

ORDINANCE 1018-20

The below is a draft of the proposed ordinance 1018-20 as it will appear without redline.

8-2A-1 BASE ZONING DISTRICTS ESTABLISHED:

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	M
Highway commercial	C-1
General commercial	C-2
Light industrial	LI
Specific area plan	SAPD

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8-2B-1 PURPOSE:

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 for residential uses. The four (4) districts are contrasted by the density and housing products that are allowed within each district:

District	Maximum Density	Minimum Density	Typical Housing Types
Rural density residential district (R-1)	1 du/acre	N/A	Single-family detached dwelling units
Low density residential district (R-2)	6 du/acre	N/A	Single-family detached and attached; and two-family dwelling units

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District	Maximum Density	Minimum Density	Typical Housing Types
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	Single-family, two-family and multiple-family dwelling units
Medium-high density residential (R-20)	No max	14 du/acre unless successful obtainment of a conditional use permit	Multiple-family dwelling units
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: The purpose of the two (2) commercial districts is to provide a full range of 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 are to be located in the general commercial (C-2) district.

C. Mixed Use: The mixed use (M) district allows for a mix of commercial and residential uses that are complementary of 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, neighborhood services retail uses may be located within this designation.

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. 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 non-transferable set of regulations.

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8-2B-2 ALLOWED USES:

A. Table 8-2B-1 lists allowed uses as permitted (P), conditional (C), or prohibited () uses.

B. If a proposed use of property is not specifically listed in Table 8-2B-1, the use shall be prohibited, except if the planning official determines that the proposed use is equivalent to a permitted or conditional use. In making the determination, the planning official shall consider the following:

1. The impacts on public services and activities associated with the proposed use are substantially similar to those of one (1) or more of the uses listed in the applicable base districts as allowed;
2. The proposed use shall not involve a higher level of activity or density than one (1) or more of the uses listed in the applicable base districts as allowed;
3. The proposed use is within the same use category of an allowed use listed in the latest edition of the North American Industrial Classification System (NAICS), published by the United States Department of Commerce;
4. The proposed use is consistent with the purpose of the district in which the use is proposed to be located; and
5. The proposed use is in substantial conformance with goals and objectives of the comprehensive plan.
6. Should the use be determined equivalent to a use that requires a conditional use permit, the application shall be required to follow the procedures set forth for conditional use permits.

C. Uses that are listed followed by an asterisk (*) are subject to the specific provisions for the use as set forth in article C, "Land Use Provisions", of this chapter. Any use that cannot comply with the provision as set forth in article C, "Land Use Provisions", of this chapter shall be subject to a conditional use permit as set forth in chapter 6, "Administration", of this title.

D. For uses that may fall into more than one (1) category, the planning official shall determine the most appropriate category based on the more restrictive standards.

E. Each Specific Area Plan district will have its own permitted, conditional, or prohibited uses identified.

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**TABLE 8-6A-2
REQUIRED APPLICATION INFORMATION**

Permit/Decision	Compliance Statement	Preliminary Title Report	Neighborhood Map	Sketch Plat	Subdivision Map	Master Plan	Site Plan	Landscape Plan	Schematic Drawings	Lighting Plan	Topographic Survey	Grading Plan	Soils Report	Hydrology Report	Engineering Drawing And Specifications	Natural Hazard And Resources Analysis	Dedications And Easements	Covenants And Deed Restrictions	Will Serve Letter	Sub. Name and Reservation	Approved Addresses
Annexation		X	X			X	X				X					X	X				X
Comprehensive plan amendment	X					X					X					X					
Conditional use	X		X																X		
Design review committee	X		X				X	X	X	X	X	X							X		X
Development agreement		X																			
Development code amendment	X																				
Floodplain/way						X	X	X			X	X	X	X	X	X					
Minor land division		X	X	X	X		X		X	X	X	X	X	X	X	X	X	X	X		X
Planned unit development		X	X		X	X	X	X			X	X		X		X	X	X	X	X	
Planned unit development, minor			X				X	X	X	X	X		X		X	X	X	X	X		X
Plat, amendment	X	X	X		X		X		X								X	X			
Plat, condominium	X						X											X			
Plat, final		X			X						X	X	X	X			X	X	X		X
Plat, preliminary	X	X	X		X		X		X	X						X			X	X	
Plat, preliminary and final combined		X	X		X		X		X	X	X	X	X	X	X	X	X	X	X	X	X
Site layout template							X	X	X												
Specific area plan	X	X	X			X	X				X					X	X				
Variance	X		X				X														X

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Zoning map amendment	X	X	X			X	X				X					X	X				

X Denotes application information that may be waived depending on the nature of the request.

**TABLE 8-6A-3
PUBLIC NOTICING REQUIREMENTS**

Permit/ Decision	Neighborhood Meeting	Radius	Legal	On Site	Agencies	Public Service Announcement	Interested Parties
Administrative with notice		X			X		X
Appeal							X
Annexation or rezone	X	X	X	X	X	X	
Comprehensive plan or ordinance amendment ¹	X	X	X		X	X	
Conditional use ²	X	X	X	X	X		
Conditional use, revocation			X				
Design review commission		X		X			

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Permit/ Decision	Neighborhood Meeting	Radius	Legal	On Site	Agencies	Public Service Announcement	Interested Parties
Development agreement	X	X	X	X	X		
Development agreement revocation			X		X		
Planned unit development	X	X	X	X	X		
Plat, amendment		X		X	X		
Plat, final		X		X	X		
Plat, preliminary	X	X		X	X		
Plat, preliminary and final combined	X	X	X	X	X		
Minor land division	X	X	X	X	X		
Site layout template							
Specific area plan	X	X	X	X	X	X	X
Variance	X	X	X	X			
Zoning district boundary amendment ³	X	X	X	X	X	X	

Notes:

1. Comprehensive Plan Amendment: If the commission or design review committee recommends a material change to the plan after the public hearing, the public notice for the council hearing shall include the recommendation.
2. When mailed notice is required for more than two hundred (200) or more people, the alternate noticing requirements as set forth in subsection B4 of this section may be substituted for mailed notice.
3. Zoning District Boundary Amendment: Notice may be sent to property owners beyond three hundred feet (300') of the external boundaries of the rezone area to those property owners who may be impacted by the rezone application.

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8-6B-6 SPECIFIC AREA PLAN:

A. Purpose: Establishing a Specific Area Plan District (SAPD) for a property provides 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.

Each SAPD includes its own non-transferable set of zoning regulations. The regulations may include design guidelines, site plan, infrastructure plan, phasing plan and other elements. The type of uses, form standards, location and amount of development, and design criteria for a particular property shall be established by adopting the SAPD into the Development Code by Specific Area Plan Project Ordinance (SAPPO).

The goal of this section is to ensure the orderly planning and development of land, by requiring new development to:

1. Implement the goals and objectives of the city's comprehensive plan, as amended, including the future land use map, the land use designations and the land use goals and policies, if applicable;
2. Contribute to the social, economic and environmental sustainability of the city;
3. Develop in a manner that is highly respectful of the natural setting, that is at a human scale and ensures neighborhood compatibility;
4. Provide for a safe and comfortable integrated transportation system which prioritizes a pedestrian-bicyclist environment and mass transit and reduces vehicular trips;
5. Result in a contribution of amenities to the community including maintaining public access to the Boise River and recreational facilities;

6. Designate and protect open site area in perpetuity;
7. Provide for a mix of uses, including housing types;
8. If necessary, plan for the coordinated and phased construction of infrastructure, including public facilities and transportation system components; and
9. Remain consistent with the intent of this title.

B. **Applicability:** An SAP may be utilized anywhere within the city on properties that would benefit from a master plan and phasing approach. An SAP application is encouraged prior to the development or redevelopment of properties defined in the Comprehensive Plan as TOD Activity Nodes, or as Neighborhood Destination Activity Nodes, or as Future Planning Areas. An SAP application shall be required prior to development or redevelopment of properties defined in the Comprehensive Plan as Future Planning Areas that are not incorporated into the city by the 11th day of January, 2021.

C. **General Provisions:**

1. Approval of an SAP application will constitute approval of a master plan meeting the elements of Section 8-7B-1.I, which establishes a framework to guide all future development within the area defined by the SAP application.
2. Development applications may be filed in conjunction with an SAP application; however, no construction shall commence on any component of an approved SAP application except upon receipt of design review, conditional use, variance, or subdivision approval consistent with the adopted SAPPO.
3. All development within an approved SAP application site shall be regulated by applicable provisions of this title and other code provisions in effect at the time the SAP application is submitted and certified as complete by the city, except as modified by the adopted SAPPO. Development applications may be processed concurrently and include, but are not limited to, design review, conditional use, variance, and/or subdivision. Omission of criteria from the SAPPO that are found elsewhere in the Development Code are not considered a conflict between the SAPPO and the Development Code.
4. **Specific Area Plan Application Components:**
 - a. The SAP application shall be comprehensive enough to adequately guide the development or redevelopment of a property to achieve the vision of the proposed SAP district.
 - b. The SAP application shall identify street cross section design (excluding Ada County Highway District and Idaho Transportation Department adopted street sections), road alignments, setbacks, interface with adjacent

neighborhood, allowed, conditionally allowed and prohibited uses, and general mix of uses and provide a general utility plan.

- c. The SAP application shall identify:
 - i. Setbacks, setback exceptions, lot coverage, and height;
 - ii. Density;
 - iii. Uses that are permitted, conditionally permitted, and prohibited. If any uses are different than GCC 8-7A-1 defined uses, the definition of such uses shall be provided.
- d. The SAP application should adhere to the general design standards concepts in Garden City Code specifically related to the development interface with street and public realms and street trees.
- e. The 70' minimum setback to the Ordinary High Water Mark of the Boise River cannot be amended.
- f. The provisions of the Development Code of Garden Code such as, but not limited to, relating to drainage and floodplain, shall govern all standards and/or processes that are not specifically identified, set forth, or modified by the SAP application.
- g. If there is a conflict between other provisions of the Development Code of Garden City and the adopted SAPPO regulations, the SAPPO regulations shall govern.

5. Design criteria shall repeat the standards of Garden City Code 8-4 in the SAP application unless there are proposed SAP application standards that would contradict existing City standards. The following SAP application components may be different than what is contained in existing City Code, but shall be included in the SAP application:

- a. Parking and off-street loading provisions required number and allowable sizes; and
- b. Design criteria including but not limited to:
 - i. Architectural guidelines;
 - ii. Transportation and connectivity;
 - iii. Sign provisions;
 - iv. Landscaping and tree protection; and
 - v. Open space

D. Procedures:

1. Neighborhood Meeting; Preapplication Conference: The applicant shall hold a neighborhood meeting prior to holding a preapplication conference with the city. A preapplication conference shall be held with the planning official and, as appropriate, other city and public agency staff in order for the applicant to become acquainted with the SAP application procedures, any related city requirements and schedules, and allow for scoping the SAP application required elements. The staff will give preliminary feedback to the applicant based on information available at the preapplication conference and will inform the applicant of issues or special

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requirements which may result from the proposal. A preapplication conference is not the same as a formal review and may not result in all issues being identified.

2. Application: The SAP application shall be submitted in accordance with article A, "General Provisions", of this chapter.

3. Public Hearings: Public hearings shall be held on the SAP application as set forth in article A, "General Provisions", of this chapter.

4. Official Zoning Map: Upon approval of the SAP application, the official zoning map of Garden City shall be amended showing the affected property zoned as an SAPD zone.

5. Development Code: Upon approval of the SAP application, this Title shall be updated to include the SAPPO.

6. Development applications shall be administered as required by Garden City Code 8-6A-2, Table 8-6A-1 Authorities and Processes.

7. Amendments: A previously adopted SAPD zone may be amended at any time and may be amended simultaneously with the processing of a development application. Amendments that include the following will follow the procedures for a Development Code Amendment:

- a. Changes which would modify or reallocate the allowable building height, allowed uses, mix of uses, or density of a development; or
- b. Changes which would substantially alter the function, use and enjoyment or amount of land dedicated to open space, amenities, trails, natural areas or public facilities; or
- c. Modify any other aspect of the SAPD zone that would significantly change the overall character of the SAPD zone; or
- d. A series of minor amendments that cumulatively change the overall character of the SAPD zone; or
- e. A change or series of changes that would change the character of the interface of the SAPD zone with the surrounding neighborhood; or
- f. Any change that the planning official deems a major change to the intended nature of the SAPD zone.

8. Design Review Amendments: Amendments that include the following will be reviewed by the Design Review Committee:

- a. Modifications to the layout and design elements, such as design guidelines, landscaping, and amenities, that do not modify SAPD zone regulations or the phasing plan; or
- b. Modifications to the infrastructure plan not tied to the phasing plan.

E. Required Findings: In order to grant approval of an SAP application, the deciding body shall make the following findings. If denying an SAP application, the deciding body shall state findings as to why such application does not comply with one or more of the following findings:

1. The SAP application, as conditioned, is consistent with the city comprehensive plan, as amended, including the future land use map and the land use planning area guidelines and land use designations, if applicable;
2. The SAP application, as conditioned, meets the minimum requirements of this chapter;
3. The SAP application promotes the orderly planning and development of land, as set forth in the purpose for this process;
4. The SAP application will create a district that is identifiable as a distinct area of the city with a distinguishing character.
5. The SAP application has been noticed and public hearing held in accordance with this code;
6. The SAP application complies with all city zoning regulations and codes in effect at the time of the SAP application.

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8-7A-2 DEFINITIONS OF TERMS:

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SOLAR REFLECTANCE INDEX (SRI):	A measurement of the constructed surface's ability to reflect solar heat, as shown by a small temperature rise. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is zero and a standard white (reflectance 0.80, emittance 0.90) is one hundred (100).
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SPECIFIC AREA PLAN (SAP)	The concept plan for a property, including a narrative and illustrations meeting the application requirements of 8-7B-1.1 (Master Plan), plus the proposed unique permitted, conditional and prohibited land uses, and the form standards for land within the SAP.
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SPECIFIC AREA PLAN PROJECT ORDINANCE (SAPPO)	Any City-approved Specific Area Plan that is adopted by ordinance as a separate chapter in Garden City Development Code.
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SPECIFIC AREA
PLAN DISTRICT
(SAPD)

Following adoption of a SAPPO, the zoning map identification of the particular property on the zoning map as a Specific Area Plan District such as, e.g., SAPD-1.

START OF
CONSTRUCTION:

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.