

Purpose of Proposed Amendment

The purpose of the amendment is to refine the Planned Unit Development process to make and identify issues causing common waiver requests.

The redline show potential suggested changes to enact the above.

Potential Identified Changes

Setbacks: to be addressed with the code amendment related to Buffers.

8-2B-3: FORM STANDARDS:

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 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	Side			
R-1	35'	20'	15'	5'	20'	30%	1 acre	
R-2	35'	15' principle structure/20' <u>to garage</u>	15'	0' interior to the development/	20'	70%	6,000* sq. ft.	

**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			
				5'* <u>exterior to the development</u>				
R-3		5' <u>principle structure/20' to garage*</u>	15'	0' <u>interior to the property that is being development</u> /5'* <u>exterior to the development</u>	5'	70%	n/a	
R-20		5'	5'	0'	5'	80%	n/a	
C-1		5'	5'*	0 5'*	5'	n/a	3,000 <u>sq. ft. n/a</u>	
C-2		5'	5'	5 0'	5'	n/a	n/a	
M	72'	10' max	5'	0' <u>interior to the development</u> /3' <u>exterior to the development</u>	0'	n/a	n/a	
LI	55'	15'	5'*	5'*	20'	n/a	n/a	

*—Indicates an exception that follows.

E. Maximum Height Limit:

1. The maximum height limitations shall not apply to the following architectural features not intended for human occupation: spire or steeple, belfry, cupola, chimney. 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.

F. Setbacks:

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 setback.

3. Zero 0' side Setbacks: All applications which propose reduced or zero setbacks from what was set forth in section , "Form Standards", of this title shall comply 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. The PUD plat shall indicate the reduced or zero setback lines and all easements shall be shown on the plat and incorporated into each deed transferring the title of the property.

c. In no case shall a property with a reduced or zero lot line be allowed adjacent to a property that is not part of the PUD development unless otherwise allowed by this section. This criteria cannot be waived through the Planned Unit Development process.

d. The minimum separation between detached structures shall be ten feet (10') unless greater separation is required by fire or building codes.

e. All development located on a parcel with a reduced or zero lot line shall comply with all applicable building and fire codes.

3. Allowed eEncroachments allowed in any setback:

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.

~~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 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 the riverbank 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.

G. Minimum Lot Size:

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.

H. Minimum Street Frontage: 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.

Common Drives

8-5A-5 [SUBDIVISION] DESIGN STANDARDS

D. Driveways:

2. Common Driveways:

a. Common driveways ~~shall serve serving more than one dwelling or structure shall not be permitted a maximum of four (4) dwelling units, unless approved through a planned unit development by the fire department.~~

F. Easements:

1. Utility easements that are unobstructed by permanent structures shall be provided along front lot lines, rear lot lines, and side lot lines when deemed necessary by the city engineer.

2. Total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.

3. Unobstructed easements, including, but not limited to, drainage, water, and sewer easements, shall be provided as required by the city public works planning official.

4. Additional easements including, but not limited to, parking, irrigation accesses may be utilized or required by authorized agents of the city.

5. All easements shall associated with a plat shall have minimally the instrument number be shown on the plat. All required easements shall be recorded with Ada County land records so that they are incorporated into each deed transferring the title of the property.

Open Space

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 outdoor porches, patios, rooftop gardens, decks, and/or enclosed yards.

2. The minimum dimension of any space calculated as private open space shall be six feet (6') in any each 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'). Require usable space. Separate into active and passive.
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 visual and noise reducing 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.

8-6B-7: PLANNED UNIT DEVELOPMENT:

A. A.—Purpose: The intent of ~~this section~~ a Planned Unit Development (PUD) is to accommodate new and imaginative concepts in urban design and land development that provide for well planned developments promote and improve the health, safety, and general welfare of the citizens in ways consistent with the City's adopted Comprehensive Plan. The developments shall ~~which~~ conform to the objectives of this title, but may deviate in certain respects from the zoning map and the district regulations to achieve a superior design. It is not the intent that the planned unit development process be used solely for the purposes of deviation from the ~~dimensional~~ standards in the district or as a substitute for obtaining Variances pursuant to 8-6B-9. ~~unless the following objectives are also achieved:~~

A.B. Objectives of the Planned Unit Development allowances are to:

1. Provide a maximum choice of living environments by allowing a variety of housing and building types, and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements;
2. Create a more useful pattern of open space and recreation areas; and, ~~if permitted as part of the project,~~ more convenience in the location of ~~accessory commercial uses, industrial~~ uses and services;

3. Establish a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;
4. Use land more efficiently than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and
5. Develop a land pattern in harmony with land use density, transportation, and community facilities objectives of the comprehensive plan.

B. Applicability: The planned unit development process may be used in any district.

C. General Provisions/Mandatory Requirements:-

Each application shall include all of the following elements, each of which shall include a higher level of performance than otherwise required by this title. If the application does not contain the specific use type addressed by any individual eligibility requirement, the application is not required to comply with that requirement.

1. Pedestrian and Non-motorized Travel: Enhanced opportunities for non-motorized travel, measured as the sum of the length of all designated public pedestrian and bicycle trails, paths, sidewalks, and walkways.

2. Parks And Trails: Enhanced access to public or private parks and trails and enhanced landscaping and appearance of public or private parks and trails.

3. Housing

a. Architectural variety shall be provided so that the units within the development are distinct and easily distinguished from one another.

b. When more than ten homes are on a site, then, housing must be provided to meet different societal needs. This can be achieved by meeting the following criteria:

i. There are a variety of floor plans that facilitate different user needs. There shall be no more than Twenty-five percent (25%) of the site dedicated to a particular floor plans, and

ii. Twenty percent (20%) or more of the units are constructed meeting certification requirements to be Universal Design or are otherwise ADA accessible; or

ii. Providing for a range of price points that are divergent from one another by 30% or more.

4. Ground Floor Activation: If the proposal includes residential development, commitments that (60 %) sixty percent of the ground floor areas of buildings along collector and arterial streets will be designed for and occupied by uses that are in active use by occupants or users of the building or development or by the general public and will incorporate building designs that help activate street frontages to encourage pedestrian use. This requirement is not met by ground floor parking areas, storage areas, utility facilities, or stairwells that are not accessible from the street frontage.

a. (6) Utility Services and Green Infrastructure: Enhanced protection of, or enhanced quality of service from, water, sewer, stormwater, electric, gas, and telecommunications systems. 2- -

7. Arrangement Of Uses:

a. Open Space: Every property developed under the PUD approach should be designed to abut upon common open space or similar areas.

b. Commercial: Commercial uses and buildings shall be planned as groups having common parking areas, and common ingress and egress points in order to reduce the number of potential accident locations at intersections.

c. Industrial: Industrial uses shall provide for an efficient use of land and services by grouping buildings in parklike surroundings, utilizing landscaping and existing trees as buffers to screen lighting, parking areas, loading areas or docks and/or outdoor storage of raw materials or products.

d. Residential:

(1) With ten (10) or more dwelling units, a variety of housing types shall be included including attached units (townhouses, duplexes), detached units (patio homes), single-family and multi-family units; provided, that the overall density limit of the district is maintained.

(2) A clustering of dwellings is encouraged.

(3) For townhouses, no more than eight (8) townhouse units shall be located in any contiguous group.

D. Additional Eligibility Requirements: Each PUD application shall include two of the following three elements, to be selected by the applicant, each of which shall include a higher level of performance than otherwise required by this Code:

1. Natural Systems: Commitments to permanently protect and manage natural systems and resources on a larger percentage of the project site than otherwise required by this Code.
2. Housing Affordability: Commitments to deed restrict for a period of at least 20 years at least 10 percent of residential units to households earning not more than 60 percent of the Area Median Income for the Boise area if the dwelling unit(s) is a rental unit or 15 percent of residential units affordable to households earning no more than 120 percent of the Area Median Income if the dwelling unit(s) is a for-sale property.
3. Sustainable Building Design: Commitments that the project will include conformance with sustainable building practices including Silver Certification by the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system or the adopted City of Boise Green Building Code.

4. Areas of Flexibility Permitted: Each PUD application may request waivers of the following standards:

A. Minimum lot sizes;

B. Increased residential density;

C. Increased nonresidential intensity;

C. Reduced or reorganized setbacks;

D. Uses permitted: up to ten percent (10%) of the gross land area may be applied to other uses that are not allowed within the base zoning district, provided they otherwise meet this title's requirements.

5. ~~5.~~All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

~~1. Uses Permitted: All uses that are allowed within the land use district are permitted within a PUD. Also, up to ten percent (10%) of the gross land area may be applied to other uses that are not allowed within the land use district upon findings by the commission, as set forth in subsection E of this section.~~

~~2. Arrangement Of Uses:~~

~~a. Open Space: Every property developed under the PUD approach should be designed to abut upon common open space or similar areas.~~

~~b. Commercial: Commercial uses and buildings shall be planned as groups having common parking areas, and common ingress and egress points in order to reduce the number of potential accident locations at intersections.~~

~~c. Industrial: Industrial uses shall provide for an efficient use of land and services by grouping buildings in parklike surroundings, utilizing landscaping and existing trees as buffers to screen lighting, parking areas, loading areas or docks and/or outdoor storage of raw materials or products.~~

~~d. Residential:~~

~~(1) With ten (10) or more dwelling units, a variety of housing types shall be included including attached units (townhouses, duplexes), detached units (patio homes), single-family and multi-family units; provided, that the overall density limit of the district is maintained.~~

~~(2) A clustering of dwellings is encouraged.~~

~~(3) For townhouses, no more than eight (8) townhouse units shall be located in any contiguous group.~~

3. Minimum Size: Minimum size of a planned unit development shall be as follows:

- a. Fourteen thousand five hundred (14,500) square feet for residential development;
- b. One (1) acre for mixed use;
- c. One (1) acre for commercial use; and
- d. Five (5) acres for industrial use.

4. ~~Setbacks: All applications which propose reduced or zero setbacks from what was set forth in section 8-2B-3, "Form Standards", of this title shall comply 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. ~~The PUD plat shall indicate the reduced or zero setback lines and all easements shall be shown on the plat and incorporated into each deed transferring the title of the property.~~
 - c. ~~In no case shall a property with a reduced or zero lot line be allowed adjacent to a property that is not part of the PUD.~~
 - d. ~~The minimum separation between detached structures shall be ten feet (10') unless greater separation is required by fire or building codes.~~
 - e. ~~All development located on a parcel with a reduced or zero lot line shall comply with all applicable building and fire codes.~~
5. ~~All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.~~

Field Code Changed

D. Procedures:

1. An application for a PUD may be filed by a property owner or a person having an existing interest in the property to be included in the PUD. The PUD application shall be filed in the name or names of the recorded owner or owners of property included in the development. However, the application may be filed by the holder(s) of an equitable interest in such property.

2. A planned unit development (PUD) ~~may take the place of a conditional use permit when a use that is proposed is not otherwise permitted in the base zoning district, shall be processed as a conditional use permit with the submission of a preliminary development plan and approval of a final development plan as set forth below.~~ A planned unit development application shall take the place of a preliminary plat application in cases where utilized for subdivision purposes.

a. In addition to the application requirements set forth in section 8-6A-4, "Required Application Information", of this chapter, the application submittal for a preliminary development plan for a PUD should contain the following:

(1) Proposed schedule for the development of the site; ~~and~~

~~(2) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two (2) years.~~

~~b. The commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this title; whether the proposed development advances the general welfare of the community and neighborhood and the surrounding area to justify the deviation from standard district regulations.~~

~~c. The commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels or engineering feasibility.~~

~~d. Upon approval of a preliminary development plan, an application for a final development plan may be filed.~~

~~e. The commission shall recommend to the council approval or denial of a PUD. Such action shall be in the form of written findings of fact, conclusions of law and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held.~~

3. When a PUD also qualifies as a subdivision, the processing of the PUD permit and subdivision application shall occur at the same time.

4. Before approval is granted to the final development plan, the entire project shall be under single ownership or control and legal title must be presented with the final development plan.

E. Required Findings:

1. In order to grant approval of a planned unit development, the ~~commission and council~~decision maker shall make the findings for a conditional use permit as set forth in section 8-6B-2 of this chapter and the following:

~~b. The commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose and objectives of this title section; whether the proposed development advances the general welfare of the community and neighborhood and the surrounding area to justify the deviation from standard district regulations.~~

~~a. The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;~~

b. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations;

c. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network ~~outside the PUD~~;

~~d. Any~~The proposed ~~commercial-non-residential~~ development is appropriate to the Comprehensive Plan's vision for the neighborhood~~can be justified at the locations proposed~~;

~~e. Each~~ exception from standard district requirements is required to advance the project to be more consistent with the Comprehensive Plan than if the waiver was not granted ~~is warranted by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the council~~;

f. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;

~~g. The PUD is in general conformance with the comprehensive plan; and~~

h. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

~~i. the site is under single ownership or control.~~

2. In allowing for uses not otherwise permitted in the district, the commission shall make the additional findings:

a. The uses are appropriate ~~with the residential uses~~ to the neighborhood;

b. The uses are ~~intended to principally serve the residents of the PUD~~ appropriate to the development;

c. The uses are planned as an integral part of the PUD;

~~d. The uses be located and so designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards; and~~

~~e. A minimum of fifty percent (50%) of the residential development occurs prior to the development of the related commercial or industrial land uses.~~

Design Criteria Relocated From Setbacks

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

B. Accessory Structures:

1. An accessory structure, other than an accessory dwelling unit, shall not be used by a person or entity other than the resident of the dwelling unit.

2. An accessory structure shall require design review consultant(s) recommendation and subsequent approval by the planning official as set forth in section [8-6B-3](#) of this title and approval of a conditional use permit if the structure is not designed to an "R" or "U" occupancy, as defined by or otherwise exempted from permit by the adopted building codes.

3. An accessory structure, unless built and approved as an accessory dwelling, shall not be utilized as a dwelling.

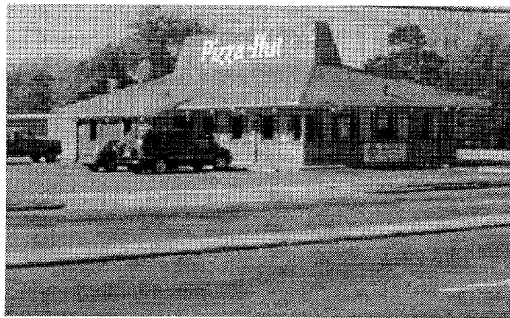
4. Accessory structures and all portions of the principal structure, such as an attached garage, that are utilized for residential accessory uses over a combined one thousand (1,000) square feet may not exceed the combined square footage of the principal dwelling unit without a design review consultant(s) recommendation and planning official approval as set forth in section [8-6B-3](#) of this title and subsequent approval of a conditional use permit.

[5. Accessory structures are prohibited in the front setback.](#)

8-4C-5: PROHIBITIONS:

A. Stylized Buildings: Garden City respects that independent businesses, corporations and franchises use specific architectural designs to identify their businesses and attract customers. The city encourages independent businesses, corporations and franchises to build locations in Garden City using architectural designs that comply with this code, conform to the city's comprehensive plan and goals, and complement surrounding structures. All new business, corporate and franchise designs are reviewed by design review consultant(s) to assure compliance with these plans and goals.

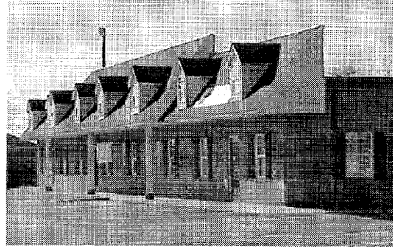
Figure 8-4C-16



Example Of Stylized Building

B. Visible False Fronts: False fronts that are not tied into the rest of the building, that are designed so that the ends are visibly separate from the building.

Figure 8-4C-17



Example Of Visible False Front

C. Prefabricated Structures:

1. Principal and accessory structures visible from the right-of-way that are made of prefabricated materials such as shipping containers or pre-engineered metal buildings unless they contain architectural features and a variety of materials so that they lose the appearance of being a prefabricated structure.

D. Prohibited Materials: Crushed colored rock/crushed tumble glass are prohibited site improvement materials unless it is found that the material is insignificant in the design or provides significant creativity and uniqueness.

E. Accessory Structures: Accessory structures visible from the right-of-way must contain architectural features and a variety of materials that fully integrate the accessory structure into and as a part of the design of the principle structure and the site.

Universal design is the design of buildings, products or environments designed to make them accessible to people of all abilities, regardless of age, size, ability, or disability..