

CHAPTER 3

ESTABLISHMENT OF DISTRICTS AND PROVISIONS FOR NONCONFORMING USES

SECTION:

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- 10-3-9: Nonconforming Uses

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:

Use Districts

GB1, GB2, GBE	Gateway business
U	University
AG	Agricultural
RA	Suburban residential
RS	Single-family residential
HC	Healthcare
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. 4281, 9-19-2016)

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 proposed and ambiguity exists concerning the appropriate district or procedure for the establishment of that particularly proposed use, said use may be established by obtainment of a 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. (Ord. 4088, 12-16-2013)

SCHEDULE OF DISTRICT/ZONE LAND USE CONTROLS
NAMPA ZONING ORDINANCE

(blank) = Not allowed

P = Permitted use

C = Conditional use permit required

Agricultural Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Accessory use or building'	P	P	P								P	P	P			P	P		P	P	P
Agricultural, general (no slaughterhouses in GB, IL or IP zone)		P	P													P	P		P	P	P
Berry and bush crop		P	P	P		P													P	P	P
Feedlot or dairy (no slaughterhouses in GB, IL or IP zone)		C	C																	C	C
Fish farm		C	C																	C	C
Flower gardening		P	P	P		P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Gardening (for home consumption)		P	P	P		P	P	P	P		P	P	P								
Gardening, truck		P	P																P	P	P
Livestock sales		C																		C	P
Mineral resources, natural (subject to state law provisions)		C																		C	C
Orchards, tree crops		P	P	P		P													C	P	P
Plant nurseries		P	P								C	C	C	P	P	P	P		P	P	P

Agricultural Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Plant or tree farm	C	P	P	C															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.



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(blank) = Not allowed P = Permitted use C = Conditional use permit required

Residential Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Accessory dwelling, attached ¹		P	P	P		P	P	P	P			P	P								
Accessory dwelling, detached ¹		P	P	P		P	P	P	P			P	P								
Accessory use or building (nonhabitable)	P	P	P	P		P	P	P	P							P	P				
Bed and breakfast								C	C	C		C	C	P			C				
Dwelling, as place of occupancy for no more than 2 registered sex offenders living therein		P	P	P		P	P	P	P			P	P								
Dwelling, caretaker ²																			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				P				
Dwelling, congregate residence							P	P	P			P	P								
Dwelling, duplex (two-family)				C		P	P	P	P				P				P				
Dwelling, fourplex (four-family)						P	P	P	P			P	P				P				
Dwelling, multiple-family	P						P	P	C	C		P	P	C			C				
Dwelling, single-family attached, multi-unit, zero lot line ⁵							P	P	P	C		P	P				P				

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Residential Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Dwelling, single-family attached, 2 unit, zero lot line ⁵				C		P	P	P	P								P				
Dwelling, single-family attached, 3 - 4 unit, zero lot line ⁵						P	P	P	P	C		P	P				P				
Dwelling, single-family including legal "group residences" as defined by this title and Idaho Code (1 per lot/parcel) ⁴		P	P	P		P	P	P	P			P	P								
Dwelling, single-family (move- on house) ⁴		P	P	P		P	P	P	P												
Dwelling, triplex (three-family)						P	P	P	P	C			P				P				
Fraternity, sorority, dormitory, residence hall	P						P	P	P							C	P				
Home occupation daycare (1 - 6 children) ⁶	P	P	P	P		P	P	P	P				P								
Home occupation daycare (7 - 12 children) ^{7,a}	P	C	C	C		C	C	P	P				P								
Home occupation (subject to chapter 1 of this title) ⁶		P	P	P		P	P	P	P			P	P								
Manufactured home (subject to chapter 29 of this title)		P	P	P		P	P	P	P												

Residential Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Manufactured/mobile home park (subject to chapters 28 and 29 of this title)		C	C			C	C	C	C	P				P	P				P	C	
Mobile home (subject to chapter 28 of this title)																					
Nursing home, assisted living center/home, retirement home, convalescent, geriatrics, Alzheimer's care, hospice, group care home (9+ beds) or rest home		C	C	C	C	C	C	C	C			C	C	C			C				
Planned unit development (residential as subject to chapter 26 of this title)		P	P	P		P	P	P	P	P			P	P	P	P	P		P	P	P
Shelter or temporary home for care or lodging		C	C		C	C	C	P	P				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 are often called halfway houses or transitions homes)								C						C						C	

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Residential land use/building occupancy type notes:

1. Uses normal and incidental to the uses permitted in each respective zoning district. Specific regulations governing certain accessory uses in residential zones are as follows:
 - a. As pertaining to residential living quarters built or intended for construction as independent suites/wings/additions for use as "father-/mother-in-law quarters" or the equivalent thereof, they are, and shall be limited to, having 1 bedroom, 1 bathroom, and kitchenette, and no "split" electrical panel. They also shall not have: a separate and exclusive laundry facility/room, separate address, separate mailbox, or their only access to the suite from the outside of the structure. (Note that a building permit and/or occupancy permit to sanction such improvement, and the use thereof, may be required by the city.)
 - b. Detached accessory residential "guesthouses" (intended for temporary use/stay by friends or relatives) as separate structures are allowed on the same lot/parcel as a house provided they contain but 1 bedroom, no separate address or separate parking facility for their use. They may be combined with or be part of another detached structure such as a detached garage.
 - c. 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.
 - d. Height and quantity regulations pertaining to accessory structures shall be as per requirements listed under each zone's regulations in this title except that accessory structures in AG zoned areas shall have no area size limitations.
2. Density limitation will be created in de facto form by virtue of available space/land after imposition of any applicable height limits, setbacks and parking/service drive provision to a development. Parking shall be provided in private, assigned parking areas or garages on the basis of 1 space per dwelling being required and must meet parking requirements of 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.

June 2020

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(blank) = Not allowed P = Permitted use C = Conditional use permit required

Civic And Cultural Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
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	P	
Auditorium	P						C	C	C	C	P	P	P	P	P	C	C	P	P	C	
Botanical garden	P	P	P	C		C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	C
Cemetery or mausoleum		C	C	C															P	P	P
Civic, social and fraternal organization	P						C	P	P	P	C	C	C	P		P	C	P			
Community center (subject to chapter 1 of this title)		C			C		C	C	C	C	P	P	P	P	P	C	C		P	C	
Crematorium		C											C	C	C	C	C		C	C	P
Exhibition hall	P							C	C		P	P	P	P	P	P	C	P	P		
Historic site or monument		P	P	P		P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Library	P	C	C				C	C	C	C	P	P	P	P	P	P	P		P	P	
Meeting hall	P	C	C		C		C	C	C		P	P	P	P	P	P	C	P	P		
Museum or planetarium	P	P	C				C	C	C	C	P	P	P	P	P	P	P	P			

Civic And Cultural Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Tourist information center		P	C				P	P	P	P	P	P	P	P	P	P	C	P	P	P	
Zoo		C	C								C	C	C	C	C	C	C		P	C	

Civic and cultural land use/building occupancy type note:

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



(blank) = Not allowed P = Permitted use C = Conditional use permit required

Communication, Utility And Transportation Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Accessory use or building ¹	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Airport, heliports, landing fields, etc.					C				C										C	C	C
Ambulance service					P				C					C		C	C		P	P	P
Automobile parking lot/garage, private ²					P	C	C	P	P	P	C	C	C	P	P	C	C		P	P	P
Freight transfer point														P	P	C			P	P	P
Railroad buildings and equipment	P															C			C	P	P
Taxicab office												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	C	P	C	C		P	P	P
Trucking yard or terminal																			C	P	P
Utility owned building, structure or use	P	C	C	C	P	C	C	C	C	C	C	C	C	C	C	C	C		C	P	P

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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.

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(blank) = Not allowed P = Permitted use C = Conditional use permit required

Sporting, Recreation And Amusement Land Use/Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Accessory use or building'	P	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		P		C	C
Dance hall												C	C					P		C	
Entertainment and amusement, indoor											C	P	P	P	P	P	P	P		P	
Equestrian facility		P	C													C		P		P	
Fairground		C														C		C	C	C	C
Game room	P										P	P	P	P	C	P	P	P			
Go-cart track														C	C				C	C	C
Golf course and country club		P	P	P		P	P	P	P					P	P	C	C		P	P	P
Golf driving range		P	C											C	C	C	C		C	C	C
Golf, miniature														C	C	C	C			C	C
Health club	P										P	P	P	P		P	P				
Ice or roller skating, indoor public												P	P	P	P	P	P	P		P	P

Sporting, Recreation And Amusement Land Use/Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Ice or roller skating, outdoor public		C										P	P	P	P	P	P	P	C	P	
Park, playground or open space (subject to chapter 1 of this title)	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Racetrack or drag strip														C						C	C
Recreation facility, indoor	P								P	C	C	P	P	P	P	P	P		P	P	
Recreational vehicle park		C	C			C	C	C	C	C				C					C	C	
Riding academy		C	C													C		C			
Riding stable, commercial ²		C												C		C		C		P	P
Sports arena														P	P	P	C	P	P	P	
Swimming pool, indoor or outdoor public		C	C	C		C	C	C	P	C				P	P	P	P		P	P	
Tennis court, indoor or outdoor public		C	C	C		C	C	C	P	C				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.

(blank) = Not allowed

P = Permitted use

C = Conditional use permit required

Commercial Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Accessory use or building ¹	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Antique store											P	P	P	P		P	P		C	C	
Auction sales (no livestock in BC)														C		C				P	P
Automobile or truck sales, new												C		P	P	P	P			P	P
Automobile or truck sales, used												C		P	P					P	P
Automobile parts and accessories												C		P		C			C	P	
Bakery											P	C	P	P		C		P	C	P	P
Bar, nightclub or cocktail lounge (associated with and accessory to a restaurant)											P	P	P	P	P	P	P	P			
Bar, nightclub, tavern or cocktail lounge (stand alone, no restaurant) ²												C	C	C	C			P	C	C	
Bicycle shop											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

Commercial Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Cabinet shop	P										C	C	C	P			P	C		P	P
Camera and supplies	P										P	P	P	P			P	P	C	C	
Clothing	P				P						P	P	P	P			P	P	C	C	
Commercial 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
Confectionery										P	P	P	P	P	P	P	P		C	C	
Convenience store					P				C	P	C	C	C	P			P	P	C	C	C
Craft store											P	P	P	P	P	P	P		C	C	
Curio and novelty											P	P	P	P	P	P	P		C	C	
Delicatessen	P				P					P	P	P	P	P	P	P	P	P	P		
Department store											C	P	P	P			P	P	C	C	
Drapery store											C	P	P	P			P	P	C	P	
Dress and millinery											P	P	P	P			P	P	C	C	
Drug paraphernalia store/head shop ³																					
Drugstore or pharmacy									P	P	P	P	P	P	P	P	P		C	C	
Electrical and electronic supply	P											P	P	P			P	C	C	P	
Fabric											P	P	P	P			P	P	C	C	
Farm and garden supply		C								P				P			P	C	C	C	

Commercial Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Florist										P	P	P	P	P		P	P		C	C	
Fuel sales or service station													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	P	C	C	
Greenhouse	P	C										P	P	P	P	P	P		C	P	
Grocery					C					P	P	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 furnishing and equipment											C	P	P	P		P	P		C	C	
Hotel					C						P	P	P	P	P	P	P	P	C	C	
Ice cream										P	P	P	P	P	P	P	P	P	C	C	
Import											P	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														P					C	C	
Meal market										P	P	P	P	P		P	P		C	C	
Mobile home, manufactured home and RV sales														P	P	C			P	P	P

Commercial Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Pet shop											P	P	P	P		P	P		C	C	
Pharmaceutical supply business					P				P	P	P	P	P	P	P	P	P		C	P	P
Restaurant (not drive-in, drive- through or walk-up)	P				P				C	P	P	P	P	P	P	P	P	P	P	P	P
Restaurant (with drive-in, drive- through, or walk-up)											P	P	P	P	P	P	P		P	P	P
Secondhand (if conducted within a wholly enclosed building)										P	P	P	P	P					C	C	
Sewing machine sales and service											P	P	P	P		P	P		C	C	
Shoe store											P	P	P	P		P	P		C	C	
Shopping center, community														P	P	C	C		C	C	
Shopping center, neighborhood										P	C	C	C	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	P		C	C	
Swap meet facility/yard (including parking lot areas no longer in regular use as such)		C											C	C							
Telephone, computer store, etc.	P									P	P	P	P	P		P	P		C	C	

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Commercial Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Theater, drive-in ⁴		C												P					C	P	
Theater, movie (indoor)	P											P	P	P		P	C		C	C	
Tobacco shop													P	P		C	C		C	C	
Upholstery, automobile and furniture														P	P	P	P		P	C	
Variety store										P	P	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.

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(blank) = Not allowed P = Permitted use C = Conditional use permit required

Service And Office Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Accessory use or building ¹	P	P	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		C	C		C	P	P
Apparel, repair or alteration										P	C	P	P	P		P	P		C		
Appliance repair														P		C			C	P	
Automobile or truck repair												C		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	P				
Blood bank					P								P	P	P	C			P	P	
Blueprinting, duplicating, etc.	P										P	P	P	P		P	P		C	C	
Building maintenance	P												P	P		P	P		C	P	P
Business association, office											P	P	P	P		P	P		C	C	
Car wash										C		P		P		C	C		C	P	P
Catering					P						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			P	
Clinic, small animal										C		C	C	C		C			C	P	P

Service And Office Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Construction trade/sales office (carpet, tile, fixtures, etc.)								P	P	P		P	P	P			P		P	P	
Data processing					P						P	P	P	P			P		P	P	
Daycare/day nursery (commercial) ³	P	C	C			C	C	P	P	C	P	P	P	P			C	P	C	C	
Dry cleaner, coin operated, custom and self-service												P	P	P			P		C	C	
Dry cleaner, coin operated, no on site cleaning plant										P		P	P	P			P		C	C	
Employment									P	P	P	P	P	P			P		C		
Equipment rental	P													C			C			P	P
Finance and investment									P	P	P	P	P	P			P		C		
Furniture refinishing													C	P						P	
Governmental emergency building (i.e., fire or police stations, including combined stations and satellite versions)	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P		P	P	P
Governmental office building or facility	P	C	C	C	P	C	C	C	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

Service And Office Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Horticultural services	P	P	C										P	P		P	P		P	P	
Hospital		C	C		P	C	C	C	C	C	C	C	C	C	C	C	C				
Hospital, large animal										C				C		C			C	P	P
Hospital, small animal										C				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, noncommercial	P	P	C	C		C	C	C	C	C				C	C	C	C		C	C	C
Labor union organization											P	P	P	P		P	P		C	C	
Laboratory, biochemical and X-ray	P				P				P		C	C	C	C		C			C	C	
Laboratory, medical and dental	P				P				P		C	C	C	P		P	P		C	C	
Laundromat self-service cleaner	P									P	P	P	P	P		P	P		C		
Laundry, commercial plant					P									P	P	P			P	P	P
Lockers, cold storage, retail use only														P	P	P	P		P	P	
Locksmith	P										P	P	P	P		P	P		C	C	
Medical/dental (or similar) clinic and related services	P				P			P	P		P	P	P	P	P	P	P		C		
Mortuary and funeral									C					P		P	P				

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Service And Office Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Motel and motor hotel					C			C						P	P	P	P		C	P	
Newspaper printing	P													P		P	P		P	P	P
Non-professional, non-medical, non-construction/trade related, general office	P				P			P	P	P	P	P	P	P	P	P	P		C	C	
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	P		P	C	
Radiator repair and service														C	C	C	C		C	P	P
Real estate, title and related								P						P		P	P		C		
School, academic/vocational, commercial (subject to chapter 1 of this title)	P				C				P		C	C	C	P		C	C		P		
School, public/nonprofit (subject to chapter 1 of this title)	P	P	P	P	C	P	P	P	P		C	C	C	P		P	P		P		

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Service And Office Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Shoe repair										P	C	P	P	P		P	P		C		
Storage (including for RVs) space rental (open to the general public for business)									C ⁴	C ⁴				C ⁴	C ⁴	C ⁴	C ⁴		C ⁴	C ⁴	
Storage - conditioned Multi-Level Building											C ⁵	C ⁵		C ⁵		C ⁵	C ⁵				
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/operated as a private business enterprise by a developer or other party)		C	P	P		P	P	P	P								C				
Studio (artist, interior decorator, photographer, etc.)	P							C	P	P	P	P	P	P		P	P		C		
Taxidermy												P	P	P		P	P		C		
Tire shop, including recapping												C		P	P	C	C		P	P	P
Treatment center - alcoholism/ chemical dependency ²					C			C	C	C		C	C	C							
Veterinary	P	C					C	P	P	P		P		P		P	C			C	
Wedding chapel, etc.										P			P	P		P	P				
Welfare and charitable distribution							C	C	P			P	C	P		P	P			P	

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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. Public storage facilities shall require a conditional use permit from the City Council and shall be further required to comply with the design review process, pursuant to Title 10, Chapter 34, and the 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.
5. Multi-level conditioned public self-storage facilities, or those with a building height twenty two feet (22') in height or higher, shall require a conditional use permit in the DB, DV, BC, GB1, and GB2 zoning districts and 50% of the ground floor square footage shall be provided for retail, office, or restaurant space not related to the operation of the storage facilities. Excepting height restrictions, multi-level conditioned self-storage facilities shall be further required to comply with regulations found in section 10-1-19 of this Title. Conditioned multi-level buildings are required to comply with the design review process, pursuant to Title 10, Chapter 34.

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(blank) = Not allowed P = Permitted use C = Conditional use permit required

Industrial Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Accessory use or building ¹	P										P	P	P			P			P	P	P
Administrative and sales offices related to industrial uses														C		C			P	P	P
Agricultural supply																				P	P
Asphalt plant																				C	C
Automobile body, paint shop												C		C						P	P
Concrete batching and mixing																				C	C
Dairy products processing																			P	P	P
Equipment or implement sales, large or heavy equipment																			C	P	P
Grain/feed and seed processing and sales																				P	P
Hatchery																				P	P
Impound/storage yard, vehicle	P																			C	P
Incineration/reduction of garbage, dead animals, offal or refuse																					C
Laboratory	P				P												C	C		P	P
Lumberyard, retail											C	C	C	P					P	P	P

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Industrial Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Machine shop	P											C		C					C	P	P
Manufacture, assembly or packaging of products from previously prepared materials	P													C			C		P	P	P
Manufacture, compounding, bottling, processing, packaging, or treatment of food and beverage products	P																		P	P	P
Manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of the following products: textile, apparel and related items, building materials, furniture and fixtures, paper, chemicals and chemical products, petroleum, electronic, concrete, rubber, plastic, metal, professional and scientific, or any combination thereof of items, materials or goods	P													C		C			P	P	P
Meat, poultry and fish processing and packing																			C	C	C
Monument works, stone														P					P	P	P
Petroleum storage														P					P	P	P
Plumbing supplies and services														C					P	P	P

Industrial Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Research facility					C					C	C			P		P			P	P	P
Retail sales/services related to industrial uses											P								C	P	P
Salvage or wrecking yard, recycling yard and/or business																					C
Slaughterhouse, enclosed within a building																					C
Warehouse, distribution and wholesale ²																C			P	P	P

Industrial land use/building occupancy type notes:

1. Uses normal and incidental to the uses permitted in each respective zoning district.
2. In IP zones all items shall be enclosed in buildings. In IL and GB zones all items shall be enclosed within sight obscuring walls or fences.

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(blank) = Not allowed

P = Permitted use

C = Conditional use permit required

AC = Administrative conditional use permit required

Animals, Care And Keeping ¹	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
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. 4207, 10-19-2015; amd. Ord. 4281, 9-19-2016; Ord. 4340, 9-18-2017; Ord. 4428, 4-15-2019; Ord. 4476, 11-18-2019; Ord. 4490, 2-3-2020)

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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 ($\frac{1}{2}$) 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 (Rezoning)", 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 (a.k.a. "grandfathered") 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 April 17, 1989, or prior to a rezone, annexation or zoning code change that occurred subsequent to that date. Thus, 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.

(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.)

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

1. Whenever, in any district, a structure 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.

a. The planning director or his/her designee, by issuing a rebuild letter or permit, may grant an exception to the foregoing use reconstruction/replacement restriction standard in order to allow for the reconstruction or replacement of single-family residential structures in nonresidential zones upon finding that apparent commercial or industrial development in the area surrounding the nonconforming location is slow or nonexistent.

b. In the case of nonsingle-family residential structures, the planning director or his/her designee, by issuing a rebuild letter or permit, may grant an exception to the above use reconstruction/replacement restriction standard in order to allow for the reconstruction/replacement of such structures.

tion or replacement of a nonsingle-family residential structure, provided that the city's council first issues a variance permit to authorize creation of the rebuild letter.

C. Nonconforming Use Of Land In Any District:

1. A nonconforming use of land shall not be expanded (i.e., in its area of effect or noncode compliant condition(s)).

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 to zoning code, then the property's condition/situation shall be considered eligible for legal nonconforming use status provided extant or deficient improvements were determined to be absent prior to April 17, 1989, or, prior to the enactment of a zoning based law that made them nonconforming, and, that no worsening of their noncompliance is contemplated.

D. Conversion Of One Nonconforming Use To A Different Category Of Nonconforming Land Use: Conversion of a nonconforming use of the land identified in the table in section 10-3-2 of this chapter to another land use type in that same schedule shall not be allowed. This does not preclude, however, the city's recognition of nonconforming aspects of a use (e.g., its past operations, site condition, etc.) being enjoyed by a successor party in interest to the property.

E. 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 April 17, 1989.

F. 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.

G. Abandonment/Vacancy: In accordance with state law, 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 primary use of an/the owner's property, the protection provisions of this section shall be deemed/rendered nonapplicable.

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 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.

- H. Acknowledgment Of Legal Nonconforming Use Rights: Applications to request the city to recognize/acknowledge legal nonconforming use rights shall be made with the office of the planning and zoning department using a form prescribed by the planning director. The request shall be accompanied by such information as may be

required by the director to enable a determination together with a nonrefundable filing fee in an amount established by resolution of the city council. (Ord. 4282, 9-19-2016)

