 8-5A-1 TO SPECIFY SMALL- AND LARGE-HOME OCCUPATION SECTION ACCESSORY USE PROCESS.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO, THAT THE ADA COUNTY CODE BE AMENDED AS FOLLOWS:

SECTION 1: AMENDING DEFINITIONS IN ADA COUNTY CODE TITLE 8, CHAPTER 1, ARTICLE A, SECTION 1 AS FOLLOWS:

**8-1A-1: DEFINITIONS:**

HOME OCCUPATION: An occupation, profession, or business activity ~~or use~~ that is ~~clearly an~~ incidental and secondary ~~use of a~~ to a residential dwelling unit and does not ~~alter the exterior of the property or~~ affect the rural or residential character of the neighborhood.

TRIP: A single or one-direction vehicle movement with either the origin or destination inside the subject property.

SECTION 2: AMENDING TITLE 8, CHAPTER 4, ARTICLE E, SECTION 2:B TO ADD USES EXEMPT FROM THE REGULATIONS OF THE ARTICLE AS FOLLOWS:

**8-4E-2: APPLICABILITY:**

B. The following uses shall be exempt from the regulations of this article:

Accessory structure.

Agricultural use.

Bed and breakfast establishment.

Boarding house.

Dangerous or protected animals.

Duplex or single-family attached dwelling.

Dwelling, additional farm.

Family day care home.

Dwelling, secondary attached or detached.

Dwelling, single-family detached.

Foster home, group.

Grain elevator.

Group day care facility.

Home occupation.

Livestock confinement facility, less than or equal to three hundred (300) animal units.

Manufactured home.

Nursery, wholesale.

Public or quasi-public use, electric distribution line.

Remediation.

Remediation, in situ.

Sign, nonaccessory, off premises.

Stable or riding arena, commercial.

Tower or antenna structure, commercial or private.

SECTION 3: AMENDING TITLE 8, CHAPTER 4 ARTICLE G, SECTION 6, TABLE 8-4G-2 TO REMOVE HOME OCCUPATION FROM COUNTY PARKING REQUIREMENTS AS FOLLOWS:

**TABLE 8-4G-2: REQUIRED PARKING SPACE BY USE:**

<u>Use</u>	<u>Required Number Of Automobile Spaces</u>
Adult entertainment establishment	1 per 100 square feet of gross floor area
Agricultural use	1 per 2 employees
Aircraft landing field	1 per 2 employees
Amusement or recreation facility, indoor	1 per 200 square feet of gross floor area
Bowling	2 per lane
Movie theater	1 per 8 seats
Amusement or recreation facility, outdoor	
Golf driving range	1 per 2 driving stations
Open space	4 per acre

Structure	1 per 8 seats
Animal clinic, animal hospital, or veterinary office	1 per 500 square feet of gross floor area
Asphalt or concrete ready-mix plant	1 per 2 employees
Auction establishment, outdoor	1 per 8 seats
Automobile, major repair	1 per service bay
Automobile or recreational vehicle sales	1 per 1,200 square feet of gross floor area
Automobile or recreational vehicle service	1 per service bay
Bank	1 per 500 square feet of gross floor area
Bar, brew pub, or nightclub	1 per 200 square feet of gross floor area
Bed and breakfast establishment	1 per 2 sleeping rooms plus 1 for owner's dwelling
Boarding house	1 per 2 sleeping rooms
Brewery or distillery	1 per 1,000 square feet of gross floor area

Campground	1 per 2 campsites plus 1 per 2 employees
Car wash	1 per 2 drying stations
Cemetery	1 per 2 employees
Children's treatment facility	1 per 6 beds
Church	1 per 8 seats in main sanctuary
Clinic, medical (excluding animal or veterinary)	1 per 500 square feet of gross floor area
Club or lodge or social hall	1 per 200 square feet of gross floor area
Composting facility, commercial	1 per 2 employees plus 1 per acre
Contractor's yard or shop	1 per 1,000 square feet of gross floor area
Crematory	1 per 8 seats in chapel
Daycare facility	1 per 2 employees

Daycare home, group	1 per 2 employees
Drug and alcohol treatment facility	1 per 2 beds plus 1 per 2 employees
Duplex or single-family attached dwelling	1 per dwelling unit
Dwelling, additional farm	1 per dwelling unit
Dwelling, caretaker for an approved use	1 per dwelling unit
Dwelling, secondary attached or detached	1 per dwelling
Dwelling, single-family detached	1 per dwelling unit
Explosive manufacturing	1 per 1,000 square feet of gross floor area
Explosive storage	1 per 2 employees
Farm, garden, lumber, or building supply store	1 per 1,200 square feet of gross floor area
Flammable substance storage	1 per 2 employees
Foster home, group	1 per 2 employees

Foundry	1 per 1,000 square feet of gross floor area
Freight or truck terminal	1 per 1,000 square feet of gross floor area
Golf course	2 per hole
Golf course country club	1 per 200 square feet of gross floor area
Grain elevator	1 per 2 employees
Heavy equipment sales	1 per 1,200 square feet of gross floor area
Heavy equipment service	1 per service bay
<del>Home occupation</del>	<del>1 per 2 employees other than the dwelling residents</del>
Hospital	1 per bed
Hotel or motel	1 per 2 sleeping rooms
Junkyard or automobile wrecking yard	1 per 2 employees

Laundromat	1 per 500 square feet of gross floor area
Laundry or linen supply	1 per 1,000 square feet of gross floor area
Livestock confinement facility	1 per 2 employees
Manufacture of electronic orelectrical products	1 per 1,000 square feet of gross floor area
Manufacture or processing of hazardous chemicals or gases	1 per 1,000 square feet of gross floor area
Manufactured home	1 per dwelling
Manufactured home park	1 per space
Manufactured home storage	1 per 2 employees
Manufactured home subdivision or park in a manufactured home district	1 per dwelling
Meatpacking facility	1 per 1,000 square feet of gross floor area
Mortuary	1 per 200 square feet of gross floor area
Multi-family development	1 per dwelling unit

Nursery, retail	1 per 1,200 square feet of gross floor area
Nursery, wholesale	1 per 4,000 square feet of gross floor area
Nursing facility, skilled	1 per 8 beds
Office building	1 per 500 square feet of gross floor area
Office, relating to the approved use	1 per 500 square feet of gross floor area
Office, temporary construction	1 per 2 construction employees
Outdoor storage	1 per 2 employees
Package and letter delivery service	1 per 1,000 square feet of gross floor area
Personal, business, or professional service	1 per 500 square feet of gross floor area
Pit, mine, or quarry	1 per 2 employees
Power plant	1 per 1,000 square feet of

gross floor area

Processing plant for agricultural or dairy products	1 per 1,000 square feet of gross floor area
Product fabrication, assembly, or packaging	1 per 1,000 square feet of gross floor area
Public or quasi-public use	
Public recreation facility (open space)	4 per acre
Public recreation facility (structure)	1 per 8 fixed seats
Public utility and infrastructure facility	1 per 2 employees
Publicly owned buildings	1 per 600 square feet of gross floor area
Racetrack, vehicle or animal	1 per 8 seats
Radio and television broadcasting station	1 per 500 square feet of gross floor area
Railroad switching yard	1 per 2 employees
Recreational vehicle park	1 per space

Recycling center	1 per 1,000 square feet of gross floor area
Recycling plant	1 per 1,000 square feet of gross floor area
Research and development facility	1 per 1,000 square feet of gross floor area
Residential care facility	1 per 6 beds
Restaurant or eating place	1 per 200 square feet of gross floor area
Retail sales relating to an approved use	1 per 500 square feet of gross floor area
Retail store, durable goods	1 per 1,200 square feet of gross floor area
Retail store, other	1 per 500 square feet of gross floor area
Roadside produce stand	1 per 200 square feet of gross floor area
Sanitary landfill	1 per 2 employees
Sawmill or planing mill	1 per 1,000 square feet of gross floor area

School, public or private	
Elementary	1 per 2 employees plus 1 per 12 students
Middle, junior high, and senior high	1 per 2 employees plus 1 per 8 students
School, vocational or trade	1 per 4 students
Seasonal farmworker housing	1 per 2 sleeping rooms if dormitory style  1 per 2 dwelling units if campground style
Shooting range, indoor or outdoor	1 per target and/or shooting station
Slaughterhouse	1 per 1,000 square feet of gross floor area
Soil or water remediation	1 per 2 employees
Stable or riding arena, commercial	1 per 2 stable stalls
Storage facility, self-service	1 per entrance to site

Studio	1 per 500 square feet of gross floor area
Tannery	1 per 1,000 square feet of gross floor area
Temporary living quarters	1 per dwelling unit
Transit facility	1 per 2 employees
Truck stop	1 per 500 square feet of gross floor area
Vehicle impound yard	1 per 2 employees plus 1 per 4 acres
Warehouse	1 per 4,000 square feet of gross floor area
Winery	1 per 1,000 square feet of gross floor area

(Ord. 389, 6-14-2000; amd. Ord 582, 5-25-2005)

SECTION 4: AMENDING TITLE 8, CHAPTER 5, SECTION 3-54 TO UPDATE AND CLARIFY STANDARDS FOR ALL HOME OCCUPATIONS AS FOLLOWS:

**8-5-3-54: HOME OCCUPATION:**

A. ~~General~~ Standards for All Home Occupations:

1. ~~In no way shall~~ The home occupation shall not cause the property premises to differ from its rural or residential character in the appearance, ~~lighting, signs~~ or in the emission of noise, dust, fumes, odors, vibrations, or electrical interference.
2. ~~Except as provided for in subsection B5 of this section, the home occupation shall be conducted entirely in the dwelling, and not more than 25% of the floor area, excluding garages, storage attics and unfinished basements of said dwelling shall be used for a home occupation or for storing goods associated with the home occupation. Materials may be stored in an attached garage or storage area provided it shall not reduce the required off-street parking below the standard established for that district.=~~  
No more than twenty-five percent of the floor area of the dwelling and attached garage shall be devoted to the home occupation or for storing goods or vehicles associated with the home occupation. The home occupation and associated storage shall not occupy garage space required for off-street parking for the residence.
3. No activity connected to the home occupation or any storage of goods, materials or products connected with a the home occupation shall be allowed in any detached garage or accessory structure, except for the use of a greenhouse for plant propagation.
4. ~~The home occupation shall not involve the use of more than one commercial vehicle.~~  
No outdoor storage or outdoor loading shall be allowed, except that one work trailer, work vehicle or commercial vehicle may park on the property.
5. ~~The home occupation shall not receive more than two (2) pick ups per day.~~  
No home occupation shall discharge any hazardous material into any sewer, drainage-way or the ground.
6. ~~Signs shall comply with chapter 4, article I of this title.~~  
The following occupations are prohibited as home occupations: service, repair or painting of any vehicle; commercial kennel; adult entertainment; or sale, repackaging or use of hazardous materials.
7. Day care is not a home occupation. Day care is regulated by section 8-5-3-33.
8. One home sign is allowed, and shall comply with chapter 4, article 1 of this title.
9. No processing of soil or rock shall be allowed.
10. Storage or use of hazardous materials, odor causing materials, or other materials that may cause a nuisance or health or safety problems is prohibited.

~~B. Home Occupations Involving Customers And/Or Clients:~~

- ~~1. The home occupation shall be conducted by the inhabitants of the dwelling, and no more than one nonresident employee shall be permitted. The home occupation shall not serve as a headquarters or main office where employees come to the site and are dispatched to other locations.~~
- ~~2. No retail sales shall be permitted from the dwelling except the sale of: a) services or items produced or fabricated on the premises as a result of the home occupation or b) products related to the home occupation.~~
- ~~3. Off street parking shall be provided as per section 8-4G-6 of this title, in addition to the required off street parking for the dwelling.~~
- ~~4. All visits by clients and/or customers shall occur between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.~~
- ~~5. Group instruction shall be limited to no more than five (5) students at one time. The use of an outdoor swimming pool meeting the requirements of the Ada County building code as set forth in title 7, chapter 2 of this code, may be permitted for swimming instruction.~~

B. Standards for Small-Home Occupations:

1. A zoning certificate is required. The resident owner of the home occupation shall continuously comply with the restrictions in this section and in section 8-5-3-54(A).
2. A building permit may be required.
3. The home occupation shall be conducted solely by the residents of the dwelling unit. No employees are allowed.
4. No client visits shall be allowed.
5. The property shall have no more vehicle trips per day than average for a residence.
6. The home occupation shall not receive more than two (2) pick ups or deliveries per day.

C. Standards for Large-Home Occupations:

1. Administrative approval is required. The owner of the home occupation shall continuously comply with the restrictions in this section and in section 8-5-3-54(A).
2. A building permit may be required for the change in use or occupancy of any portion of the dwelling, greenhouse or attached garage used for the home occupation.

3. The home occupation shall be conducted by the inhabitants of the dwelling, and no more than one non-resident employee shall be permitted to work on-site.
4. All visits by the non-resident employee, clients and customers, and deliveries, shall occur between the hours of seven o'clock a.m. and six o'clock p.m., Monday through Friday.
5. Group instruction shall be limited to no more than five students at one time. The use of an outdoor swimming pool meeting the requirements of the Ada County Building Code as set forth in title 7, chapter 2 of this code, may be permitted for swimming instruction.
6. One paved, off-street parking space shall be provided for the non-resident employee, plus up to three parking spaces for clients, if applicable, and shall be improved as per section 8-4G-6 of this title, in addition to the required off-street parking for the dwelling. No overnight parking of client or employee vehicles shall be allowed on-site. On-site parking may be reduced by the number of off-street parking spaces in the driveway and by on-street parallel parking spaces in front of the single-family detached dwelling, if applicable.
7. The property shall have no more than twenty vehicular trips per day of combined residential and home occupation traffic.
8. Large-home occupations shall not be allowed on private streets.

SECTION 5: AMENDING TITLE 8, CHAPTER 5, ARTICLE A, SECTION 2, TABLE 8-5A-1 TO SPECIFY SMALL- AND LARGE-HOME OCCUPATION ACCESSORY USE PROCESS AS FOLLOWS:

**8-5A-2, TABLE 8-5-A-1: ACCESSORY USE PROCESS:**

TABLE 8-5A-1: ACCESSORY USES AND REQUIRED APPROVAL

Required	Administrative	
Zoning	Certificate	Approval
<u>Accessory Use</u>	<u>Certificate</u>	<u>Approval</u>
Accessory structure, <<1,500 square feet	Yes	No
Accessory structure, ≥ 1,500 square feet	Yes	Yes
Agricultural structure	Yes	No
Automotive, hobby	No	No
Daycare home, group	Yes	Yes

Dwelling, caretaker for an approved use	Yes	Yes
Fence, barbed wire, electric wire, or other	No	No
Fuel cell	Yes	No
Gasoline or diesel fuel sales facility	Yes	No
<del>Home</del> <u>Small-home</u> occupation	Yes	No
<del>Home</del> <u>Large-home</u> occupation involving customers and/or clients	Yes	Yes
Kennel, hobby	Yes	Yes
Livestock confinement facility, €300 AU	No	No
Livestock confinement facility, €300 AU for an educational purpose	Yes	No
Office, relating to an approved use	No	No
Office, temporary construction	No	No
Outdoor storage	No	No
Pit, mine, or quarry	Yes	Yes
Portable classroom	Yes	Yes
Public or quasi-public use, subtransmission lines	Yes	Yes
Retail sales, relating to an approved use	No	No
Roadside produce stand	Yes	No
Sign, administrative approval not required	No	No
Sign, administrative approval required	Yes	Yes
Swimming pool, private	Yes	No
Temporary living quarters	Yes	Yes
Temporary use	See <a href="#">chapter 4, article L</a> of this title	

Tower or antenna structure, private	Yes	Yes
Winery	Yes	No

(Ord. 389, 6-14-2000; amd. Ord. 490, 4-9-2003; Ord. 581, 5-25-1005)

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

**Board of Ada County Commissioners**

By: \_\_\_\_\_  
Fred Tilman, Chairman

By: \_\_\_\_\_  
Paul R. Woods, Commissioner

By: \_\_\_\_\_  
Rick Yzaguirre, Commissioner

ATTEST:

\_\_\_\_\_  
J. David Navarro, Ada County Clerk

PUBLISHED: \_\_\_\_\_