

### **8-4A-3: FENCES AND WALLS:**

A. Applicability: All new fences shall be required to be in conformance with this section. Legal nonconforming fences 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 six feet (6') 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. (Ord. 944-12, 5-14-2012)

C. Maximum Height Requirements:

1. Fences and walls located along a street frontage within the front yard setback: Three and one-half feet (3.5').

2. Fences and walls located within rear and interior side setbacks not adjacent to public rights-of-way: Six feet (6').

3. Fences and walls on residential property with rear and interior side yards located adjacent to commercial uses: Eight feet (8').

4. The height of fences and walls shall be measured from the existing grade.

5. Walls cannot exceed the maximum allowable height of fences if the wall is build between grades of differing heights.

6. If a wall is placed on top of a fence, or vice versa, the resulting construction must be compliant with the height requirements above as if it were only a fence or wall. (Ord. 898-08, 9-8-2008)

D. Setbacks:

1. Fences greater than three and one-half feet (3.5') 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') shall be set back minimally ten feet (10') from the back of sidewalk so as to allow for street trees and landscaping between the fence and the sidewalk.

2. If a wall is placed on top of a fence, or vice versa, the resulting construction must be compliant with the setback requirement above as if it were only a fence or wall.

E. 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. (Ord. 944-12, 5-14-2012; amd. Ord. 1002-18, 1-28-2019; Ord. 1026-22, 9-12-2022)

**8-4A-8: UTILITIES:**

- A. All utilities for a new structure shall be installed underground. For the purposes of this section, the term "utilities" shall include, but not be limited to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services.
- B. All development shall be connected to the Garden City water and sewer systems.
- C. All utilities shall comply with the requirements set forth in the "Garden City Design And Construction Guide".

D. All utilities that are in areas of public right-of-way shall be installed underground. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

**8-4A-10: REFUSE STANDARDS:**

- A. Refuse storage receptacles shall not be stored or placed in areas of public right-of-way.

**8-4C-3: GENERAL PROVISIONS FOR NONRESIDENTIAL DEVELOPMENT:**

- 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.

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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~~ two feet (62').

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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, 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.

**8-4I-3: GENERAL LANDSCAPING STANDARDS AND IRRIGATION PROVISIONS:**

A. Landscape improvements shall be an integral part of the overall site design for each property.

1. Landscape areas shall be configured to maximize their interconnectivity within the site and to landscape or natural areas in adjacent developments. Except in parking lots and for screening along roadways, small, isolated islands of landscaping shall be avoided;

2. Landscape areas shall be compatible with the character of the proposed development and the surrounding areas to reinforce neighborhood identity;

3. Landscape design shall enhance natural drainageways and environmental features;

4. Spacing of trees and shrubs shall allow for their natural spread; and

5. A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants.

B. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan.

C. Landscape improvements shall follow water efficient design principles to facilitate water conservation as set forth in the "Garden City Design And Construction Guide", as amended.

D. All landscaping shall conform to the standards for approved and prohibited plant materials and tree species as set forth in the "Garden City Design And Construction Guide".

E. The following minimum plant sizes shall be used for all required landscape areas:

Shade trees	2 inch caliper minimum
Ornamental trees	2 inch caliper minimum
Evergreen trees	6 foot height minimum
Woody shrubs	2 gallon pot minimum

F. Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants. Use of mulch, organic or rock, as the only ground cover in required planting areas is prohibited. The area of any class III tree's canopy may be used to fulfill this requirement. The relevant measurement is the cross-section of the class III tree's canopy parallel to the ground at the tree's base with the largest surface area.

G. When five (5) or more trees are to be planted to meet the requirements of any portion of this article (including street trees, perimeter landscaping, parking lot landscaping and other landscape guidelines) a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required as set forth in table 8-4I-1 of this subsection. Class III trees shall be used to fulfill this requirement wherever feasibly possible. Class I trees shall only be used when Class III or II trees are not able to be planted due to an impediment. (Ord. 898-08, 9-8-2008)

Required Number Of Class II Or Class III Trees	Minimum Number Of Species
5 to 10	2

Required Number Of Class II Or Class III Trees	Minimum Number Of Species
11 to 30	3
31 to 50	4
More than 50	5

(Ord. 944-12, 5-14-2012)

H. All plant material installed pursuant to this article shall meet or exceed the minimum federal standards as regulated by ANSI Z60.1, American standard for nursery stock.

I. All trees, shrubs, and other plant material shall be planted using accepted nursery standards as published by the American Association Of Nurserymen (latest edition) including hole size, backfilling, and fertilization.

J. Tree staking is not required, but may be used in areas with high winds or other situations that make staking desirable. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.

K. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.

1. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils, or planted with sufficient space to provide for the full maturity of the particular tree species.

Trees in proximity to sidewalks with nearby travelways shall be planted between the sidewalk and the travelway whenever feasibly possible and notwithstanding other applicable standards.

2. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.

L. The landscape installation shall stabilize all soil and slopes.

M. Berm slopes are generally discouraged, but shall not exceed two to one (2:1) (horizontal to vertical). Three to one (3:1) maximum slopes are recommended. Grass that requires mowing shall not be used on slopes steeper than three to one (3:1).

N. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems set forth in the "Garden City Design And Construction Guide". (Ord. 898-08, 9-8-2008)

O. Required trees must be identified in the most current version of "Tree Selection Guide For Street And Landscapes Throughout Idaho" by Boise parks and recreation department or certified by a licensed landscape architect to be appropriate to the proposed location. (Ord. 944-12, 5-14-2012)

#### **8-4I-4: LANDSCAPING PROVISIONS FOR SPECIFIC USES:**

A. Landscaping For Single-Family Residential Units:

1. For lots with thirty (30) to forty nine feet (49') of linear frontage, one class II or class III tree shall be planted in the front yard setback.
2. For lots with fifty feet (50') or more of linear frontage, two (2) class II or class III trees shall be planted with one tree located in the front yard setback. (Ord. 944-12, 5-14-2012)
3. Trees shall be planted with adequate spacing to allow for the mature spread of the trees.

B. Landscaping For Townhouse, Two-Family Duplex, And Multi-Family Dwelling Units; Manufactured And Mobile Homes And All Nonresidential Uses:

1. A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. (Ord. 898-08, 9-8-2008)
2. A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage. (Ord. 944-12, 5-14-2012)
3. A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.
  - a. Trees shall be selected from the city's approved list of appropriate tree species contained in the "Garden City Design And Construction Guide".
  - b. Trees shall be distributed throughout the site.
  - c. Shrubs shall be grouped and distributed throughout the site.

4. Trees may be substituted for up to one-half (1/2) of the required shrubs at the rate of one tree for ten (10) shrubs and vice versa. This type of substitution is only available when either:

i. there is an impediment that prohibits the use of trees; or

ii. [proportionality standard]. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

5. ~~Class II or class III trees~~ can be substituted at the rate of two (2) class II trees for every one ~~class II or class III trees~~ unless otherwise specified by an adopted street design or master plan. (Ord. 944-12, 5-14-2012)

#### **8-4I-7: TREE PRESERVATION PROVISIONS:**

A. Purpose: The provisions of this section are intended to preserve existing trees of ~~four~~ three inch (~~4~~3" ) caliper or greater from destruction before and during the development process.

B. Applicability: Tree preservation is required in all districts.

C. Standards:

1. Site development shall make all feasible attempts to maintain existing trees ~~four~~three inch (~~4~~3" ) caliper or greater within their design.

2. Existing trees that are retained shall be protected from damage to bark, branches, and roots during construction in accordance with the provisions set forth in the "Garden City Design And Construction Guide".

3. Any tree damaged during construction shall be replaced in accordance with subsection C5 of this section.

4. Construction, excavation, or fill occurring within the drip line of any existing tree shall be avoided. Specific requirements for construction within the drip line of existing trees are as follows:

a. Impervious paving surfaces shall remain outside of the drip line of existing trees.

b. Grade changes greater than six inches (6") are prohibited within the drip line of existing trees.

c. A fence or barrier that encloses the entire area beneath the tree canopy shall be in place prior to construction. (Ord. 898-08, 9-8-2008)

d. New underground utilities to be placed within the drip line of existing trees shall be installed in accord with subsection D of this section. (Ord. 905-09, 3-23-2009)

5. Mitigation shall be required for all existing trees ~~four~~three inch (43") caliper or greater that are removed or damaged from the site.

a. Mitigation is required for all such trees removed within eighteen (18) months prior to issuance of the building permit for construction on the site or damaged during construction.

b. Mitigation shall be replacement of the total calipers lost on site ~~up~~ to an amount of at least one hundred percent (100%) replacement. (Example: Two 10-inch caliper trees removed may be mitigated with four 5-inch caliper trees, five 4-inch caliper trees, or seven 3-inch caliper trees.)

c. Mitigation trees are in addition to all other landscaping required by this article.

d. No mitigation is required in the following: 1) existing prohibited trees as specified in the "Garden City Design And Construction Guide" within the street buffer or parking lot; 2) existing dead, dying, or hazard trees certified prior to removal by a certified arborist; 3) trees that are required to be removed by another governmental agency having jurisdiction over the project.

#### **8-4L-4: OPEN SPACE STANDARDS FOR SINGLE-FAMILY, TOWNHOUSE, AND TWO-FAMILY DUPLEX DEVELOPMENTS:**

A. Minimum Requirement: For any new single-family, townhouse, or two-family subdivision; planned unit development; or conditional use of more than two (2) units in size: A minimum of ten percent (10%) of the gross site area shall be in common open space.

B. Qualified Open Space: The following may qualify to meet the common open space requirements:

1. Any open space, not less than four hundred (400) square feet in area, and with a minimum length and width dimension of twenty feet (20') that is active or passive in its intended use, and accessible by all residents of the development, including, but not limited to:

a. Open grassy area of at least forty feet by ten feet (40' x 10') in area;

b. Community garden;

c. Ponds or water features;

i. The area of any pond or water feature installed onto a property that either adds to a public park, makes a pocket park, or adds to a neighboring pond or water feature shall be worth



double the amount of gross site area to fulfill the minimum requirement indicated in subsection A.

d. Plaza.

2. Additions to a public park, greenbelt or other public open space area;

3. A landscape buffer with a minimum of five feet (5') between the street and sidewalk and eighty feet (80') in linear distance; and

4. Stormwater detention facilities when designed in accord with article A, "General Provisions", of this chapter.

5. Pedestrian pathways of at least five feet (5') in width and eighty feet (80') in length along canals, watercourses or similar channels; or through the middle of long blocks. Required sidewalks adjacent to public right of way do not qualify as common open space.

C. Location:

1. Common open space shall be located on a common lot or an area with a common maintenance agreement.

2. Common open space shall be grouped contiguously with open space from adjacent developments.

D. Maintenance:

1. All common open space shall be the responsibility of an owners' association for the purpose of maintaining the common area and improvements thereon; or

2. Land designated as common open space may be conveyed to the city, where the city agrees to accept conveyance and maintenance. (Ord. 898-08, 9-8-2008)

#### **8-4L-5: OPEN SPACE STANDARDS FOR MULTI-FAMILY DEVELOPMENTS:**

A. Private Open Space Requirements: For any new multi-family development: A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit.

1. This requirement can be satisfied through porches, patios, rooftop gardens, decks, and/or enclosed yards.

2. The minimum dimension of any open space shall be six feet (6') in any direction.

3. Landscaping, entryway and other accessways shall not count toward this requirement.

B. Common Open Space Requirements:

1. For any new multi-family development: A minimum area of outdoor common open space shall be provided as follows:

a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area. (Ord. 898-08, 9-8-2008)

b. (Rep. by Ord. 905-09, 3-23-2009)

c. Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area.

d. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area.

2. Common open space shall be not less than four hundred (400) square feet in area, and shall have a minimum length and width dimension of twenty feet (20').

3. In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units.

4. Common open space areas shall not be adjacent to collector or arterial streets unless separated from the street by a constructed barrier at least four feet (4') in height.

5. Vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space.

6. Common open space shall be grouped contiguously with open space from adjacent developments.

C. Maintenance:

1. All common open space shall be the responsibility of the owner or an owners' association for the purpose of maintaining the common area and improvements; or

2. Land designated as common open space may be conveyed to the city, where the city agrees to accept conveyance and maintenance. (Ord. 898-08, 9-8-2008)

#### **8-7A-2: DEFINITIONS OF TERMS:**

Fence

Shrub

A woody plant that has many short stems arising from the ground that does not exceed X feet (X') in height.