

# Taunton Group

Community Development

August 3, 2020

Garden City Development Services  
Jenah Thornborrow, Director  
6015 N. Glenwood St.  
Garden City, ID 83714  
jthorn@gardencityidaho.org

## **Re: Specific Area Plan Code Text Amendment CPAFY2020-0005 - Compliance Statement and Statement of Intent**

Dear Jenah,

On behalf of the applicant, Glass Creek, LLC, I am submitting the following Compliance Statement and Statement of Intent to support the Specific Area Plan Code Text Amendment CPAFY2020-0005. Section 8-6B-5D. of the Garden City Development Code lists the required findings by City Council to grant a text amendment to the development code:

1. The text amendment complies with the applicable provisions of the comprehensive plan
2. The text amendment shall not be materially detrimental to the public health, safety, and welfare, and
3. The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city (Ord. 898-08, 9-8-2008; amd. Ord. 975-15, 4-27-2015)

### **Compliance Statement and Statement of Intent**

The proposed code text amendment complies with the standards of review stated above.

The code amendment will promote orderly and efficient development patterns that save tax dollars and avoid the conflicts that occur with piecemeal development decisions (Garden City Comprehensive Plan Land Use Map Introduction). It can be an effective tool to implement the Comprehensive Plan Action Steps, including:

- 2.1.4 Explore the opportunities to create distinctive neighborhoods
- 2.3.6 Promote good design
- 2.4.5 Improve the City's gateways
- 3.1.1 Develop a vision for a city center or multiple centers including the Expo Idaho site
- 3.1.2 Partner with Ada County to implement the vision for the Expo Idaho site

- 3.1.4 Transform the Expo Idaho site to an urban center for the city
- 5.4.1 Evaluate creating a more urban setting along portions of the Boise River
- 10.3.1 Develop master plans
- 10.3.2 Focus on neighborhoods of rapid change and regeneration
- 10.4.1 Amend the Development Code for TOD's
- 10.4.5 Amend the Development Code for destination and neighborhood centers
- 10.4.6 Transition development to be compatible with the existing surroundings

By requiring a master plan that relates to the project context and phasing plans for uses, open space, and infrastructure, the code amendment will encourage place-making that will support health, safety and livability and facilitate the efficient delivery of services.

The intent of the code text amendment is to aid property owners and the City to adopt plans for complex mixed-use developments that fit the location and context and provide greater development and land use certainty for public and private stakeholders. If adopted the code text amendment will:

1. Correct shortcomings in the existing code section
2. Provide the City with an additional planning tool to:
  - a. implement the Comprehensive Plan land use designations and policies
  - b. facilitate the planning of unique areas and developments where conventional zoning mechanisms may not achieve the desired results
3. Promote the master planning of new and redevelopment sites, specifically properties within the Comprehensive Plan Land Use Designations:
  - a. Transit Oriented Development Activity Nodes
  - b. Neighborhood and Destination Activity Nodes
  - c. Future Planning Areas

Glass Creek looks forward to working with the City on application CPAFY2020-0005.

Sincerely,



Bob Taunton, President  
Taunton Group, LLC  
2724 S. Palmatier Way  
Boise ID 83716  
208-401-5505  
bobtaunton@tauntongroup.com

**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
Mixed use (M)	No max	14 du/acre unless successful obtainment of a conditional use permit	Single-family attached and

District	Maximum Density	Minimum Density	Typical Housing Types
			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 district is to 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. 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.

....

**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.

.....

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

Permit/Decision	Compliance Statement	Preliminary Title	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	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	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			
Plat, condominium	X					X											X			
Plat, final		X			X					X	X	X	X	X		X	X	X		X
Plat, preliminary	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
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**

<b>Permit/ Decision</b>	<b>Neighborhood Meeting</b>	<b>Radius</b>	<b>Legal</b>	<b>On Site</b>	<b>Agencies</b>	<b>Public Service Announcement</b>	<b>Interested Parties</b>
Administrative with notice		X			X		X
Appeal							X
Annexation or rezone	X	X	X	X	X	X	
Comprehensive plan or ordinance amendment <sup>1</sup>	X	X	X		X	X	
Conditional use <sup>2</sup>	X	X	X	X	X		
Conditional use, revocation			X				
Design review commission		X		X			
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	
Variance	X	X	X	X			
Zoning district boundary amendment <sup>3</sup>	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.

.....

**8-6B-6 SPECIFIC AREA PLAN:**

A. Purpose: Establishing a Specific Area Plan (SAP) 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. 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 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 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 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, which Future Planning Areas are incorporated into the city on \_\_\_\_\_, 20\_\_ [date of ordinance adoption]. An SAP shall be required prior to development or redevelopment of properties defined in the Comprehensive Plan as Future Planning Areas, which Future Planning Areas are not incorporated into the city on \_\_\_\_\_, 20\_\_ [date of ordinance adoption]. 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. 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.
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.
3. All development within an SAP 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 SAPO. Development applications may be processed concurrently and include, but are not limited to, design review, conditional use, variance, and/or subdivision.
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. The provisions of the Development Code of Garden City 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.
- f. If there is a conflict between the Development Code of Garden City and the SAP regulations, 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 SAPD procedures, any related city requirements and schedules, and 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. Application: The SAP application shall be submitted in accordance with article A, "General Provisions", of this chapter.

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

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. Amendments: An approved SAP 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 SAP that would significantly change the overall character of the SAP; or
- 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 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 SAP 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, the deciding body shall make the following findings. 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 AREA 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.

\*\*\*\*  
\*\*\*\*

**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
<u>Specific area plan</u>	<u>SAPD</u>

**Commented [JB1]:** This insertion to GCC § 8-2A-1 identifies "Specific Area Plan" as one of the base zoning districts in Garden City.

**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
Mixed use (M)	No max	14 du/acre unless successful obtainment of a conditional use permit	Single-family attached and

District	Maximum Density	Minimum Density	Typical Housing Types
			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 district is to 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. 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.

**Commented [JB2]:** This insertion to GCC § 8-2B-1 identifies the purpose of the Specific Planning Area district, similar to the purpose statements for Garden City's other base zoning districts.

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.

**Commented [JB3]:** This insertion to GCC § 8-2B-2 makes it clear that each Specific Area Plan district will have its own distinct land uses. Table 8-2B-1 (referenced on the previous page) describes the land uses for other base zoning districts.

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

Permit/Decision	Compliance Statement	Preliminary Title	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	Dedications And Easements	Covenants And Dead 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							



**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 <sup>1</sup>	X	X	X		X	X	
Conditional use <sup>2</sup>	X	X	X	X	X		
Conditional use, revocation			X				
Design review commission		X		X			
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	
Variance	X	X	X	X			
Zoning district boundary amendment <sup>3</sup>	X	X	X	X	X	X	

**Commented [JB5]:** The changes to this Table 8-6A-3 indicate that the Public Noticing Requirements for an SAP is the same as for a Zoning District Boundary Amendment.

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.

8-6B-6 SPECIFIC AREA PLAN:

**Commented [JB6]:** Section 8-6B-6 is the existing Specific Area Plan section of Garden City Code.

~~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 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 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 or as Neighborhood Destination Activity Nodes or as Future Planning Areas, which Future Planning Areas are incorporated into the city on~~ , 20 [date of ordinance adoption]. 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, which Future Planning Areas are ~~not incorporated into the city on~~ , 20 [date of ordinance adoption]. 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-1.1~~ 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.~~

**Commented [JB7]:** This revision to GCC § 8-6B-6.A repeats the purpose statement for a Specific Area Plan district as found in 8-2B-1 above.

**Commented [JB8]:** This revision to GCC § 8-6B-6.B identifies that a Specific Area Plan can be used for certain property. An SAPD is encouraged for areas the Comprehensive Plan identifies as a "Neighborhood Destination Activity Node" or as a "TOD Activity Node" or as a "Future Planning Area", which Future Planning Area is incorporated into the city and zoned on the date the SAP revision ordinance is adopted. An SAPD would be required for areas the Comprehensive Plan identifies as a "Future Planning Area" not incorporated into the city and zoned on the date the SAP revision ordinance is adopted.

**Commented [JB9]:** This revision to GCC § 8-6B-6.C.1 directs the reader to the Master Plan application requirements found in GCC § 8-7B-1.1.

43. 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. 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.
- f. If there is a conflict between the Development Code of Garden City and the SAP regulations, the SAP regulations shall govern.

**Commented [JB10]:** The new subsection 8-6B-6.C.4 was drafted based on Planning Staff's input on what components should be identified in a Specific Area Plan district application. Other components may be identified during the process outlined in § 8-6B-6D.1 below.

#### 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~~ SAPD 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.

**Commented [JB11]:** As an example, an SAP might be drafted and adopted with its own sign standards. If so, those SAP sign standards would govern in lieu of the City's adopted sign standards found in the Development Code of Garden City (i.e., Title 8 of the Garden City Municipal Code).

2. Preapplication Meeting: After the preapplication conference, a preapplication meeting shall be held with the commission.

**Commented [JB12]:** This revision to GCC § 8-6B-6.D 1&2 identifies the procedures prior to and in compiling an application for an SAPD, including a: neighborhood meeting; pre-application conference with staff; and another neighborhood meeting.

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

**Commented [JB13]:** This deletion was recommended by staff. Pre-application meetings with decision-making bodies that will ultimately review an application are legally problematic.

4. 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.~~

**Commented [JB14]:** This subsection has been deleted as redundant. § 8-6B-D.3 immediately above specifics the Commission and Council must adhere to the process outlined in the "General Provisions" of Chapter 6 of Garden City Code.

~~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.~~

**Commented [JB15]:** This subsection has been deleted because the information that would be contained in a development agreement is now required to be contained in the Specific Plan Area Ordinance (see § 8-6B-D.5 below).

~~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.~~

**Commented [JB16]:** This subsection allows planning staff oversight of development consistent with the SAPD.

~~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.~~

**Commented [JB17]:** At the recommendation of staff, the distinction between major and minor amendments would be deleted as being too subjective.

~~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:~~

**Commented [JB18]:** All Amendments must be processed through the Development Code Amendment process as outlined in GCC § 8-6A.

~~(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 its 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.~~

**Commented [JB19]:** Subsections e, and f, have been inserted at the recommendation of staff.

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

**Commented [JB20]:** These changes make clear that any design review amendments will follow the Design Review Committee process.

~~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.~~

**Commented [JB21]:** References to recording an SAP and a Development Agreement in these former subsections 8 and 9 have been deleted because the information will be contained in the adopted, published Specific Area Plan Ordinance that will also become a new Chapter in the Garden City Zoning Ordinance.

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 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.I (Master Plan), plus the proposed unique permitted.

conditional and prohibited land uses and the Form Standards for such land uses within the SAP.

SPECIFIC AREA  
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.

\*\*\*  
\*\*\*