

CITY OF IDAHO CITY

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, CREATING A NEW TITLE RELATING TO STANDARDS FOR A CONDITIONAL USE PERMIT FOR A FORMULA BUSINESS, PROVIDING DEFINITIONS, EXEMPTIONS, AND CRITERIA FOR APPROVAL.

WHEREAS, the City of Idaho City is a unique and small-town community with a central historic district, and the current commercial uses are all locally based, small-scale uses;

WHEREAS, the City's infrastructure, including its roads and water and sewer systems are in the process of being upgraded or replaced to be able to adequately support current and future uses;

WHEREAS, the City received significant public comment from residents and local businesses that a formula retail store would have devastating impacts on the character of the community and economic vitality of the City's existing small, locally based businesses;

WHEREAS, on April 8, 2025, the City implemented an Emergency Moratorium on the receipt, processing, and approval of applications for building permits or development plans that contemplate or involve the development or construction of new commercial businesses to allow the Planning and Zoning Commission to take up a review of the issue; and

WHEREAS, the Planning and Zoning Commission of the City of Idaho City finds it is desirable to set standards and regulations for the development and design of formula businesses in the City of Idaho City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO CITY, IDAHO:

Section 1. REPEAL OF EMERGENCY MORATORIUM. The Emergency Moratorium Ordinance 390, enacted on April 8, 2025, is hereby repealed.

Section 2. ADDITION OF A NEW CHAPTER TO TITLE 10 REGULATING FORMULA BUSINESSES. A new Chapter 12 of Title 10 of the City Code of Idaho City shall be created as follows:

10-12-1: SHORT TITLE: This Ordinance shall be referred to as the "Formula Business Ordinance."

10-12-2: COMPLIANCE AND PERMIT REQUIRED: No permit, license, or other authorization for the use of land or structures within the City will be issued for formula business uses absent compliance with this chapter. A conditional use permit shall be required for any formula business not otherwise prohibited.

10-12-3: DEFINITIONS: For the purposes of this chapter, the following mean:

A. Formula Business Uses. For purposes of this chapter, “formula business use” is a business which is required by contractual or other arrangement or affiliation to maintain a standardized (“formula”) array of services and/or merchandise, menu, employee uniforms, decor, facade design, signage, color scheme, trademark or service mark, name, or similar standardized features; and which causes it to be substantially identical to 25 or more other businesses in the United States regardless of ownership or location at the time that the application is deemed complete.

B. Other terms

“Color scheme” means selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the facade.

“Decor” means the style of interior furnishings, which may include, but is not limited to, style of furniture, wall coverings or permanent fixtures.

“Facade” means the face or front of a building, including awnings, looking onto a street or an open space.

“Ground floor street front” means that portion of a building within 75 feet of a public street.

“Service mark” means word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.

“Signage” means a sign pursuant to this title.

“Standardized array of merchandise” means 50 percent or more of in-stock merchandise from a single distributor bearing uniform markings.

“Standardized array of services” means a substantially common menu or set of services priced and performed in a consistent manner.

“Trademark” means a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.

“Uniform apparel” means standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks, dresses, hats, and pins (other than name tags) as well as standardized colors of clothing.

10-12-4. PROCEDURES. Procedures for formula business conditional use permit applications shall conform to Chapter 10-7-1 of this Code.

10-12-5. FINDINGS. In acting on a formula business conditional use permit application, the Planning & Zoning Commission, or City Council on appeal, shall determine:

A. If the establishment, maintenance, or operation of the proposed use or development applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or development, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City;

B. That the formula business establishment will complement existing businesses, and promote diversity and variety to ensure a balanced mix of commercial uses available to serve both residents and visitors;

C. That the proposed use, together with its design and improvements, is consistent with the unique and historic character of Idaho City, has an exterior design which appropriately limits “formula” architectural, sign, and other components, and will preserve the distinctive visual appearance and shopping/dining experience of Idaho City for its residents and visitors.

10-12-6. EXEMPTIONS. This chapter shall not apply to:

A. Those land use applications (namely, subdivisions, conditional use permits, variances, design review, General Plan amendment, rezoning, building or grading permits) which were deemed complete prior to the adoption of the ordinance codified in this chapter;

B. Business licenses approved prior to the adoption of the ordinance codified in this chapter;

C. Construction required to comply with fire and/or life safety requirements;

D. Disability accessibility work;

E. Renovation of existing formula businesses, if any, including renovations involving the addition of square footage comprising up to 15 percent of the gross floor area of the existing establishment or 1,500 gross square feet, whichever is less;

F. Changes in ownership of existing formula businesses, if any, where there is no substantial change to the land use classification of the use, or in the mode or character of the operation;

G. Change in formula business model or franchise, if any, where the existing formula business is substantially the same type of business offering similar array of services and/or merchandise.

H. Banks and credit unions;

I. Offices and tax preparation services.

Section 2. SEVERABILITY: If any provision of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed severable, and the remaining provisions shall continue in full force and effect.

Section 3. EFFECTIVE DATE: This ordinance shall take effect immediately upon adoption by the Idaho City Council and publication in accordance with state law.

PASSED BY THE COUNCIL of the City of Idaho City this ____ day of ____, 2025.

PASSED BY THE MAYOR of the City of Idaho City this ____ day of ____, 2025.

Mayor

Attest:

City Clerk