

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

....

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
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

District	Maximum Density	Minimum Density	Typical Housing Types
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 is to provides a means to create zoning regulations and a master plan for unique areas and developments where existing zoning districts may not achieve the desired results. The SAP for a property shall be consistent with the Garden City Comprehensive Plan Future Land Use Map and policies. Each SAP includes its own non-transferable set of regulations.](#)

....

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 will have its own permitted, conditional or prohibited uses identified.

....

8-6B-6 SPECIFIC AREA PLAN:

~~A. A. Purpose: It is the intent of this section to describe the process for review and action on a specific area plan (SAP). This process will establish a workable framework for the development of large or phased projects.~~
Purpose: Establishing a Specific Area Plan (SAP) for a property provides a means to modify or create new zoning regulations for unique areas and developments where other zoning districts may not achieve the desired results. An SAP for a property shall implement provisions of, and be consistent with, the Garden City Comprehensive Plan Future Land Use Map and policies.

Each SAP 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 property shall be established by adopting the SAP into the Development Code by Specific Area Plan Ordinance (SAPO), which then becomes the Specific Area Plan District (SAPD) for the particular property.

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 ~~ana~~ 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: ~~The specific area plan process~~An SAP may be utilized ~~in all zones anywhere~~ within the city ~~on properties that would benefit from a master plan~~ and ~~shall be required~~ phasing approach. ~~An SAP is encouraged~~ prior to the development or redevelopment of properties ~~larger than ten (10) acres within the city; for specific sites defined in the Comprehensive Plan~~ as TOD Activity Nodes and Neighborhood Destination Activity Nodes, and an SAP shall be required prior to development or redevelopment of properties defined in the ~~comprehensive plan and for areas requesting annexation~~ Comprehensive Plan as Future Planning Areas. An SAP application area will be a minimum of ten (10) acres. The planning official will have discretion to allow a smaller area based on geographic limitations.

C. General Provisions:

~~1. The city may require that properties, whether contiguous or not, be processed under a single comprehensive SAP application.~~

~~2.1.~~ Approval of an SAP 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.

~~3.2.~~ Development applications may be filed in conjunction with an SAP application; however, no construction shall commence on any component of an approved SAP except upon receipt of design review, conditional use, variance, or subdivision approval consistent with the adopted SAPO.

~~4.3.~~ All development ~~of the~~ within an SAP site shall be regulated by applicable provisions of this title and other code provisions in effect at the time the ~~development~~ SAP application is submitted and certified as complete by the city, ~~except as modified by the adopted SAPO~~. Development applications may be processed concurrently and include, but are not limited to, design review, conditional use, variance, and/or subdivision, ~~planned unit development~~.

4. Specific Area Plan Components:

a. The SAP should be comprehensive enough to adequately guide the development or redevelopment of a property to achieve the vision of the SAP.

b. The SAP 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 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.

- d. The 70' minimum setback to the Ordinary High Water Mark of the Boise River cannot be amended.
- e. Other provisions of Garden City Code such as, but not limited to drainage, and floodplain, shall govern unless specified in the SAP.
- f. If there is a conflict with other city codes, the SAP regulations shall govern.

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 SAPSAPD procedures ~~and~~, any related city requirements and schedules. ~~The applicant shall be the owner(s) of the property. The owner may designate a representative to work with the staff, and the city allow for scoping the SAP 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 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. Preapplication Meeting: After the preapplication conference, a preapplication meeting shall be held with the commission.~~

~~32.~~ Application: The SAP application shall be submitted in accordance with article A, "General Provisions", of this chapter.

~~43.~~ Public Hearings: The commission and council shall hold public hearings on the SAP as set forth in article A, "General Provisions", of this chapter.

~~5. Commission Review And Action: The commission shall recommend approval or denial of an SAP. 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.~~

~~6. Council Review And Approval: As a condition to approval of an SAP, the council may enter into a development agreement as provided for in section 8-6B-4 of this article.~~

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

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

6. Development applications that are clearly compliant with the design and use approvals identified in an approved SAP may be administered by staff as an administrative approval unless the application requires a subdivision of property.

~~7. Major And Minor Amendments: An approved SAP may be amended at any time using the process, and may be amended simultaneously with the processing of a development application. The planning official shall decide whether a proposed amendment is a "major" or "minor" amendment. In order to initiate an amendment, the applicant shall submit to the planning official an application on those items that would change if the proposed amendment were approved.~~

~~a. Major Amendments: Changes of that include the following types shall define an amendment as major: will follow the procedures for a Development Code Amendment:~~

~~(1)a. Changes which would modify or reallocate the allowable building height, allowed uses, mix of uses, or density of a development; or~~

~~(2)b. Changes which would substantially alter the location, function, use and enjoyment or amount of land dedicated to open space, amenities, trails, natural areas or public facilities; or~~

~~(3)c. Modify any other aspect of the SAP that would significantly change ~~it~~the overall character of the SAP; or~~

~~(4)d. A series of minor amendments that cumulatively change the overall character of the SAP; or~~

~~e. A change or series of changes that would change the character of the interface of the SAP with the surrounding neighborhood; or~~

~~f. Any change that the planning official deems a major change to the intended nature of the SAP.~~

8. Design Review

~~b. Minor Amendments: Amendments that are not major amendments shall be termed "minor amendments" and shall be include the following will be reviewed by the planning official. The planning official shall approve, approve with conditions, or deny said amendments. Design Review Committee:~~

~~a. Modifications to the layout and design elements, such as design guidelines, landscaping, and amenities, that do not modify SAP regulations or the phasing plan; or~~

b. 8. Recording Of An Approved SAP:

~~a. All approved SAPs, and all approved amendments to such SAPs, specifying the land within its boundaries, shall be recorded in the Ada County recorder's office with a notation that all land within such boundaries shall be subject to the provisions of such SAP.~~

~~b. All recorded SAPs and SAP amendments shall be binding upon the applicants and their successors and assigns, and shall guide the location of improvements and infrastructure of site specific applications. It is expressly understood that site specific applications shall be regulated by the zoning, subdivision and other code provisions in effect at the time any application for development, design review, conditional use, variance, or subdivision is submitted and certified as complete by the city.~~

~~9. Development Agreement: At the request of the applicant, a development agreement may be submitted to establish and set by mutual contract the zoning, open space dedications and/or SAP densities of an approved SAP. The specific area plan agreement shall be consistent with the comprehensive plan, the SAP approval and conditions, if any, and in a form approved by the city attorney. A development agreement may be applied for concurrently with an SAP application or at any time subsequent to the approval of an SAP application.~~

~~Modifications to the infrastructure plan not tied to the phasing plan.~~

E. Required Findings: ~~The commission~~In order to grant approval of an SAP, the deciding body shall make the following findings ~~in order to recommend approval of an SAP. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings. The commission, if, If denying an SAP application, the deciding body shall state findings why such application does not comply with one or more of the following findings:~~

1. The SAP, 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, as conditioned, meets the minimum requirements of this chapter;
3. The SAP promotes the orderly planning and development of land, as set forth in the purpose for this process;
4. The SAP has been noticed and public hearing held in accordance with this code;
5. The SAP complies with all city zoning regulations and codes in effect at the time of the SAP application.

....

8-7A-2 DEFINITIONS OF TERMS:

...

**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).

**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 such land uses within the SAP.

**SPECIFIC PLAN
ORDINANCE (SAPO)**

Any Specific Area Plan is adopted by ordinance as a separate chapter in Garden City Development Code identified sequentially such as, e.g., SAPO-1.

**SPECIFIC AREA
PLAN DISTRICT
(SAPD)**

Following adoption of a SAPO, the unique permitted, conditional and prohibited land uses and the Form Standards for such land uses are identified 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.

...
....