

BY THE COUNCIL: JACOBS, JORGENSEN, PAGE, RASMUSSEN

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 2 (“BASE ZONING DISTRICT REGULATIONS”), ARTICLE B (“BASE ZONING DISTRICT PROVISIONS”), SECTION 1 (“PURPOSE”); AMENDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 2 (“BASE ZONING DISTRICT REGULATIONS”), ARTICLE B (“BASE ZONING DISTRICT PROVISIONS”), SECTION 2 (“ALLOWED USES”); AMENDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 2 (“BASE ZONING DISTRICT REGULATIONS”), ARTICLE B (“BASE ZONING DISTRICT PROVISIONS”), SECTION 3 (“FORM STANDARDS”); AMENDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 2 (“BASE ZONING DISTRICT REGULATIONS”), ARTICLE B (“BASE ZONING DISTRICT PROVISIONS”), SECTION 4 (“MULTI-FAMILY RESIDENTIAL DWELLING UNITS”); AMENDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 4 (“DESIGN AND DEVELOPMENT REGULATIONS”), ARTICLE C (“DESIGN PROVISIONS FOR NONRESIDENTIAL STRUCTURES”), SECTION 2 (“APPLICABILITY”); AMENDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 4 (“DESIGN AND DEVELOPMENT REGULATIONS”), ARTICLE C (“DESIGN PROVISIONS FOR NONRESIDENTIAL STRUCTURES”), SECTION 3 (“GENERAL PROVISIONS FOR NONRESIDENTIAL DEVELOPMENT”); AMENDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 4 (“DESIGN AND DEVELOPMENT REGULATIONS”), ARTICLE I (“LANDSCAPING AND TREE PROTECTION PROVISIONS”), SECTION 5 (“PERIMETER LANDSCAPING PROVISIONS”); AMENDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 7 (“REFERENCES”), ARTICLE A (“DEFINITIONS”), SECTION 2 (“DEFINITIONS OF TERMS”); REPEALING ALL ORDINANCES OR PARTS THEREOF TO THE EXTENT THEY CONFLICT WITH THIS ORDINANCE; PROVIDING ALL OTHER ORDINANCES INCLUDED IN THE OFFICIAL CODE ARE STILL IN EFFECT NOTWITHSTANDING SOME PROVISIONS THEREOF BEING ELIMINATED; PROVIDING FOR A SEVERABILITY CLAUSE; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, provisions of Title 50, Chapter 9, of the Idaho Code authorize publication of compiled ordinances of a municipality; and

WHEREAS, Garden City Code Title 8 (“Development Code”), Chapter 2 (“Base Zoning District Regulations”), Article B (“Base Zoning District Provisions”), Section 1 (“Purpose”), was added on the 8th day of September 2008 by Ordinance No. 898-08, and was last amended on the 8th day of February 2021 by Ordinance No. 1018-20; and

WHEREAS, Garden City Code Title 8 (“Development Code”), Chapter 2 (“Base Zoning District Regulations”), Article B (“Base Zoning District Provisions”), Section 2 (“Allowed Uses”), was added on the 8th day of September 2008 by Ordinance No. 898-08, and was last amended on the 12th day of June, 2023 by Ordinance No. 1034-22; and

WHEREAS, Garden City Code Title 8 (“Development Code”), Chapter 2 (“Base Zoning District Regulations”), Article B (“Base Zoning District Provisions”), Section 3 (“Form Standards”), was added on the 8th day of September 2008 by Ordinance No. 898-08, and was last amended on the 27th day of April 2015 by Ordinance No. 975-15; and

WHEREAS, Garden City Code Title 8 (“Development Code”), Chapter 4 (“Design And Development Regulations”), Article B (“Base Zoning District Provisions”), Section 4 (“Multi-Family Residential Dwelling Units”), was added on the 8th day of September 2008 by Ordinance No. 898-08, and was last amended on the 8th day of February 2021 by Ordinance No. 1018-20; and

WHEREAS, Garden City Code Title 8 (“Development Code”), Chapter 4 (“Design And Development Regulations”), Article C (“Design Provisions For Nonresidential Structures”), Section 2 (“Applicability”), was added on the 14th day of May 2012 by Ordinance No. 944-12; and

WHEREAS, Garden City Code Title 8 (“Development Code”), Chapter 4 (“Design And Development Regulations”), Article C (“Design Provisions For Nonresidential Structures”), Section 3 (“General Provisions For Nonresidential Development”), was added on the 8th day of September 2008 by Ordinance No. 898-08; and

WHEREAS, Garden City Code Title 8 (“Development Code”), Chapter 4 (“Design And Development Regulations”), Article I (“Landscaping And Tree Protection Provisions”), Section 5 (“Perimeter Landscaping Provisions”), was added on the 8th day of September 2008 by Ordinance No. 898-08; and

WHEREAS, Garden City Code Title 8 (“Development Code”), Chapter 7 (“References”), Article A (“Definitions”), Section 2 (“Definitions of Terms”), was added on the 8th day of September 2008 by Ordinance No. 898-08, and was last amended on the 26th day of August 2024 by Ordinance No. 1046-24 FLOODPLAIN and Ordinance No. 1045-24 EXTENSION ADOPTION; and

WHEREAS, the City of Garden City wishes to make substantive changes to required buffers between different land uses and different intensities of land uses; and

WHEREAS, the City Council for the City of Garden City intends to adopt the changes herein; and

NOW, THEREFORE, in order to provide for buffers between incompatible adjacent land uses and intensities of use of properties.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN CITY, ADA COUNTY, IDAHO:

SECTION 1. That the foregoing recitals are hereby incorporated into this ordinance as if fully set forth herein

SECTION 2. That Ordinance No. 1018-20 that regulates application approval period lengths and the granting of extensions for such approvals, Title 8 Chapter 2, Article B, Section 1 (“Purpose”), Garden City Code, which was adopted on the 8th day of February 2021, is hereby amended as reflected below.

SECTION 3. That Ordinance No. 1034-22 that regulates application approval period lengths and the granting of extensions for such approvals, Title 8 Chapter 2, Article B, Section 2 (“Allowed Uses”), Garden City Code, which was adopted on the 12th day of June 2023, is hereby amended as reflected below.

SECTION 4. That Ordinance No. 975-15 that regulates application approval period lengths and the granting of extensions for such approvals, Title 8 Chapter 2, Article B, Section 3 (“Form Standards”), Garden City Code, which was adopted on the 27th day of April 2015, is hereby amended as reflected below.

SECTION 5. That Ordinance No. 1018-20 that regulates application approval period lengths and the granting of extensions for such approvals, Title 8, Chapter 4, Article B, Section 4 (“Multi-Family Residential Dwelling Units”), Garden City Code, which was adopted on the 8th day of February 2021, is hereby amended as reflected below.

SECTION 6. That Ordinance No. 944-12 that regulates application approval period lengths and the granting of extensions for such approvals, Title 8, Chapter 4, Article C, Section 2 (“Applicability”), Garden City Code, which was adopted on the 14th day of May 2012, is hereby amended as reflected below.

SECTION 7. That Ordinance No. 898-08 that regulates application approval period lengths and the granting of extensions for such approvals, Title 8, Chapter 4, Article C, Section 3 (“General Provisions For Nonresidential Development”), Garden City Code, which was adopted on the 8th day of September 2008, is hereby amended as reflected below.

SECTION 8. That Ordinance No. 1032-22 that regulates application approval period lengths and the granting of extensions for such approvals, Title 8, Chapter 4, Article I, Section 5 (“Perimeter Landscaping Provisions”), Garden City Code which was adopted on the 8th day of September 2008, is hereby amended as reflected below.

SECTION 9. That Ordinance No. **XXXX-XX** that provides definitions to terms found throughout the City’s code, Title 8, Chapter 7, Article A, Section 2 (“Definition of Terms”), Garden City Code, which was adopted on the **XX**th day of **XXXX** 2024, is hereby amended as reflected below.

SECTION 10. That all other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 11. That the fact that some provisions of the official municipal code for the City of Garden City have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said

official Code. All other ordinances shall continue in full force and effect unless specifically repealed or amended.

SECTION 12. That Title 8 Chapter 2, Article A, Section 1 (“Base Zoning Districts Established”), Garden City Code, be, and the same is hereby amended to read as follows:

For the purposes of this title, the city is hereby divided into the following base zoning districts:

Base Districts	Map Symbol
Rural density residential	R-1
Low density residential	R-2
Medium density residential	R-3
Medium-high density residential	R-20
Mixed use <u>residential</u>	M
Highway commercial	C-1
General <u>Mixed use</u> commercial	C-2
Light industrial	LI
Specific area plan	SAPD

SECTION 13. That Title 8 Chapter 2, Article B, Section 1 (“Purpose”), Garden City Code, be, and the same is hereby amended to read as follows:

A. Residential Districts: The purpose of the four (4) residential districts is to provide a full range of housing products within the city in areas that are ~~exclusively-predominantly~~ for residential uses. The four (4) districts are ~~contrasted by the~~ different in density and ~~housing products that are allowed within each district:~~

District	Maximum Density	Minimum Density	Typical Housing Types Purpose
Rural density residential district (R-1, A, or R1-A referred to	1 du/acre	N/A	<u>This zoning district allows for single family dwellings on larger lots as well as small scale agricultural or</u>

District	Maximum Density	Minimum Density	<u>Typical Housing Types Purpose</u>
<u>in the remainder of this Title as R-1)</u>			<u>rural uses. Typical housing types include, but are not limited to § single-family detached dwelling units</u>
Low density residential district (R-2)	6 du/acre	N/A	<u>This zoning district is intended to implement the Comprehensive Plan’s designation of low density residential. Typical housing types include, but are not limited to § single-family detached and attached; and two-family dwelling units</u>
Medium density residential (R-3)	35 du/acre	14 du/acre in TOD locations of the comprehensive plan or neighborhood commercial nodes unless successful obtainment of a conditional use permit	<u>This zoning district is intended to implement the Comprehensive Plan’s designation of medium density residential. Typical housing types include, but are not limited to § single-family, two-family, and multi-family dwelling units</u>
Medium-high density residential (R-20)	No max	14 du/acre unless successful obtainment of a conditional use permit	<u>This zoning district is to implement the Comprehensive Plan’s designation of medium density residential and activity nodes. Typical housing types include, but are not limited to Mmultiple-family dwelling units</u>

District	Maximum Density	Minimum Density	Typical Housing Types Purpose
Mixed use (M)	No max	14 du/acre unless successful obtainment of a conditional use permit	Single-family attached and multiple-family dwelling units

B. ~~Commercial Nonresidential Districts~~: The purpose of the two (2) ~~commercial nonresidential~~ districts is to provide a full range of nonresidential and commercial uses and services for both the residents of Garden City and the region. ~~Location determines the type and form of commercial uses. More intense commercial activities are intended to be located along arterial streets in the highway commercial (C-1) district. Activities which are more compatible with mixed use or residential uses and minimally disruptive to the neighborhood as identified in Table 8-2B-1 are to be located in the general commercial (C-2) district.~~

<u>District</u>	<u>Purpose</u>
<u>Highway Commercial (C-1)</u>	<u>The purpose of the highway commercial district is to allow for the concentration of commercial and retail activities that are appropriately located along arterial streets.</u>
<u>Light Industrial (LI)</u>	<u>The purpose of the light industrial district is to provide for employment centers of light manufacturing, offices, research and development, warehousing and distributing, and encourage the development of industrial uses which are clean, quiet, and free of hazardous or objectionable elements.</u>

C. ~~Mixed Use~~: The mixed use (M) district allows for a mix of commercial and residential uses that are complementary of to one another. The purpose is to accommodate and

~~encourage further expansion and renewal in designated areas of the community. A variety of residential, office, and commercial uses are encouraged in an effort to provide a mix of activities necessary to establish a truly urban character. All densities of residential, professional offices and a range of nonresidential uses that promote an active environment, neighborhood services retail uses may be located within this designation.~~

C. Mixed Use Districts: The purpose of the mixed-use districts is to provide a mix of residential and nonresidential uses that will encourage activities and densities necessary to generate zones that are urban in character nature.

<u>District</u>	<u>Minimum Density</u>	<u>Purpose</u>
<u>Mixed Use Residential (M)</u>	<u>14 du/acre unless successful obtainment of a conditional use permit</u>	<p><u>This zoning district is intended to implement the Comprehensive Plan’s designation of mixed use residential. The designation may also be applied to implement the Comprehensive Plan’s designations of Main Street Corridor, Neighborhood Destination Node, and Live-Work-Create.</u></p> <p><u>The purpose of the district is to provide for a mixed-use zoning district that is intended to encourage higher density residential and nonresidential uses that are compatible as identified in Table 8-2B-1.</u></p>
<u>Mixed Use Commercial (C-2)</u>		<p><u>This zoning district is intended to implement the Comprehensive Plan’s vision for mixed-use commercial and Activity Nodes. The designation may be appropriate to implement the Comprehensive Plan’s designations of Green Boulevard Corridor and Main Street Corridor.</u></p> <p><u>Residential uses are permitted but the focus is on commercial uses which are compatible with mixed</u></p>

		<u>use or residential uses as identified in Table 8-2B-1.</u>
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~~D. Light Industrial (LI): The purpose of the light industrial (LI) district is to provide for employment centers of light manufacturing, offices, research and development, warehousing and distributing, and encourage the development of industrial uses which are clean, quiet, and free of hazardous or objectionable elements.~~

~~E. D. Specific Area Plan (SAP): The purpose of the specific area plan (SAP) district is to provide a means to create zoning regulations and a master plan for unique areas and developments where a different zoning district may not achieve desired results. An SAP district for a property shall implement provisions of, and be consistent with, the Garden City comprehensive plan future land use map and policies. Each SAP district includes its own nontransferable set of regulations.~~

SECTION 14. That Title 8 Chapter 2, Article B, Section 3 (“Form Standards”), Garden City Code, be, and the same is hereby amended to read as follows:

A. Table 8-2B-2, "Form Standards In All Base Zoning Districts", of this section shall be used for determining maximum building height, required setbacks, maximum lot coverage and minimum lot size standards for development in each of the respective base zoning districts.

B. Subsections E through H of this section set forth certain exceptions and additional clarification for the form standards.

C. Exceptions from the form standards are may be allowed as ~~set forth in chapter 3, "Overlay Zoning District Regulations", of this title, and through a planned unit development (PUD) as set forth in chapter 6, article B, "Specific Provisions", of this title.~~

D. Additional provisions as set forth in chapter 4, "Design And Development Regulations", of this title may also affect the form standards.

**TABLE 8-2B-2
FORM STANDARDS IN ALL BASE ZONING DISTRICTS***

District	Maximum Height	Setbacks				Street Side	Maximum Lot Coverage	Minimum Lot Area/DU
		Front	Rear	Interior Side				
R-1	35'	20'	15'	5'	20'	30%	1 acre	
R-2	35'	15'/20'*	15'	0' interior to the development and 5' exterior to the development*	20'	70%	6,000± sq. ft.	
R-3	45' ¹⁵	5'/20'	15'	0' interior to the property that is being developed and 5' exterior to the development*	5'	70%	n/a	
R-20		5'	5'	0'	5'	80%	n/a	
C-1		5'	5'*	50'	5'	n/a	3,000 sq. ft.	
C-2		5'	5'	50'	5'	n/a	n/a	
M	72'	10' max 5' min	5'	0' interior to the development and 3' exterior to the development	0'	n/a	n/a	
LI	55'	15'	5'±	5'±	20'	n/a	n/a	

* Indicates an exception or exceptions that follows.

E. Location of Activity Nodes

1. The neighborhood and destination centers include the properties within a quarter mile from the center of the intersection as measured following a street or pathway, from the:
 - a. Adams and 50th streets intersection.
 - b. Adams and 42nd streets intersection.
 - c. Glenwood and Marigold Streets intersection.
 - d. Chinden Boulevard and Garrett Street intersection.
 - e. Chinden Boulevard and 50th Street intersection.
 - f. State Street and Pierce Park intersection.

2. A neighborhood and destination center is also located at the easter city boundary to 36th street between the Boise River and Chinden Boulevard.

3. The Transit Oriented Development Nodes include the properties within a quarter mile from the center of the intersection as measured following a street or pathway, from the:
 - a. Chinden Boulevard and Glenwood Street intersection.
 - b. Chinden Boulevard and Veterans Parkway intersection.
 - c. State Street and Horseshoe Bend Road.
 - d. State Street and Glenwood Street.

F.E. Maximum Height Limit: The exceptions to height area identified in Table 8-2B-2 are as follows:

1. The maximum height limitations shall not apply to the following architectural features not intended for human occupation: spire or steeple, belfry, cupola, chimney, parapets needed to conceal mechanical equipment, and roof access structures such as stairs or elevator shafts. Such architectural features shall have a maximum height limit of twenty feet (20') as measured from the roofline.

2. The maximum height limitations shall not apply to the following: fire and hose tower; power line tower; water tank or tower; windmill; wireless communication facility, or other commercial or personal tower and/or antenna structure; or other appurtenances usually required to be placed above the level of the ground and not intended for human occupancy.

3. Encroachments into the maximum height by up to 15' are allowed on 10% or less of the roof space if utilized as an amenity as required by 8-2C-15. B such as a rooftop patio.

4. So as to best implement the Comprehensive Plan's vision, the maximum height limitation in the R-3 zoning designation shall not apply if the property is east of Glenwood Street or if the development is designated as a neighborhood destination node or a transportation node by the comprehensive plan.

G.F. Setbacks: The exceptions to setbacks identified in Table 8-2B-2 are as follows:

1. Setback requirements of city adopted streetscapes or adopted design districts shall supersede Table 8-2B-2.

2. Forty percent (40%) or more of the building mass shall comply with the minimum maximum setback.

3. ~~Encroachments allowed, in any setback~~ Except for within the 70' setback from the ordinary high-water mark of the Boise River, encroachments may be made as follows:

a. Open structures, canopies, balconies, platforms, covered patios, cornices, eaves, or other projections, which do not increase the volume of space enclosed by the building and do not project into any required setback by more than two feet (2').

b. Chimneys, pop-out windows, direct vent gas fireplaces, window seats and other projections which do not increase the usable floor area and do not exceed eight feet (8') in width may project up to two feet (2') into any required setback.

c. Fences are exempt from setback requirements, except as otherwise noted in section 8-4A-3 "fences and walls" of this title.

~~4. Covered front porches with a minimum of five feet (5') depth or more may encroach into the front yard setback.~~

~~5. Accessory structures shall not be located in any front yard setback and shall be set back a minimum of five feet (5') from any side or rear property line.~~

~~6. Corner Lot Setbacks: Corner properties shall have one (1) interior side setback and one (1) rear setback.~~

7. ~~Multi-family dwellings~~ Structures that contain more than one dwelling or non residential tenant, or combination thereof shall be considered as one (1) building for the purpose of determining front, side, and rear yard setbacks. ~~The entire group as a unit shall require one front, one rear and two (2) side yards as specified for dwellings in the appropriate district.~~

8. When access is taken from a public street, the entrance of the garage shall be set back a minimum of twenty feet (20') from the back of the sidewalk, or property line if no sidewalk is present, as measured perpendicular from the foundation of the structure abutting the driveway. The purpose of this setback is to provide visibility for vehicles entering into the right-of-way and prevent vehicles parked in a driveway from encroaching into the sidewalk or roadway.

9. In all districts, no new or substantially improved structure shall be permitted within seventy feet (70') ~~from~~ of the riverbank ordinary high-water mark of the Boise River without a design review and conditional use permit with approval of city council or otherwise designated by city council. This setback requirement cannot be waived through the Planned Unit Development process.

- a. Approvals must find that the structure is required by public necessity, public recreation or wildlife habitat improvements;
- b. The structure meets the approval of the Federal Emergency Management Agency and national Flood Insurance Program and does not jeopardize the city's participation in the national Flood Insurance Program; and
- c. Is in conformance with the Garden City comprehensive plan.

10. Zero foot (0') interior setbacks are permitted if both lots are owned by a single owner or constructed as a singular development. Applications that propose such interior setbacks shall be compliant with the following development standards:

- a. Lots with a reduced or zero lot line shall provide drainage easements of sufficient size to maintain drainage on the site.
- b. A property with a reduced or zero lot line shall not be allowed adjacent to a property that is not part of the development unless otherwise allowed by this

section. This criterion cannot be waived through the Planned Unit Development process.

11. No new or substantially improved structure, including fences and walls, shall be permitted within five feet (5') of the Greenbelt or Nature Path travel way, without a design review and conditional use permit with approval or otherwise designated by city council. This standard cannot be waived by the Planned Unit Development process. This standard does not apply to public use structures.

12. No new or substantially improved structure shall be permitted within fifty feet (50') of wetland areas as defined by the Environmental Protection Agency or U.S. Army Corps of Engineers without a design review and conditional use permit or otherwise designated by city council. A reduction to this setback may be granted upon recommendation by United States Army Corp of Engineers and Environmental Protection Agency.

13. No new or substantially improved structure shall be permitted within fifty feet (50') of wetland or critical habitat as defined by the U.S. Fish and Wildlife Service, within three hundred feet (300') of established Great Blue Heron rookeries, or within two hundred feet (200') of established eagle nesting, feeding, and loafing areas without a design review and conditional use permit with approval or otherwise designated by city council. A reduction to these setbacks may be granted upon recommendation by Idaho Department of Fish and Game to reduce the setback.

H.G. . Minimum Lot Size: The exceptions to minimum lot area identified in Table 8-2B-2 are as follows:

1. Certain uses require a minimum lot size that is different than what is identified in Table 8-2B-2, "Form Standards In All Base Zoning Districts". The specific minimum lot size for these uses is set forth in article C, "Land Use Provisions", of this chapter.
2. Each lot shall be of sufficient size to meet the minimum setbacks as established in this section and accommodate the use intended for the zone.

3. In the R-2 district, the minimum lot size may be reduced to five thousand (5,000) square feet for a single-family detached dwelling unit that shares a driveway with an adjoining lot or has an alley loaded garage.

I.H. . Minimum Street Frontage: The exceptions to frontage requirements identified in Table 8-2B-2 are as follows:

1. Properties with street frontages on cul-de-sacs or with a side property line at an eighty (80) degree angle or less to the front property shall have a minimum of thirty feet (30') street frontage measured as a chord measurement.

2. Greenbelt/ Nature Path frontage:

- a. Structures may front onto the Greenbelt.
- b. Buildings fronting the Greenbelt may also front onto a public street.
- c. Structures shall not front onto the Nature Path.

SECTION 15. That Title 8 Chapter 2, Article B, Section 4 (“Mix of Uses”), Garden City Code, be, created to read as follows:

A. Required Mix of Uses: Any development that is in the M, Mixed Use Residential District, or the C-2 Mixed-Use Commercial District shall provide a mix of uses in the following circumstances:

- 1. When a development contains more than 50 dwelling units and a density of greater than 20 dwelling units per acre, there shall be at least 30% of the square footage of the structures dedicated to nonresidential uses. The calculation shall not include the required components of the residential uses such as the parking or open space for the dwellings.
- 2. For developments with a site of 120,000 gross square feet or more, at least 10% of the square footage of the structures must be dedicated to dwellings.
- 3. Developments that do not meet the above criteria may be allowed, provided an approval of a conditional use permit or planned unit development.

SECTION 16. That Title 8 Chapter 2, Article C, Section 27 (“Laundromat Self Service Cleaning”), Garden City Code, be, created to read as follows:

A. Limitations:

1. The hours of operation shall be limited to between six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M. in the general mixed use commercial (C-2) districts.

2. Exhaust shall be discharged upward and a minimum of twenty-five feet (25') from any property line adjacent to a residential use.

B. Other Regulations Apply: If unattended, the use shall meet the requirements of section 8-4A-6, "Self-Service Uses", of this title.

SECTION 17. That Title 8, Chapter 4, Article A, Section 3 ("Fences and Walls"), Garden City Code, be, and the same is hereby amended to read as follows:

8-4A-3: FENCES AND RETAINING WALLS:

A. Applicability: All new fences and retaining walls shall be required to be in conformance with this section. Legal nonconforming fences and retaining walls may remain so as long as there are no significant improvements to the site or specifically conditioned in a conditional use permit.

B. Permit Required: Anyone constructing a fence or wall over eight ~~six~~ feet (8') in height shall first obtain design review consultant(s) recommendation for approval followed by approval from the planning official and a building permit from the city prior to construction. Any fence located in the floodway shall secure a floodplain permit from the city prior to construction.

C. Maximum Height Requirements:

1. Fences and retaining walls located along a street frontage within the front yard setback: may not exceed tThree and one-half feet (3.5') in height.

2. Fences and retaining walls located within five to fifteen feet (5'- 15') of the Greenbelt or Nature Path travel way may not exceed four feet (4') in height.

3. Fences and retaining walls located within rear and interior side setbacks not adjacent to public rights-of-way, the Greenbelt or Nature Path: may not exceed sSix feet (6') in height.

4. Fences and retaining walls on between residential and commercial uses property with rear and interior side yards located adjacent to commercial uses: may not exceed eEight feet (8') in height.

5. The height of fences and retaining walls shall be measured from the existing lowest adjacent grade.

6. Retaining walls adjacent to an existing natural land mass, where there is no adjacent property, right-of-way, or Greenbelt or Nature Path that will be lower than the retaining wall may exceed the maximum height requirements set forth in this section.
7. If a fence is placed on top of a retaining wall the fence must be set back one inch (1") for every one inch (1") that the combined height exceeds the height limitations.

D. Design Standards:

1. Fences and retaining walls shall be designed and made of materials that so not be a safety hazard to sidewalk, Greenbelt, and Nature path users.

2. Fences and retaining walls within 5'- 15' of the Greenbelt and Nature Path shall have the following characteristics:

- a. Fences may separate but not hide spaces. An example material that would achieve this characteristic is wrought iron.
- b. Provide separation while encouraging interaction between private property and greenbelt users.
- c. Be designed, fabricated with materials or setback so as not be a safety hazard to Greenbelt and Nature Path users.

3. Opaque fences and retaining walls greater than four feet (4') in height must be screened from view from the Greenbelt or Nature Path with landscaping.

4. Fences and retaining walls shall not obstruct the clear vision triangle or access to required parking, public utility boxes, meters, or other infrastructure.

5. Fence setbacks and height limitations cannot be amended by the Planned Unit Development process.

E. D. Setbacks:

1. Fences greater than three and one-half feet (3.5') in height shall be set back to be flush or behind the building frontage. Where there is no building frontage, fences greater than three and one-half feet (3.5') in height that are adjacent to a public street shall be set back minimally ten feet (10') from the back of sidewalk, or planned sidewalk, so as to allow for street trees and landscaping between the fence and the sidewalk.

2. Fences and retaining walls shall not be allowed within 5' of the Greenbelt or Nature Path travel way.

E. F. Prohibited Fencing Materials: The use of barbed wire, razor wire, boxes, sheet metal, old or decayed wood, broken masonry blocks, chain link, chain link with slats, or other like unsightly materials for fencing shall be prohibited unless an application is made to the design review consultant(s) and is recommended to and approved by the planning official as compliant with the following:

1. Implement the vision as set forth in the comprehensive plan; and
2. Demonstrate that the fence provides significant creativity and uniqueness, and the intent is not to merely evade the provisions set forth in this section, or can demonstrate that the fence is an established icon that enhances the community's assets more than a fence complying with the requirements set forth in this section; and
3. Demonstrate that it is constructed of professional and durable materials, and is not intended to be of temporary nature.

SECTION 18. That Title 8, Chapter 4, Article A, Section 4 ("Outdoor Lighting"), Garden City Code, be, and the same is hereby amended to read as follows:

8-4A-4: OUTDOOR LIGHTING:

A. Standards:

~~1. The height of a freestanding light fixture in a residential district shall not exceed nine feet (9').~~

12. Electrical feeds to outdoor light fixtures shall be underground, not overhead.

23. Street lighting shall be provided consistent with an adopted fixture design and plan developed by the city.

34.. Lighting shall be located to limit lighting that trespasses into adjacent residential properties or onto the Greenbelt and Nature Path. Ways to mitigate light trespass include, but are not limited to:

- a. Lights may be on a timer or sensor activated lights.
- b. Lights should be a minimum eighty-five degree (85°) full cutoff type luminaries.
- c. The maximum lumen output should be 260 lumens.
- d. The height of a freestanding light fixture in a residential district should not exceed nine feet (9') in height.

B. Prohibitions:

1. Mercury vapor lamp fixture and/or lamp.

- 2. Laser source light or any similar high intensity light when projected above the horizontal.
- 3. Strobe lights, except for emergency uses.
- 4. Searchlights, except where approved for temporary uses.
- 5. Lighting, including holiday lighting, on commercial or private tower structures that exceed the district height limit except as required by regulations of the federal aviation administration (FAA).

SECTION 19. That Title 8 Chapter 2, Article B, Section 3 (“Single Family and Two-Family Attached and Detached Residential Dwelling Units”), Garden City Code, be, created to read as follows:

~~8-4B-3: SINGLE-FAMILY AND TWO-FAMILY ATTACHED AND DETACHED RESIDENTIAL DWELLING UNITS:~~

SECTION 20. That Title 8, Chapter 4, Article B, Section 4 (“Multi-Family Residential Dwelling Units”), Garden City Code, be, and the same is hereby amended to read as follows:

~~8-4B-4: MULTI-FAMILY AND TWO-FAMILY RESIDENTIAL DWELLING UNITS:~~

A. Building Setbacks: Building setbacks shall take into account windows, entrances, porches and patios, and how they impact adjacent properties, rights-of-way, the Greenbelt, and Nature Path.

B. Building Design:

- 1. All building elevations shall have a minimum portion of the elevation devoted to architectural features designed to provide articulation and variety. These features shall include, but are not limited to, windows, bays and offsetting walls that extend at least two feet (2'); recessed entrances; and changes in material types. Changes in material types shall have a minimum dimension of two feet (2') and minimum area of twenty five (25) square feet.
- 2. Main entrances, which are the primary point(s) of entry where the majority of building users will enter and leave, shall be designed as an obvious entrance and focal point of the building through architectural treatment, lighting, and address identification.

3. Entrances shall be adequately covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.

4. Roof forms shall be distinctive and include variety and detail when viewed from the street. ~~Sloped roofs shall have a significant pitch.~~ Flat roofs should include distinctive cornice treatments.

5. Exterior building materials and finishes shall convey an impression of permanence and durability. Materials such as metal, masonry, stone, stucco, wood, terra cotta, and tile are encouraged.

6. Windows are required to allow views to exterior activity areas or vistas. Windows shall be provided on any building facing any common area including where there are pedestrian access elements used for children's recreation.

7. All roof and wall mounted mechanical, electrical, communications, and service equipment should be screened from public view from ~~the adjacent~~ public streets, Greenbelt or Nature Path, and properties by the use of parapets, walls, fences, enclosures, or by other suitable means.

8. The design of all structures that are adjacent to a residential dwelling in an R-1 or R-2 zone shall consider measures to include visual privacy. Examples of ways to achieve this include, but are not limited to, adding a smaller scale structure between the existing dwelling and tall portions of the proposed development, placing trees to prevent views into neighboring rear yards, stepping back the structure, increased setback, or strategic window placement.

9. The first-floor façade fronting the Greenbelt or public right-of-way shall include 50% of the first-floor façade dedicated to pedestrian elements such as, but not limited to windows, decks, balconies, showcases, plazas, etc.

10 The scale, arrangement, and texture of buildings and open space shall vary through the development to reflect function, interest, and significance.

11. Buildings adjacent to the Greenbelt or Nature Path should not be constructed to be a flat wall plane so that a large expanse of a building does not dominate the Greenbelt or Nature Path. This can be accomplished through the use of form changes with setbacks and building step backs. Additional building design

components that contribute to the undulation are balconies, canopies, awnings, porches, change of materials, and outdoor spaces.

12. Housing along arterial roadways is not appropriate unless careful attention to safety and livability is provided. The considerations shall include but are not limited to:

a. A sidewalk system that connects to a safe and convenient pedestrian crossing of the arterial;

b. Vehicular ingress/egress access shall be connected to a stoplight or other equally safe location or measures shall be provided for vehicular ingress/egress into the arterial; and

c. Open space shall be buffered from the arterial so that it remains comfortable and usable.

C. Multiple Buildings On One Site: Development of multiple structures on one site shall comply with the requirements set forth in subsection 8-4C-4B, "Multiple Nonresidential Structures On One Development Site", of this chapter.

SECTION 21. That Title 8, Chapter 4, Article C, Section 2 ("Applicability"), Garden City Code, be, and the same is hereby amended to read as follows:

This article sets forth provisions that apply to any nonresidential development in the highway commercial (C-1) and general commercial (C-2) zoning districts, and any commercial building in the light industrial (LI) zoning district and/or any nonresidential development in any zoning district. The provisions apply to the various forms of development including: new construction, major and minor alterations, large scale construction, and development in specific locations as follows:

A. New Construction: For any new construction, the requirements of this article shall apply to all parts of the building and lot.

B. Structural Addition: For any structural addition that adds more than twenty five percent (25%) increase in gross floor area of the existing building, all of the building shall be brought into conformance with the requirements of this article.

C. Storefront Renovations: Any storefront renovations, where more than twenty five percent (25%) of the facade of the store is altered, replaced, rehabilitated, or restored, shall comply with subsections 8-4C-3A4, 8-4C-3C, E, and F, and section 8-4C-5 of this article.

D. Lot Improvements: Any lot improvements that changes or cumulatively changes more than twenty five percent (25%) of the site area within a twenty four (24) month period shall be required to conform to subsections 8-4C-3B and D of this article.

E. Exceptions: This chapter does not apply to any new accessory structure that is less than twenty five percent (25%) the assessed value of the principal structure and is not located in the front or street side yard.

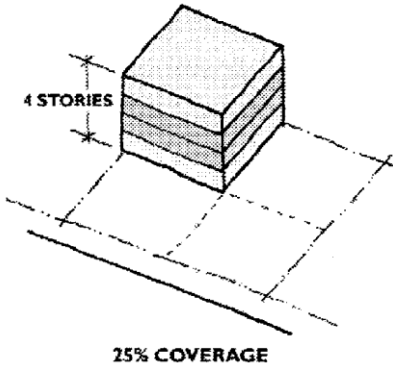
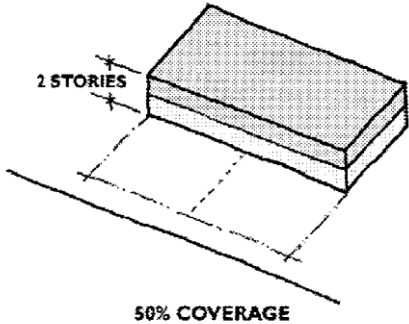
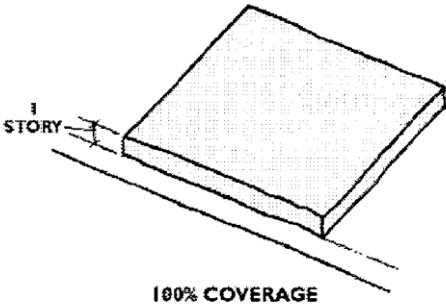
SECTION 22. That Title 8, Chapter 4, Article C, Section 3 (“General Provisions For Nonresidential Development”), Garden City Code, be, and the same is hereby amended to read as follows:

The provisions that follow establish an objective statement followed by guidelines for meeting that objective. In any situation, there may be a range of alternative methods for achieving the objective. If an alternative method is employed, it is the petitioner’s burden to demonstrate that the alternative method produces the objective in a superior manner than the guidelines. The design review process set forth in chapter 6, "Administration", of this title provides the process for allowing innovation and creativity in meeting the development design objectives.

A. Objective 1: The design of all structures shall have a scale, massing and urban form that has a relationship to the street, the pedestrian, and adjacent properties.

1. Floor Area Ratio (FAR): All new construction within the Comprehensive Plan’s designated Activity Nodes should have a minimum floor area ratio of 1.0 or 0.8 or a minimum of two (2) stories. The FAR excludes the perimeter landscaping and required setbacks.

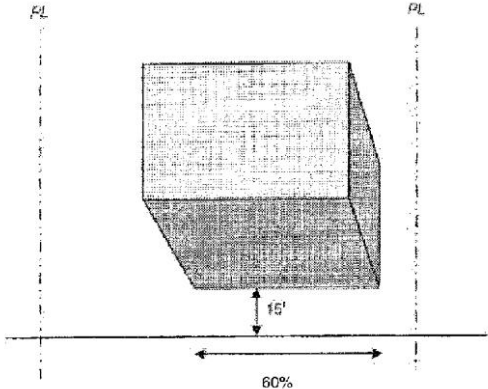
Figure 8-4C-1



Three Different Ways To Achieve FAR 1.0

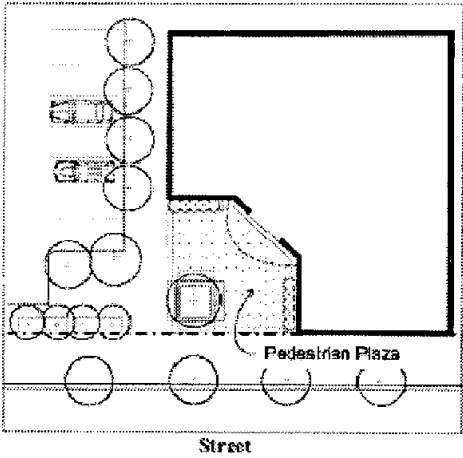
2. Street Setback: The maximum front setback is fifteen feet (15') from curb edge for a minimum of sixty percent (60%) of the length of the street frontage.

Figure 8-4C-2
Illustration Of Maximum Setback Along Street Front



- a. On parcels with more than one building, the maximum allowable street setback applies to the front elevation of the building closest to the public street.
- b. The street setback may be increased when a plaza is provided with a minimum area of five hundred (500) square feet and meeting the criteria for public space as set forth in subsection 8-4C-4C of this article.

Figure 8-4C-3

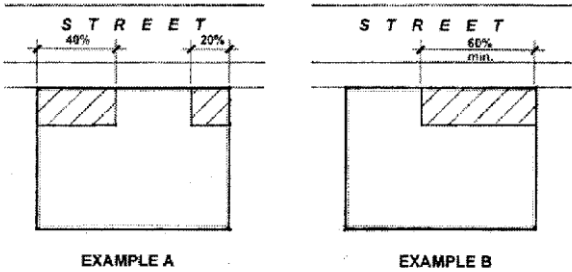


Plaza Example

3. Street Frontage: Sixty percent (60%) of the street frontage along the front setback should be occupied by a structure or a plaza.

Figure 8-4C-4

Two Different Ways To Achieve Street Frontage Examples



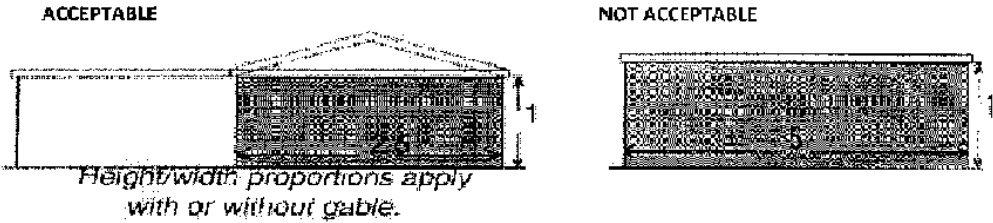
4. First Floor Facades: First floor facades ~~visible that front a public street, or the Greenbelt~~ shall include elements to activate the ground floor. The facade should include surfaces in windows, showcases, displays, plaza, or pedestrian access elements as follows: for ~~retail uses~~ front facade at least fifty percent (50%), for ~~all other uses~~ facades visible from the public right-of-way at least ~~fifteen~~ thirty percent (15/30%).

5. Upper Story Facades: Upper story facades should be set back an additional ten feet (10') from the required side yard setback after the first three stories where the ~~location~~ side yard is adjacent to an R-1, R-2, or R-3 residential district or the Greenbelt.

6. Wall Plane: Facades should have no wall plane wider than two and one-half (2 1/2) times the height of the wall plane. If a new wall plane is required to achieve compliance with this requirement, it must be offset by at least six feet (6').

Figure 8-4C-5

Acceptable And Not Acceptable Wall Plane Dimensions Examples

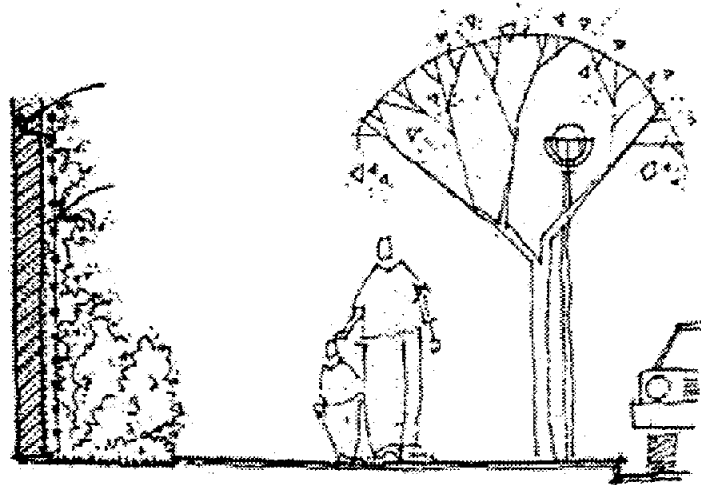


7. Blank Walls: No blank walls should front a public street. Any blank walls should be treated in one or more of the following ways:

- a. Installing a vertical trellis in front of the wall with climbing vines or plant materials; or
- b. Providing a landscaped planting bed at least five feet (5') wide or raised planter bed at least two feet (2') high and three feet (3') wide in front of the wall, with plant materials that obscure or screen at least fifty percent (50%) of the wall's surface within three (3) years;
- c. Providing artwork (mosaic, mural, sculpture, relief, etc.) over at least fifty percent (50%) of the blank wall surface.

Figure 8-4C-6

Vertical Trellis And Landscaping Treatment On Blank Wall Example



B. Objective 2: The design layout of all sites shall maximize opportunities for safe and comfortable pedestrian accessibility and minimize the obtrusive effects of parking and vehicular circulation.

1. Parking Lot Locations: All parking lots should be located to the side and rear of the building fronting on the street. A parking lot may be located between a building and a street when the visual effect of the parking lot has been mitigated by one of the following ways:

- a. The lot is a minor component in a large site development and is no wider than one parking bay and one driveway lane; or

b. The site design demonstrates that the parking lot is well integrated with the overall site design and pedestrian connections and amenities have been provided that compensate for the parking lot location; or

c. A minimum of ten feet (10') of landscaping has been provided between the parking lot and the view of the surface lot from the street is minimized; or

d. The parking lot is designed with materials and landscaping that softens the appearance of the parking lot.

2. Driveway Lanes: Driveway lanes crossing a public sidewalk should be no wider than twenty feet (202') where they cross the sidewalk and the minimum of feet between driveway intersections with the public street as set forth by the transportation authority. Driveway lanes crossing a public sidewalk intersection should be clearly distinguished with special pavement or coloring.

3. Pedestrian Pathways:

a. Pedestrian pathways should be designed to provide a direct connection between the main building entrance and the public sidewalk.

b. Direct, convenient, and attractive pedestrian pathways should be provided that are clearly marked and connect all portions of the site.

c. Pedestrian pathways should be functionally separate from parking lots and driveways except where they cross driveways.

d. No access to a parking space should require a pedestrian to cross more than one drive aisle and two (2) parking bays of parking. Pedestrian pathways that are flush or shared with driveways, or pathways that cross surface parking lots longer than one drive aisle and two (2) parking bays in distance should be visually distinct from parking lot and driveway surfaces by either: 1) a distinct pattern and texture (e.g., brick pavers or stamped concrete) in paving materials; or 2) a raised surface.

Figure 8-4C-7

Distinctive Texture Pattern On Pedestrian Walkway Flush With Driveway Example



4. Primary Entrance:

- a. The building closest to the street should have its primary entrance to the street and be clearly defined by the architectural design of the building.
- b. The primary entrance of all buildings should provide a covered pedestrian open space such as a building recess, an awning, canopy, or marquee.
- c. Pedestrian amenities should be provided at the entrance including a minimum of one hundred (100) square feet of landscaping, outdoor seating, plazas, courtyards, public art, fountains, special paving, bicycle racks, transit stop.

C. Objective 3: Buildings shall be designed and constructed of quality materials.

1. Suitable Materials: Materials should be selected for suitability to the type of building and design for which they are used.
2. Encouraged Materials: Quality finish materials should be utilized, including, but not limited to, brick, masonry, or stone integrally tinted, textured masonry block, stucco, wood, or concrete siding.
3. Discouraged Materials: ~~Metal siding, e~~Corrugated fiberglass, aluminum siding, mirror or metalized reflective glass, plywood, chipboard siding, vinyl, cinderblock, plastic tilt-up concrete, highly tinted or mirrored glass, and all types of imitation building materials should not be used as the primary building material.

4. Discouraged Finishes: Finishes that reflect light and glare; or bright, heavily saturated, and/or reflective shades of primary colors are discouraged.

~~5. Change In Materials: Piecemeal embellishment and frequent changes in material should be avoided.~~

~~6. Matched Colors: The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps should blend with the roof colors.~~

D. Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees, and water.

1. Maintenance Of Existing Vegetation: All existing trees, significant vegetation and surface water features should be maintained.

2. Fifty Year Old Buildings: Buildings over fifty (50) years old that are safe and habitable should be maintained.

3. Scraped Sites:

a. Any existing site that is entirely scraped of existing natural and structural site conditions, should meet the requirements set forth in article I, "Landscaping And Tree Protection Provisions", of this chapter and should be well integrated with the site design.

b. Any existing site that is entirely scraped of existing natural and structural site conditions in which a natural waterway, irrigation canal, lateral or drain has previously been tiled or piped should meet the requirements set forth in section 8-4A-13, "Waterways", of this chapter.

E. Objective 5: The design of all buildings shall provide visual interest, support the vision for the area as articulated in the comprehensive plan and positively contribute to the overall urban fabric of the community. Buildings should interact with the public realm and should augment the pedestrian experience adjacent to public streets, gathering places, parks, Greenbelt and Nature Path.

1. Building Orientation: Buildings should be oriented to a prominent feature, such as a corner location, a plaza, a street, or the river. Buildings and site design should provide inviting entry orientation. Buildings should not turn their backs to the street.

2. Articulation: Buildings should be articulated to reduce the apparent scale. Architectural details that are used to articulate the structure may include reveals, battens, and other three-dimensional details that create shadow lines and break up the flat surfaces of the facade. The following are ways to achieve building articulation:

a. Window Treatments: Provide ample articulated window treatments in facades visible from streets and public spaces for architectural interest and human scale. Windows should be articulated with mullions, recesses, etc., as well as applying complementary articulation around doorways and balconies.

b. Architectural Elements: The mass of long or large-scale buildings can be made more visually interesting by incorporating architectural elements, such as arcades, balconies, bay windows, dormers, and/or columns.

c. Rooflines: A distinctive roofline can reduce perceived building height and mass, increase compatibility with smaller scale and/or residential development, and add interest to the overall design of the building.

(1) Change the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.

(2) Roofs that incorporate a variety of vertical dimensions such as multiplaned and intersecting rooflines are encouraged.

(3) Flat roofed designs should include architectural details such as cornices, and decorative facings to provide interest to the roofline.

d. The scale, arrangement, and texture of the buildings and open space shall vary throughout the development to reflect function, visual interest, and architectural significance.

3. Building Details: The design of buildings should be enhanced with appropriate details. The following elements are examples of techniques used on buildings to provide detail:

a. Ornate Rooflines: Examples include ornamental molding, entablature, frieze, or other roofline devices.

b. Detailed Treatment Of Windows And Doors: Examples include decorative lintels, sills, glazing, door design, molding or framing details around all windows and doors located on facades facing or adjacent to public streets or parks. Window sizing and treatment should be as follows:

(1) Windows should not have individual glass panes with dimensions greater than five feet by seven feet (5' x 7').

(2) Windows should be surrounded by trim, molding, and/or sill at least four inches (4") wide. Commercial buildings with no trim or molding should have window frames at least two inches (2") wide.

(3) Individual window units should be separated from adjacent window units by at least six inches (6") of the building's exterior finish material.

c. Ornamentation: Examples include ornamental railings, grillwork, landscape guard, and trellises.

d. Distinctive Light Fixtures: Examples include lights with a decorative shade or mounting.

e. Artwork Or Decorative Paving: The artwork may be freestanding or attached to the building, and may be in the form of mosaic, mural, bas-relief sculpture, light sculpture, water sculpture, fountain, freestanding sculpture, art in pavement, or other similar artwork.

4. Colors: Colors used on building exteriors should integrate a building's various design elements or features.

a. Accent colors should use color combinations that complement each other.

b. Use accent colors in a way to enhance or highlight building design, and not in a manner that creates clutter or otherwise detracts from building design.

c. The use of bright colors should be avoided. Softer, muted or earth toned colors are preferred.

d. Colors should be compatible with the architectural character of the surrounding buildings and neighborhood.

56. Use Of Certain Building Features Or Design Elements Discouraged: The use of building features or design elements that overemphasize corporate themes, logos, or colors which stand above the neighborhood and community context without adding functional or aesthetic value to the building context should be discouraged. See section 8-4C-5, "Prohibitions", of this article.

F. Objective 6: The site development should support and be consistent with the adopted streetscape.

G. Objective 7: The design of all structures that are adjacent to a residential dwelling in an R-1 or R-2 zone shall consider measures to include visual privacy. Examples of ways to achieve this include, but are not limited to, adding a smaller scale structure between the existing dwelling and tall portions of the proposed development, placing trees to prevent views into neighboring rear yards, stepping back the structure, increased setback, or strategic window placement.

SECTION 23. That Title 8, Chapter 4, Article I, Section 5 (“Perimeter Landscaping Provisions”), Garden City Code, be, and the same is hereby amended to read as follows:

A. Purpose: The perimeter landscaping shall provide the following benefits:

- 1. To provide a visual barrier between different land uses;
- 2. To enhance the streetscape;
- 3. To provide privacy; and
- 4. To protect uses from wind, dust, noise, traffic, glare, visual disorder, and harmful or noxious effects.

B. Applicability: Required perimeter landscaping meeting the standards set forth in subsection C of this section is required in the following situations:

- 1. Between a new or substantially altered nonresidential use and a residential use or vacant residentially zoned property where such uses are not separated by an arterial street;
- 2. Along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property;

3. Along the common property line between a multi-family residential use and a single-family or two-family residential use or vacant single-family or two-family zoned property;
4. Between a nonresidential or multi-family use and a public park;
5. Between a loading or utility service area, vehicle repair bay, or vehicle fueling area and all property lines;
6. Between other paved vehicular use areas, including driveways, and vehicle storage areas and all property lines;
7. Between a carport for five (5) or more vehicles serving a residential use and an adjoining lot with a residential use or vacant residentially zoned property.

C. Standards:

1. A perimeter landscaping area shall be at least ~~ten~~ five feet (~~40~~5') wide measured from the property line to the interior of the lot. When both properties are redeveloped, the total area will be a minimum of ten feet (10') where perimeter landscaping is applicable;
2. A screen consisting of vegetation shall be at least ~~six~~ five feet (~~6~~5') wide and six feet (6') in height at maturity;
3. At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage. Such trees shall be class III trees if the structure closest to the tree is 35 feet (35') or taller in height.
4. Additional standards for parking lots and carports are set forth in section 8-4I-6, "Parking Lot Landscaping Provisions", of this article.
5. Structures less than one hundred twenty (120) square feet, including, but not limited to, trash enclosures and storage sheds may encroach into the perimeter landscape area.
6. Perimeter landscape areas shall provide for pedestrian access from residential development to abutting commercial districts and vice versa.

SECTION 24. Real Title 8, Chapter 4, Article H, Section 6 (“Riparian Zone):

SECTION 25. That a new Article, Title 8, Chapter 4, Article M, (“Boise River Natural Resource”), hereby added as follows:

ARTICLE M. BOISE RIVER NATURAL RESOURCE

SECTIONS:

- 8-4M-1 Purpose and Objectives
- 8-4M-2 Definitions
- 8-4M-3 Applicability
- 8-4M-4 River Zone Standards
- 8-4M-5 Natural Resource Protection Standards

8-4M-1 Purpose and Objectives:

A. Purpose: The Boise River imparts the unique identity of the City with a river running through it. It is the City’s most significant natural resource which is the source of many opportunities as well as threats for the City. The Boise River, with its adjacent pathways, green spaces, and habitats is also significant to the recreational enjoyment, economic wellbeing, and health of city residents. This Article is intended to provide provisions to preserve, protect and enhance the river and associated resources as well as safeguard the public’s enjoyment and access to them.

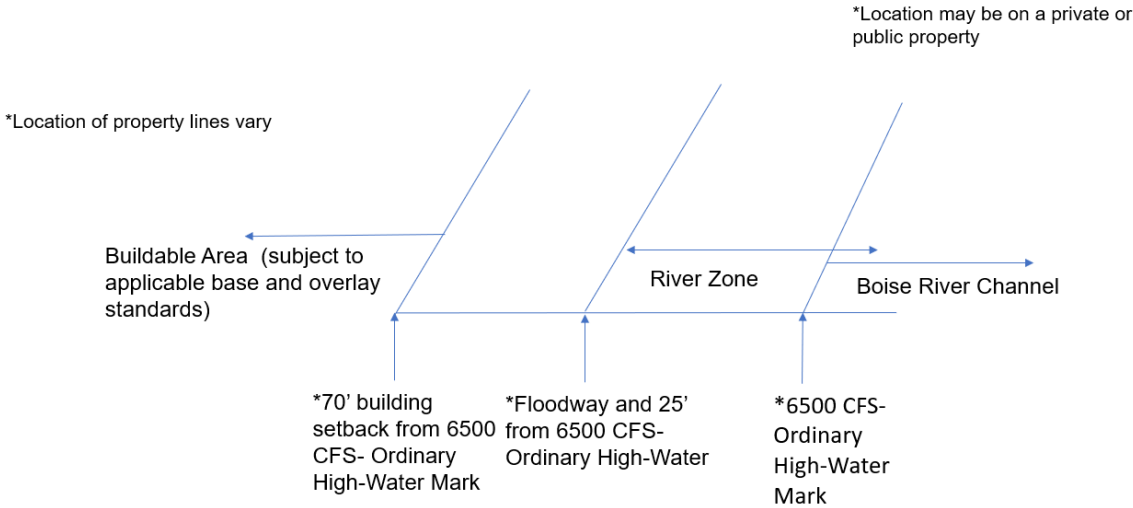
B. Objectives: Each Section of this Article will include objectives specific to the regulations in the Section. General objectives of this Article include:

1. Protect public assets.
2. Preserve, protect, and enhance wildlife and fisheries habitat and wetlands, and riparian areas along the river.
3. Protect public access and enjoyment of the Boise River, Greenbelt, and Nature Path.
4. Increase public safety and welfare.
5. Prevent disruption and alteration of existing waterways.
6. Enhance the natural environment.
7. Protect and enhance connectivity along the Greenbelt and linkages with other parks, paths and green spaces through incentives that encourages dedication or easements for public use.
8. Protect water quality of the river and its tributaries.
9. Safeguard private property rights.

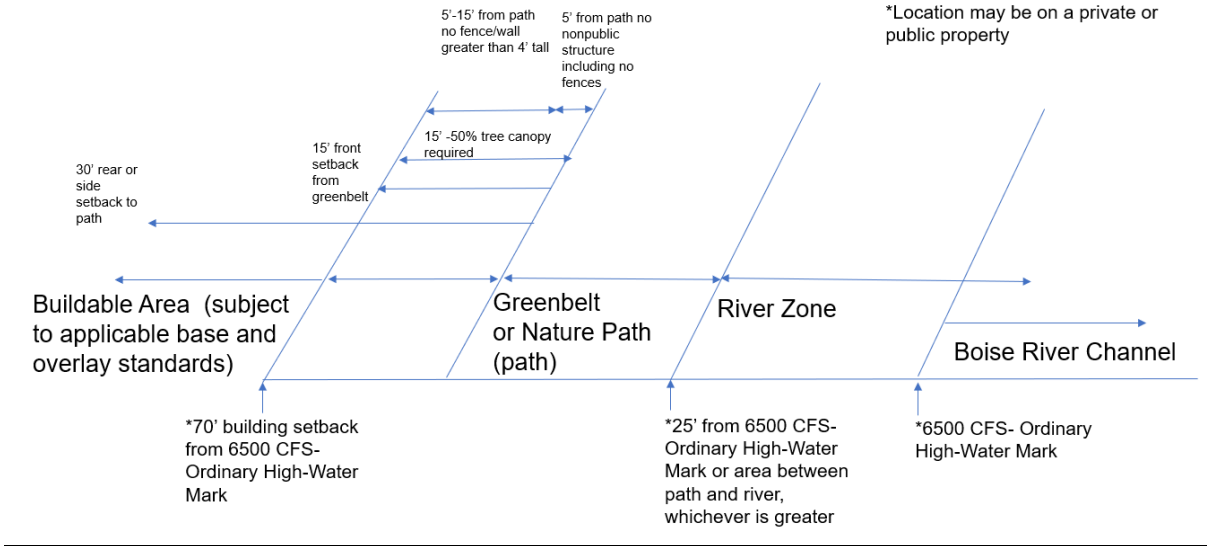
8-4M-2 Applicability:

- A. The provisions of this Article are intended to be in addition to other regulations, they are not intended to exclude other sections of Garden City Code or regulations. Where there are conflicts, the standards identified in this Overlay shall be applied.
- B. Provisions of this Article apply to all property in Garden City:
 - 1. Within seventy feet 70' of the Boise River Ordinary High-Water Mark; or
 - 2. Containing a wetland, tributary of the Boise River, or habitat.
 - 3. Existing legal nonconforming structures may remain as regulated by Garden City Code 8-1B unless they are deemed to be unsafe, or the property is substantially improving.
- C. The below diagrams are intended to give a general summary of how the Sections of this Article are intended to interact:

AREAS WITHOUT GREENBELT OR NATURE PATH



AREAS WITH GREENBELT OR NATURE PATH



8-4M-4 River Zone Standards

A. Applicability

1. This Section applies to all properties within the River Zone at all times.

B. Objectives

1. Provide riverbank stabilization that includes a strong plant root structure to limit erosion and reduce scouring during times of inundation.
2. Encourage plant species capable of living through times of inundation.
3. Reduce water runoff and pollution
4. Reduce velocities during times of inundation.
5. Reduce damage during times of flood inundation.
6. Provide ample shade to cool the river to protect against algae blooms, sewer treatment costs, and enhance fisheries habitat.
7. Provide both aquatic and terrestrial habitat and food sources.
8. Provide ample shade trees and vegetation to provide a cooling effect for Greenbelt and Nature Path users.
9. Enhance the natural environment with requirements for appropriate native landscaping, planting, and landscape maintenance techniques.

C. Standards

1. Applicable permits must be obtained from Garden City, IDWR, and USACE.

2. New or substantially improved structures within the River Zone shall be restricted to those which are required by public necessity (for example, bridges or water pumps, hazard signs), for public recreation (for example, the Greenbelt, controlled access points to the river, or river viewing platforms), or for wildlife habitat improvements (for example, vegetation, nesting structures) provided that the use/encroachment:
 - a. Meets the approval of the federal emergency management agency and national flood insurance program and does not jeopardize the city's participation in the national flood insurance program.
 - b. Allowed structures should be designed to protect the banks of the river and mitigate adverse effects (for example a river overlook may be elevated so that vegetation can be maintained)
 - c. No structure shall be allowed without approval granted through the conditional use permit process or as otherwise designated by the Garden City Council.
3. Nonpublic structures, including fencing, signage, benches, bike racks, etc. are not allowed.
4. Streambank Stabilization. Where streambank stabilization is required, fifteen feet (15') wide strip of vegetation to cover a minimum of 70% of the river frontage shall be required. In situations where structural stabilization measures (such as riprap, gabbing) are deemed necessary, the design of the structure shall include overplanting with vegetation and the deliberate enhancement of fish habitat.
5. Application of chemicals
 - a. No use of restricted use chemicals or soil sterilant regulated by Idaho Department of Agriculture will be allowed within the River Zone.
 - b. No use of pesticides, herbicides, fertilizers will be allowed unless approved by regulatory agencies that have jurisdiction over the Boise River.
 - c. All applications of pesticides, herbicides and fertilizers shall be done by a licensed applicator and applied at minimum application rates and shall be limited to two (2) times a calendar year unless otherwise approved by the Garden City Public Works Department.
 - d. The application of dormant oil sprays and insecticidal soap within the River Zone may be used throughout the growing season as needed.
6. No person shall damage, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant, nor shall any person

attach any rope, wire or other contrivance to any tree or plant, nor shall any person dig in or otherwise disturb grass areas, or in any other way injure or impair the River Zone without an approved permit. The following provisions shall be verified for the approval of a permit:

- a. No work shall be permitted, including on public property, unless the property owner's consent has been obtained or no ownership can be determined.
- b. Documentation must be provided by an expert or group of experts, approved by the City as qualified to ensure:
 - i. Native trees, shrubs, or other plants adapted for survival and growth in the river environment shall be the predominant landscaping material. Acceptable plantings are maintained in a reference document maintained by the City or as identified through the permit request; and
 - ii. The proposed work will provide riverbank stabilization that includes a strong plant root structure to limit erosion and reduce scouring during times of inundation; and
 - iii. Plant species capable living through times of inundation; and
 - iv. Water runoff and pollution will be minimized; and
 - v. Velocities will not increase during times of inundation because of the proposal; and
 - vi. The proposal shall provide ample shade to cool the river to protect against algae blooms, and enhance fisheries habitat; and
 - vii. The proposal will not fragment or cause the denigration of habitat for native species or migratory birds.
- c. Removal of invasive non-native trees and shrubs as well as any Idaho listed noxious weeds and replacement with recommended species as identified by the City's landscape reference document and minor pruning above the ordinary high-water mark, including trimming to maintain views, that does not remove, damage or otherwise harm any plant, habitat or cause bank destabilization is allowed without a permit.
- d. Mechanical machinery cannot be utilized, nor can plant debris be left, unless approved through IDWR, USACE, and Garden City.
- e. Improved access to the Boise River shall be prohibited in all areas that are not approved through a conditional use permit or otherwise designated by the city council.
 - i. Access shall only be granted for the use by public and shall not be permitted for private use of individuals or subdivisions.
 - ii. No improved access shall be gated from the public unless the access is for emergency services, maintenance of public facilities or natural resources, or flood control or irrigation maintenance only.
 - iii. Existing vegetation that does not comply with the River Zone standards that was planted prior to May 14, 2012, that is not

invasive or noxious may remain for the duration of the life of the plant's life. Replacement of the vegetation must meet the River Zone standards.

8-4M-5 Natural Resource Protection Standards

A. Applicability

- 1. New and substantial improvement shall be required to adhere to the standards identified in this Section.

B. Objectives

- 1. Prevent pollution of the Boise River.
- 2. To maintain and enhance waterways.
- 3. Protect waterway access.
- 4. To maintain and enhance wetlands and habitat.

C. Standards

- 1. Drainage. Stormwater swales that cannot be utilized for purposes other than drainage are discouraged adjacent to the Greenbelt.
- 2. Waterways:
 - a. Any open waterway that is tiled must mitigate the loss of potential habitat area to be mitigated by providing usable habitat for pollinators, native aquatic species, or native animals equal in size to that which is tiled.
 - b. A side channel at least 15' in width with a flow of 5-150 cfs shall require a minimum setback of 20' from the channel.
- 3. Wetlands and habitat.
 - a. No wetlands, Black Cottonwood riparian plant community, riparian forests, scrub-shrub wetlands, emergent wetlands within the floodplain, trout spawning waters, or other critical wildlife habitat areas shall be reduced in size.
 - b. Exterior lighting shall not trespass on critical habitat that may be sensitive to light.
 - c. Relocation of wetlands and critical habitat may occur on site if the relocation enhances the wetlands or critical habitat.
 - d. Riparian areas shall not be relocated.

SECTION 26. That Title 8, Chapter 7, Article A, Section 2 (“Definition of Terms”), Garden City Code, be, and the same is hereby amended to read as follows:

ACTIVITY NODE: Activity nodes are neighborhood centers that are local and regional destinations. Activity centers range in size depending on their function and location.

Some nodes are centered around the intersection of major streets or extend down a street to connect major community facilities.

The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. There are two types of nodes as follows:

Neighborhood and Destination Centers: The centers are focused on uses that facilitate making the location a destination. Appropriate uses include small scale retail, art, office, and medium to high density residential. Areas identified as neighborhood and destination centers are intended to be an attractor for nearby residents and businesses.

Transit Oriented Development Nodes are intended to be more intense and could be a regional draw. They are intended to be high-density, mixed-use centers that are capable of supporting transit stops and corridors.

AMPLIFICATION DEVICE: Any equipment designed or used for sound production, reproduction, or amplification including but not limited to any radio, television, phonograph, musical instrument, stereo, tape player, compact disc player, loudspeaker, public address (P.A.) system, sound amplifier, or comparable sound broadcasting device.

CRITICAL HABITAT: Those areas categorized by the Endangered Species Act as critical habitat.

HABITAT- The area or natural environment in which an organism or population normally lives. The habitat is made up of physical factors such as soil, moisture, temperature, availability of light as well as biotic factors such as the availability of food and the presence of predators.

GREENBELT- Asphalt or concrete pathway identified in the adopted Garden City Master Parks Plan for non-motorized use running generally adjacent to the Boise River Garden City the entire length south of the Boise River and in sections north of the Boise River.

~~GREENBELT, BOISE RIVER: Land within seventy feet (70') of the six thousand five hundred (6,500) cfs flow line of the Boise River which may be owned by the city or over which the city may have a right of possession or use and: (A) which is designated by the city council to be retained in perpetuity for public use for purposes compatible with aesthetic, wildlife, education and recreational values of the Boise River; (B) which will provide for unrestricted, noncommercial access to the river; and (C) which will be developed and used to minimize water pollution, provide continuity of the public parks system, and create a buffer where necessary between conflicting land uses.~~

NATURE PATH- Pedestrian pathway identified in the adopted Garden City Master Parks Plan generally located north of the Boise River West of Glenwood along the Boise River from the Garden City West Bridge to Strawberry Glenn Road.

ORDINARY HIGH-WATER MARK- 6500 cfs line of the Boise River, as determined by the Public Works Department based on their monitoring of annual flows

PLAINLY AUDIBLE- Sound for which the information content is clearly communicated to the listener, including, but not limited to understandable spoken speech, comprehension of whether a voice is raised or normal, comprehension of activity taking place due to the sound, comprehensible musical rhythms, melody, or instrumentation, and the source of which is identifiable to the listener.

PUBLIC REALM: The area that is of the public including but not limited to public roads, parks, and the Boise River.

PUBLIC USE STRUCTURE: A structure intended for the use by the public. Examples of these structures include, but are not limited to, bridges, benches, bike racks, water stations, bike fix-it stations, art installations, etc.

RIPARIAN-the interface between land and a river or stream.

~~RIPARIAN ZONE: The area between the ordinary high water mark of the Boise River including tributaries where water comes from and flows back into the Boise River and the greenbelt and/or nature path; or where there is no greenbelt and/or nature path adjacent to the river or tributary, the area measured twenty-five feet (25') in width from the riverbank.~~

RIVER ZONE- All land between the Greenbelt or Nature Path and the Boise River, or 25' from the ordinary high-water mark whichever is greater; or where there is no Greenbelt or Nature Path the River Zone shall be considered the floodway as designated by the affective Flood Insurance Rate Map (FIRM) and 25' from the ordinary high-water mark (6500 cfs) of the Boise River.

SIDE CHANNEL- A stream or watercourse, either natural or manmade, that generally flows from or into the Boise River. This includes waterways developed as amenities in residential or commercial developments.

WETLANDS: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include saturated swamps, marshes, bogs and similar areas, and that may also be regulated by the US Fish and Wildlife Service United States Army Corps of Engineers, United States Environmental Protection Agency, and the national Oceanic Atmospheric Administration. Fresh water emergent wetlands, freshwater forest/shrub wetlands, freshwater pond, lake, or riverine are examples of wetlands.

TRAVEL WAY: The surface that is improved for travel.

YARD: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three feet (3') above the general ground level of

~~the graded lot upward; provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.~~

Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

Yard, Interior: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

Yard, Street Side: A yard extending from the principal building to the secondary street that adjoins the lot between the lines establishing the front and rear yards.

SECTION 27: The Ordinance is hereby declared to be severable. Should any portion of this Article be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the Article before the declaration of partial invalidity.

SECTION 28. All other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 29. The fact that some provisions of the official municipal code for the City of Garden City have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said official Code. All other ordinances shall continue in full force and effect unless specifically repealed or amended.

SECTION 30. If any provision or section of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

SECTION 31. That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

SECTION 32: This Ordinance shall be in full force and effect upon passage, approval, and publication.

PASSED by the City Council and **APPROVED** by the Mayor of the City of Garden City, Idaho, this th day of _____, 2024.

ATTEST:

APPROVED:

Lisa Leiby
CITY CLERK

John G. Evans
MAYOR

EXHIBIT "A"

**STATEMENT OF GARDEN CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO. 1050-24**

The undersigned, Charles I. Wadams, in his capacity as City Attorney of the City of Garden City, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. 1050-24 of the City of Garden City, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this XXth day of XXXX, 2024.

Charles I. Wadams
City Attorney

**SUMMARY OF ORDINANCE NO. 1050-24
OF THE CITY OF GARDEN CITY, IDAHO**

PUBLIC NOTICE IS HEREBY GIVEN that the City of Garden City, Idaho, adopted at its regular meeting of **XXXX XXth**, 2024, that Ordinance No. 1050-24 entitled:

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 2 (“BASE ZONING DISTRICT REGULATIONS”), ARTICLE B (“BASE ZONING DISTRICT PROVISIONS”), SECTION 1 (“PURPOSE”); AMENDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 2 (“BASE ZONING DISTRICT REGULATIONS”), ARTICLE B (“BASE ZONING DISTRICT PROVISIONS”), SECTION 2 (“ALLOWED USES”); AMENDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 2 (“BASE ZONING DISTRICT REGULATIONS”), ARTICLE B (“BASE ZONING DISTRICT PROVISIONS”), SECTION 3 (“FORM STANDARDS”); ADDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 2 (“BASE ZONING DISTRICT REGULATIONS”), ARTICLE B (“BASE ZONING DISTRICT PROVISIONS”), SECTION 4 (“MULTI-FAMILY RESIDENTIAL DWELLING UNITS”); AMENDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 4 (“DESIGN AND DEVELOPMENT REGULATIONS”), ARTICLE C (“DESIGN PROVISIONS FOR NONRESIDENTIAL STRUCTURES”), SECTION 2 (“APPLICABILITY”); AMENDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 4 (“DESIGN AND DEVELOPMENT REGULATIONS”), ARTICLE C (“DESIGN PROVISIONS FOR NONRESIDENTIAL STRUCTURES”), SECTION 3 (“GENERAL PROVISIONS FOR NONRESIDENTIAL DEVELOPMENT”); AMENDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 4 (“DESIGN AND DEVELOPMENT REGULATIONS”), ARTICLE I (“LANDSCAPING AND TREE PROTECTION PROVISIONS”), SECTION 5 (“PERIMETER LANDSCAPING PROVISIONS”); AMENDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 7 (“REFERENCES”), ARTICLE A (“DEFINITIONS”), SECTION 2 (“DEFINITIONS OF TERMS”); REPEALING ALL ORDINANCES OR PARTS THEREOF TO THE EXTENT THEY CONFLICT WITH THIS ORDINANCE; PROVIDING ALL OTHER ORDINANCES INCLUDED IN THE OFFICIAL CODE ARE STILL IN EFFECT NOTWITHSTANDING SOME PROVISIONS THEREOF BEING ELIMINATED; PROVIDING FOR A SEVERABILITY CLAUSE; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

The current code governing the extension of application approvals is ambiguous and does not operate in accordance with the wishes of the City. The code will be amended to alter the length of the period before application approvals expire and more clearly stipulate the conditions under which approvals expire or may be extended. The amendment aims to base the expiration period and extension availability on the project type, explicitly address the status of approvals under 8-6A-8A.1-4, and specify the decision-making process for expiration decisions.

The effective date of the ordinance is from and after the date of its passage, approval, and publication. A copy of the full text of the ordinance is available at the city clerk’s office,

6015 N. Glenwood Street, Garden City, Idaho 83714. Examination may be requested in writing or in person during regular business hours of the city clerk’s office, from 8:00 a.m. until 5:00 p.m., pursuant to Section 50-901A(4), Idaho Code.

DATED this XXth day of XXXX, 2024.

ATTEST:

CITY OF GARDEN CITY, IDAHO:

Lisa M. Leiby, City Clerk

John G. Evans, Mayor