

Chapter 6

CIVIC, AIRPORT AND AGRICULTURE/FOREST ZONES

3.6.01: PURPOSE:

The McCall area comprehensive plan identifies the importance of a variety of land uses including public uses. It is the purpose of this chapter to implement the plan's vision through development regulations that allow for a range of public lands, buildings and services designed to be compatible in scale and character with their surrounding environment.

- (A) Agriculture And Forest (AF) Zone: The AF land use designation is intended to provide a designation for agricultural areas, including forestlands, within the city. Some of these lands may be held in public ownership.
- (B) Civic Use (CV) Zone: The CV land use designation is intended to provide for governmental offices and other civic facilities. This includes governmental, cultural and recreational facilities. Mixed use is allowed in combination with public uses.
- (C) Airport (AP) Zone: The AP land use designation is intended for use by the McCall municipal airport and the surrounding related facilities and properties. See the airport master plan. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.6.02: PUBLIC ZONE USE REGULATIONS:

- (A) Permitted And Conditionally Permitted Uses: The uses identified in table [3.6.02](#), "Permitted And Conditionally Permitted Uses Within Public Zones", of this section shall be the primary uses allowed to occur on a property. All uses, except for those provided for in subsection [3.8.01](#)(H), "Outdoor Display Areas", section [3.8.05](#), "Temporary Storage And Merchandising Facilities Not To Become Permanent", of this title, and aircraft parking and light maintenance in the AP zone, shall be conducted within enclosed structures. All uses not listed in table [3.6.02](#) of this section require review by the commission and a conditional use permit. The primary uses identified in table [3.6.02](#) of this section shall be permitted or conditionally permitted as indicated:

P: Where the symbol P appears, the use shall be permitted.

A: Where the symbol A appears, the use may be permitted subject to the issuance of an administrative permit in accordance with section [3.13.01](#) of this title.

C: Where the symbol C appears, the use may be permitted subject to the issuance of a conditional use permit in accordance with section [3.13.03](#), "Conditional Use Permit Standards", of this title.

Where no symbol, or a dash, appears, the use is not permitted. (Ord. 821, 2-23-2006, eff. 3-16-2006)

TABLE [3.6.02](#)
 PERMITTED AND CONDITIONALLY PERMITTED USES
 WITHIN PUBLIC ZONES

Allowed Use	AF	CV	AP
Accessory structure >1,500 square feet	A	A	A
Agricultural service establishment	C	-	-
Agricultural structure	A	-	-
Agricultural use	P	-	-
Airport (public ownership)	C	-	P
Animals, small farm animals	P	A	-
Assembly plant (light manufacturing)	-	-	C
Camp	P	-	-
Cemetery	C	P	-
Church	C	C	-
Club or lodge or social hall	C	C	-
College or university	-	C	C
Conference or convention center	C	C	-
Dwelling, caretaker for an approved use	A	A	C
Dwelling, single-family detached	C	P	-
Dwelling unit ¹	-	C	-
Golf course and country club	C	C	-
Hospital or clinic	C	A	-
Hotel, motel, lodge	C	C	-
Kennel	A	-	-
Large scale retail business ³	-	-	-
Livestock facility .300 AU	C	-	-
Manufacturing facility (light)	-	C	C
Mixed use ^{4,5}	-	C	-
Mortuary	C	A	-
Museum	C	C	C
Nursery, wholesale (only)	P	-	-

Nursing facility, skilled	-	A	-
Office building or use, relating to an approved development	C	A	C
Office, temporary construction	A	A	A
Park, public	C	P	-
Pit, mine, or quarry	C	-	C
Portable classroom	A	A	-
Post office or mail delivery service	-	A	-
Power plant	C	C	C
Professional offices or buildings	-	A	C
Public or quasi-public use	C	P	C
Public service facility	C	C	C
Research and development facility	-	C	C
Restaurant	-	C	C
Restaurant, formula ⁶	-	C	C
Retail, formula ²	-	C	-
Roadside produce stand	A	A	-
Sanitary landfill, restricted	C	A	-
School, public or private, including vocational	C	C	C
Soil or water remediation	C	-	-
Stable or riding school, commercial	C	C	-
Storage building and yard	C	C	C
Swimming pool, private or public	A	A	-
Temporary living quarters	A	A	C
Tower or antenna structure, commercial	C	C	C
Tower or antenna structure, private	A	A	C
Warehousing facility	-	-	C
Winery	C	-	-

Notes:

- 1.Housing must be a part of a mixed use project.
- 2.See section 3.8.18 of this title for limitations on retail, formula.
- 3See subsection [3.8.02\(E\)](#) of this title.
- 4.Residential uses are permitted in mixed use building when the primary use of the ground floor is a nonresidential use allowed in the CV zone.
- 5.Multi-family housing must be a part of a mixed use project.

6. See section 3.8.17 of this title for limitations on restaurants, formula.

(Ord. 875, 5-27-2010)

3.6.03: PUBLIC ZONE GENERAL DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and permitted or conditionally permitted buildings located within their respective zones:

(A) Table [3.6.03](#) of this section lists the site development standards required within the public zones. [Chapter 10](#) of this title provides special provisions for planned developments.

(B) Sidewalks, curbs and gutters may be required if specified in a development agreement as provided for in title IX of this code.

(C) Fencing shall be in accordance with permitted forms for the applicable zone; see [chapter 8](#), "General Development Standards", of this title and title IX of this code.

(D) City projects shall be built to sustainable construction standards as defined by resolution.

TABLE [3.6.03](#)
DIMENSIONAL STANDARDS FOR PUBLIC ZONES

Dimensional Standards	AF	CV	AP
Minimum property size	40 acres	3,000 square feet	10,000 square feet
Minimum street frontage (in feet)	n/a	50	75
Minimum setback from (in feet): (For scenic routes, see note 1.)			
1. Arterial, collector, or section line street	30	0	35
2. Other roadway	25	0	20
3. Property line not fronting a roadway	50	0	10
Maximum coverage (in percent)	5	80	50
Maximum height ⁴ (in feet)	35	50	60
Minimum property width (in feet)	100	30	75

Notes:

1. See section 3.7.03, "Scenic Route Zone", of this title.
2. Setbacks abutting a residential zone are the same as the residential zone setback applying to the subject property line.
3. Building heights adjacent to residential zones shall conform to the building height stepback requirements in section [3.8.14](#) of this title.
4. Exception to height allowance as noted in [chapter 7](#), "Special Districts", of this title. All buildings with a height over 35 feet will require a conditional use permit and conform with the building stepback standard in [chapter 8](#), "General Development Standards", of this title.

(Ord. 864, 2-12-2009)

3.6.031: APPROVALS:

Design review is required as provided for in [chapter 16](#) of this title. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.6.04: AIRPORT ZONING:**3.6.041: PURPOSE:**

- (A) An obstruction has the potential for endangering the lives and property of users of the McCall municipal airport and property or occupants of land in its vicinity; an obstruction may affect existing and future instrument approach minimums of the McCall municipal airport¹; and an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the McCall municipal airport and the public investment therein. Accordingly, it is declared:
1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the McCall municipal airport;
 2. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
 3. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power, without compensation.
- (B) The prevention of the creation or establishment of hazards to air navigation; the elimination, removal, alteration or mitigation of hazards to air navigation; or the marking and lighting of obstructions, are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.6.042: SHORT TITLE:

This section [3.6.04](#) may be known and may be cited as the *MCCALL AIRPORT ZONING ORDINANCE*. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.6.043: DEFINITIONS:

As used in this section [3.6.04](#), unless the context otherwise requires:

AIRPORT: The McCall municipal airport.

AIRPORT ELEVATION: The highest point of an airport's usable landing area measured in feet from sea level, i.e., five thousand twenty one feet (5,021').

APPROACH SURFACE: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section [3.6.045](#) of this chapter. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES: These zones are set forth in section [3.6.044](#) of this chapter.

CONICAL SURFACE: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand feet (4,000').

HAZARD TO AIR NAVIGATION: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT: For the purpose of determining the height limits in all zones set forth in this section [3.6.04](#) and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HELIPORT PRIMARY SURFACE: The areas of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

HORIZONTAL SURFACE: A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

NONCONFORMING USE: Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this section [3.6.04](#) or an amendment thereto.

NONPRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

OBSTRUCTION: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section [3.6.045](#) of this chapter.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface is set forth in section [3.6.044](#) of this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

RUNWAY: A defined area on an airport prepared for landing and take off of aircraft along its length.

STRUCTURE: An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

TRANSITIONAL SURFACES: These surfaces extend outward at ninety degree (90°) angles to the runway centerline, and the runway centerline extended, at a slope of seven feet (7') horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at ninety degree (90°) angles to the extended runway centerline.

TREE: Any object of natural growth.

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

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.6.044: AIRPORT ZONES:

In order to carry out the provisions of this section [3.6.04](#), there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the McCall municipal airport. Such zones are shown on the "Airport Approach And Clear Plan" consisting of one sheet, prepared by Toothman-Orton Engineering Company, and dated January 17, 1989. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (A) Utility Runway Visual Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500') wide. The approach expands outward uniformly to a width of one thousand two hundred fifty feet (1,250') at a horizontal distance of five thousand feet (5,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (B) Utility Runway Nonprecision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500') wide. The approach zone expands outward uniformly to a width of two thousand feet (2,000') at a horizontal distance of five thousand feet (5,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.

- (C) Horizontal Zone: The horizontal zone is established by swinging arcs of five thousand feet (5,000') radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (D) Conical Zone: The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of four thousand feet (4,000'). (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.6.045: AIRPORT ZONE HEIGHT LIMITATIONS:

Except as otherwise provided in this section [3.6.04](#), no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this section [3.6.04](#) to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (A) Utility Runway Visual Approach Zone: Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway centerline.
- (B) Utility Runway Nonprecision Instrument Approach Zone: Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway centerline.
- (C) Transitional Zones: Slope seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty feet (150') above the airport elevation which is five thousand twenty one feet (5,021') above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of ten thousand feet (10,000') measured at ninety degree (90°) angles to the extended runway centerline.
- (D) Horizontal Zone: Established at one hundred fifty feet (150') above the airport elevation or at a height of five thousand one hundred seventy one feet (5,171') above mean sea level.
- (E) Conical Zone: Slopes twenty feet (20') outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation and extending to a height of

three hundred fifty feet (350') above the airport elevation. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.6.046: USE RESTRICTIONS:

Notwithstanding any other provision of this section [3.6.04](#), no use may be made of land or water within any zone established by this section [3.6.04](#) in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other objects, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.6.047: AIRPORT NONCONFORMING USES:

(A) Regulations Not Retroactive: The regulations prescribed by this section [3.6.04](#) shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of the applicable regulations, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to March 16, 2006.

(B) Marking And Lighting: Notwithstanding the preceding provision of this section [3.6.04](#), the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Markers and lights shall be installed, operated and maintained at the expense of the city. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.6.048: PERMITS:

(A) Future Uses: Except as specifically provided in subsections (A)1, (A)2, and (A)3 of this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created, unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this section [3.6.04](#) shall be granted unless a variance has been approved in accordance with subsection (D) of this section.

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

2. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred feet (4,200') from each end of the runway, no permit shall be required for any tree or structure less than seventy five feet (75') of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
 3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy five feet (75') of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones. Nothing contained in any of the forgoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this section [6.4.04](#) except as set forth in section [3.6.045](#) of this chapter.
- (B) Existing Uses: No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the applicable regulations or than it is when the application for a permit is made. Except as indicated and except for abandoned or destroyed existing uses, as hereafter defined, all applications for such a permit shall be granted.
- (C) Nonconforming Uses Abandoned Or Destroyed: Whenever the airport manager determines that a nonconforming tree or structure has been abandoned or more than eighty percent (80%) destroyed, physically deteriorated, or dead or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- (D) Variances: Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this section [3.6.04](#), may apply to the commission for a variance from such regulations. The application for variance shall be accompanied by a determination from the federal aviation administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted: will not be contrary to the public interest; will not create a hazard to air navigation; will do substantial justice; and will be in accordance with the spirit of this section 3.6.04. Additionally, no application for variance to the requirements of this section [3.6.04](#) may be considered by the planning commission unless a copy of the application has been furnished to the airport manager, the airport advisory committee and the airport engineers for advice as to the aeronautical effects of the variance. If those so named do not respond to the application within thirty (30) days after receipt, the McCall city council may act on its own to grant or deny said application. Such action shall be in full conformance with the city's other zoning regulations and procedures for variances outlined in [chapter 13](#) of this title.
- (E) Obstruction Marking And Lighting: Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this section [3.6.04](#) and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the commission, this condition may be modified to require the owner to permit the city, at its own expense, to install, operate, and maintain the necessary marking and lights. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.6.049: ENFORCEMENT:

It shall be the duty of the airport manager to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the city clerk. Applications required by this section [3.6.04](#) to be submitted to the commission shall be considered in accordance to the provisions of this title. Application for action by the commission shall be filed with the city clerk. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.6.0410: APPEALS, DECISIONS OF COMMISSION:

The McCall planning and zoning commission and city council shall, for the purposes of this section [3.6.04](#), act upon appeals of decisions of the commission as otherwise outlined in [chapter 15](#), "Procedures, Appeals And Actions", of this title. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.6.0411: CONFLICTING REGULATIONS:

Where there exists a conflict between any of the regulations or limitations prescribed in this section [3.6.04](#) and any other regulations applicable to the same area, whether the conflict is with respect to the height of structure or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.6.0412: APPEALS, DECISIONS OF AIRPORT MANAGER:

Any person aggrieved, or any taxpayer affected, by any decision of the airport manager made in the administration of this section [3.6.04](#) may appeal to the commission and to the council pursuant to [chapter 15](#) of this title. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.6.0413: JUDICIAL REVIEW:

Any person aggrieved by any decision of the council pursuant to this section [3.6.04](#) may seek judicial review under the procedures provided by Idaho Code. (Ord. 821, 2-23-2006, eff. 3-16-2006)