A new ordinance is proposed to be added to Garden City Code as drafted below:

8-3A-1 ZONING DISTRICTS:

The purpose of the overlay districts is to provide an incentive to implement the comprehensive plan and preserve the rights of property owners. The city hereby establishes the following overlay zoning districts:

Flood Hazard (FH)

Surel Mitchell Work-Live-Create (WLC)

Neighborhood Commercial Node (NCN)

Transit Oriented Development (TOD)

Green Boulevard Corridor (GBC)

Boise River Natural Resource

ARTICLE E. BOISE RIVER NATURAL RESOURCE

SECTIONS:

8-3E-1	Purpose and Objectives
8-3E-2	Definitions
8-3E-3	Applicability
8-3E-4	River Zone Standards
8-3E-5	Natural Resource Protection Standards

8-3E-1 Purpose and Objectives:

A. Purpose: The Boise River imparts the unique identity of the City with a river running through it. It is the City's most significant natural resource that is the source of many opportunities as well as threats for the City. The Boise River, with its adjacent pathways, green spaces, and habitats is also significant to the recreational enjoyment, economic wellbeing, and health of city residents. This Article is intended to provide provisions to preserve, protect and enhance the river and associated resources as well as safeguard the public's enjoyment and access to them.

B. Objectives: Each Section of this Article will include objectives specific to the regulations in the Section. General objectives of this Article include:

1. Protect public assets.
2. Preserve, protect, and enhance ~~critical~~ wildlife and fisheries habitat and wetlands, and riparian areas along the river.
~~2.~~3. Protect public access and enjoyment of the Boise River, Greenbelt, and Nature Path.
~~3.~~1. ~~Preserve, protect, and enhance critical wildlife and fisheries habitat and wetlands, and riparian areas along the river.~~
4. Increase public safety and welfare.
5. Prevent disruption and alteration of existing waterways.
6. Enhance the natural environment.

Commented [JT1]: See changes to definitions

Critical as defined by ESA and per ecos.fws.gov = none in Garden City

https://ecos.fws.gov/ipac/location/45ATJOPMPZAF7N4PGQQVH537UI/resources

Two noted endangered species: yellow-billed Cuckoo and slickspot peppergrass

Commented [JT2]: requested reordering

7. Protect and enhance connectivity along the Greenbelt and linkages with other parks, paths and green spaces through incentives that encourages dedication or easements for public use.
8. Protect water quality of the river and its tributaries.
~~8.~~9. Safeguard private property rights.

8-3E-2 Definitions:

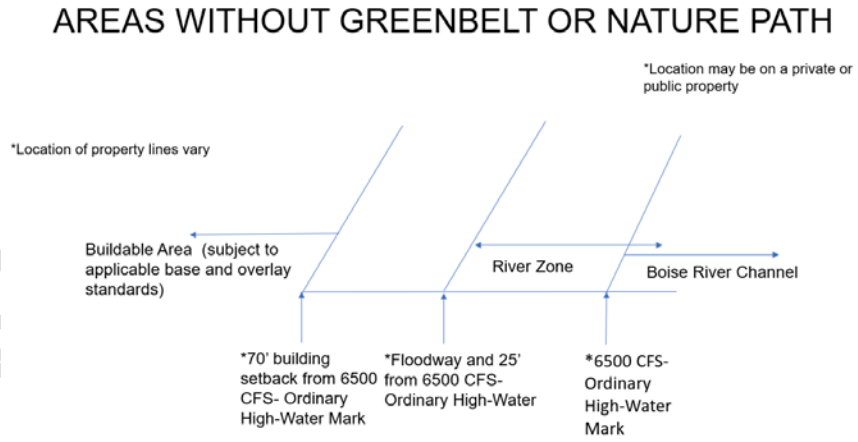
Definitions are located in **8-7A-2, DEFINITIONS OF TERMS**. For items not defined, please refer to **8-1A-5: INTERPRETATION.**

8-3E-3 Applicability:

A. The provisions of this Article are intended to be in addition to other regulations, they are not intended to exclude other sections of Garden City Code or regulations. Where there are conflicts, the standards identified in this Overlay shall be applied.

B. Provisions of this Article apply to all property in Garden City:
   a. Within seventy feet 70' of the Boise River Ordinary High-Water Mark; or
   b. Containing a wetland, tributary of the Boise River, or ~~critical~~ habitat.
   c. Existing legal nonconforming structures may remain as regulated by Garden City Code 8-1B unless they are deemed to be unsafe or the property is substantially improving.
   ~~c.~~

C. The below diagrams are intended to give a general summary of how the Sections of this Article are intended to interact:



Commented [JT3]: In response to Waterfront HOA comment #1 as well as survey comment

Commented [JT4]: Waterfront HOA comment that standards cannot apply to private property not addressed. Will defer to legal counsel to verify.

Commented [JT5]: Potential language relating to allowing for existing easements- Waterfront HOA

Commented [JT6]: Clarify that this in intended to pertain to nonconforming structures. See comment from Clark Wardle.

Commented [JT7]: Addresses WFD HOA concerns 5&6/ McFadden concerns

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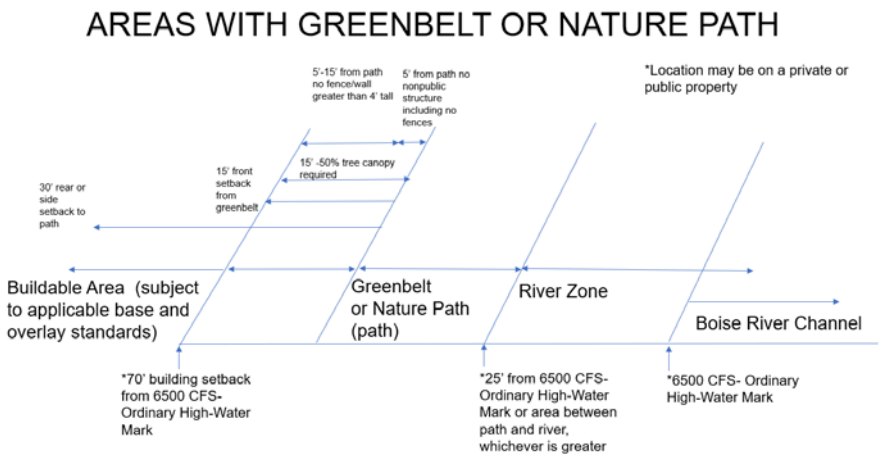
Commented [JT8]: Alternative diagrams will be provided for review & discussion



8-3E-4 River Zone Standards

A. Applicability
   a. This Section applies to all properties within the River Zone at all times.

B. Objectives
   a. Provide riverbank stabilization that includes a strong plant root structure to limit erosion and reduce scouring during times of inundation.
   b. Encourage plant species capable living through times of inundation.
   c. Reduce water runoff and pollution
   d. Reduce velocities during times of inundation.
   e. Reduce damages during times of flood inundation.
   f. Provide ample shade to cool the river to protect against algae blooms, sewer treatment costs, and enhance fisheries habitat.
   g. Provide both aquatic and terrestrial habitat and food sources.
   h. Provide ample shade trees and vegetation to provide a cooling effect for Greenbelt and Nature Path users.
   i. Enhance the natural environment with requirements for appropriate native landscaping, planting and landscape maintenance techniques.

C. Standards
   a. ~~Structures~~ New or substantially improved structures within the River Zone shall be restricted to those which are required by public necessity (for example, bridges or water pumps), for public recreation (for example, the Greenbelt, controlled access

Commented [JT9]: Further clarifying existing legal structures can remain

points to the river, or river viewing platforms), or for wildlife habitat improvements (for example, vegetation, nesting structures) provided that the use/encroachment:

i. 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.
ii. Allowed structures should be designed to protect the banks of the river and mitigate adverse effects (for example a river overlook may be elevated so that vegetation can be maintained)
iii. No structure shall be allowed without approval granted through the conditional use permit process or as otherwise designated by the Garden City Council.

b. Nonpublic structures, including fencing, signage, benches, bike racks, etc. are not allowed.

Commented [JT10]: Legal review requested- perhaps open up to no trespassing signs, or add a section for fencing that follows the standards similar to the landscaping

Concerns noted with the ability to exclude people and dogs from property

c. Streambank Stabilization. Where streambank stabilization is required, fifteen feet (15') wide strip of vegetation to cover a minimum of 70% of the river frontage shall be required. In situations where structural stabilization measures (such as riprap, gabbing) are deemed necessary, the design of the structure shall include overplanting with vegetation and the deliberate enhancement of fish habitat.

d. Application of chemicals

Commented [JT11]: Is there desire by the committee to change this section? There is a comment requesting allowed use of chemicals

i. No use of restricted use chemicals or soil sterilants regulated by Idaho Department of Agriculture will be allowed within the River Zone.
ii. No use of pesticides, herbicides, fertilizers will be allowed unless approved by regulatory agencies that have jurisdiction over the Boise River.
iii. All applications of pesticides, herbicides and fertilizers shall be done by a licensed applicator and applied at minimum application rates and shall be limited to two (2) times a calendar year unless otherwise approved by the Garden City Public Works Department.
iv. The application of dormant oil sprays and insecticidal soap within the River Zone may be used throughout the growing season as needed.

e. No person shall damage, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant, nor shall any person attach any rope, wire or other contrivance to any tree or plant, nor shall any person dig in or otherwise disturb grass areas, or in any other way injure or impair the River Zone without an approved permit. The following provisions shall be verified for the approval of a permit:

Commented [JT12]: This section has been altered to address a number of comments that the ordinance is not going far enough to protect the habitat, down river impacts, etc. and that there has been an oversight not addressing the need for large root species to help stabilize.

i. No work shall be done allowed unless without property owner consent has been obtained or unless no ownership can be determined.
ii. Documentation must be provided by an expert or group of experts, approved by the City as qualified demonstrating that:
    1. Native trees, shrubs, or other plants adapted for survival and growth in the river environment shall be the predominant landscaping material. Acceptable plantings are maintained in a reference document maintained by the City or as identified through the permit request; and
    1. The proposed work will The City will maintain a reference document identifying appropriate landscape materials.

f. Any alteration of the terrain or planting of species beyond that which is identified in the landscape reference document maintained by the City shall be required to be done has been by an expert or group of experts, approved by the City as qualified,

~~that each objective of this section is being met.~~provide riverbank stabilization that includes a strong plant root structure to limit erosion and reduce scouring during times of inundation; and

1. Plant species capable living through times of inundation; and
2. Water runoff and pollution will be minimized; and
3. Velocities will not increase during times of inundation because of the proposal; and
4. The proposal shall provide ample shade to cool the river to protect against algae blooms, and enhance fisheries habitat; and
5. The proposal will not fragment or cause the denigration of habitat for native species or migratory birds.

~~ii.~~i. -

~~iii.~~ii. Removal of invasive non-native trees and shrubs as well as any Idaho listed noxious weeds and replacement with recommended species as identified by the City's landscape reference document and minor pruning above the ordinary high-water mark, including trimming to maintain views, that does not remove, damage or otherwise harm any plant, habitat or cause bank destabilization is allowed without a permit.

iii. Improved access to the Boise River shall be prohibited in all areas that are not approved through a conditional use permit with approval of city council or otherwise designated by the city council.

1. Access shall only be granted for the use by public and shall not be permitted for private use of individuals or subdivisions.

~~1.~~ 2. No improved access shall be gated from the public unless the access is for emergency services, maintenance of public facilities or natural resources, or flood control or irrigation maintenance only.

vi. Existing vegetation that does not comply with the River Zone standards that was planted prior to May 14, 2012 that is not invasive or noxious may remain for the duration of the life of the plant's life. Replacement of the vegetation must meet the River Zone standards.

~~f.~~

Commented [JT13]: Added - desire to keep non-conforming vegetation

8-3E-5 Natural Resource Protection Standards

A. Applicability

1. New and substantial improvement shall be required to adhere to the standards identified in this Section.

B. Objectives

a. Prevent pollution of the Boise River.
b. To maintain and enhance waterways.
c. Protect waterway access.
d. To maintain and enhance wetlands and ~~critical~~ habitat.

C. Standards

a. Drainage. Stormwater swales that cannot be utilized for purposes other than drainage are discouraged adjacent to the Greenbelt.
b. Waterways:

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i. Any waterway that is tiled must mitigate the loss of potential habitat area to be mitigated by providing usable habitat for pollinators, native aquatic species, or native animals equal in size to that which is tiled.

ii. A side channel with a width of less than 15' in width or flow of less than 5 c.~~sf~~.~~fs~~. shall require a minimum setback of 20' from the channel.

iii. A side channel at least 15' in width with a flow of 5-150 c.f.s. shall require a minimum setback of 25' from the channel.

c. Wetlands and ~~critical~~ habitat.

1. No wetlands, Black Cottonwood riparian plant community, riparian forests, scrub-shrub wetlands, emergent wetlands within the floodplain, trout spawning waters, or other critical wildlife habitat areas shall be reduced in size.
2. Exterior lighting shall not trespass on critical habitat that may be sensitive to light.
3. Relocation of wetlands and~~, or~~ critical habitat may occur on site if the relocation enhances the wetlands ~~and,~~ or critical habitat.
4. Riparian areas shall not be relocated.

Commented [JT14]: Several comments with concerns related to side channels: define side channel in definitions

Commented [JT15]: Comment: As the size of wetlands change with the ebb and flow of water this statement should be clarified with a specific list of those areas that meet this criteria and perhaps survey plats that clearly define those areas.

Response: Definitions redefined

Commented [JT16]: Requested by a public comment

GARDEN CITY CODE 8-7A-2 DEFINITIONS OF TERMS

The definitions that are underlined will be added to code and the definitions that contain strikethrough will be deleted from code.

Amplification Device: Any equipment designed or used for sound production, reproduction, or amplification including but not limited to any radio, television, phonograph, musical instrument, stereo, tape player, compact disc player, loud speaker, public address (P.A.) system, sound amplifier, or comparable sound broadcasting device.

Critical Habitat: Those areas categorized by the ~~US Fish and Wildlife Service or United States Army Corps of Engineers as: fresh water emergent wetlands, freshwater forest/shrub wetlands, freshwater pond, lake or riverine~~Endangered Species Act as critical habitat.

Greenbelt- Asphalt or concrete pathway identified in the adopted Garden City Master Parks Plan for non-motorized use running generally adjacent to the Boise River Garden City the entire length south of the Boise River and in sections north of the Boise River.

Habitat- The area or natural environment in which an organism or population normally lives. The habitat is made up of physical factors such as soil, moisture, temperature, availability of light as well as biotic factors such as the availability of food and the presence of predators.

~~GREENBELT, BOISE RIVER: Land within seventy feet (70') of the six thousand five hundred (6,500) cfs flow line of the Boise River which may be owned by the city or over which the city may have a right of possession or use and: (A) which is designated by the city council to be retained in perpetuity for public use for purposes compatible with aesthetic, wildlife, education and recreational values of the Boise River; (B) which will provide for unrestricted, noncommercial access to the river; and (C) which will be developed and used to minimize water pollution, provide continuity of the public parks system, and create a buffer where necessary between conflicting land uses.~~

Nature Path- Pedestrian pathway identified in the adopted Garden City Master Parks Plan generally located north of the Boise River West of Glenwood along the Boise River from the Garden City West Bridge to Strawberry Glenn Road.

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Ordinary High Water Mark- 6500 c.f.s. line of the Boise River, as determined by the Public Works Department based on their monitoring of annual flows

~~RIPARIAN ZONE: The area between the ordinary high water mark of the Boise River including tributaries where water comes from and flows back into the Boise River and the greenbelt and/or nature path; or where there is no greenbelt and/or nature path adjacent to the river or tributary, the area measured twenty-five feet (25') in width from the riverbank.~~

Plainly Audible- Sound for which the information content is clearly communicated to the listener, including, but not limited to understandable spoken speech, comprehension of whether a voice is raised or normal, comprehension of activity taking place due to the sound, comprehensible musical rhythms, melody, or instrumentation, and the source of which is identifiable to the listener.

Riparian-the interface between land and a river or stream.

River Zone- All land between the Greenbelt or Nature Path and the Boise River, or 25' from the ordinary high-water mark whichever is greater; or where there is no Greenbelt or Nature Path the River Zone shall be considered the floodway as designated by the affective Flood Insurance Rate Map (FIRM) and 25' from the ordinary high-water mark (6500 cfs) of the Boise River.

Commented [JT17]: I believe that this definition may address HOA concern #3

Side channel- A stream or watercourse, either natural or manmade, that generally flows from or into the Boise River. This includes waterways developed as amenities in residential or commercial developments.

Commented [JT18]: Same definition in Boise ordinance

Urban Zone: Areas in the Surel Mitchell Live-Work-Create, R-20, Mixed Use, and Neighborhood Commercial Nodes zoning and overlay districts or otherwise adopted by Garden City.

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions and that may also be regulated by the US Fish and Wildlife Service United States Army Corps of Engineers, United States Environmental Protection Agency, and the national Oceanic Atmospheric Administration. Fresh water emergent wetlands, freshwater forest/shrub wetlands, freshwater pond, lake, or riverine are examples of wetlands.

The section below will be deleted from current code floodplain regulations and relocated into the above proposed "River Zone"

~~**8-3B-5-7: RIPARIAN ZONE:**~~

~~The riparian zone is to be left natural. Uses within the riparian zone shall be restricted to those which are required by public necessity (for example, bridges or water pumps), for public recreation (for example, the greenbelt), and wildlife habitat improvements (for example, vegetation, nesting structures); provided that the use/encroachment 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.~~

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~~A. Improved access to the Boise River shall be prohibited in all areas that are not approved through a conditional use permit with approval of city council or otherwise designated by the city council; and~~

~~B. Approved accesses to the Boise River must be designed in such a way so as to not destabilize the banks of the river.~~

~~1. No use of restricted use chemicals or soil sterilants will be allowed within the riparian area.~~

~~2. No use of pesticides, herbicides, fertilizers will be allowed unless approved by regulatory agencies that have jurisdiction over the Boise River.~~

~~3. All applications of pesticides, herbicides and fertilizers shall be done by a licensed applicator and applied at minimum application rates and shall be limited to two (2) times a calendar year unless otherwise approved.~~

~~4. The application of dormant oil sprays and insecticidal soap within the riparian zone may be used throughout the growing season as needed.~~

~~C. No person shall damage, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the riparian zone without an approved permit. Minor pruning above the ordinary high water mark that does not remove, damage or otherwise harm any plant, habitat or cause bank destabilization is allowed without a permit.~~

~~D. A permit may be granted for:~~

~~1. Removal of downed trees or trees identified by the city arborist to pose a danger to life, limb or property may be removed.~~

~~2. Replacement of nonnative plants with native plants to provide habitat or bank stabilization. (Ord. 944-12, 5-14-2012)~~

The following code is existing code. Language that is shown in strikethrough is recommended to be deleted from existing code and language that is underlined is intended to be added to existing code. The color of changes has no significance.

ARTICLE C. PROPERTY MAINTENANCE PROVISIONS

SECTION:
8-1C-1: Purpose
8-1C-2: Applicability
8-1C-3: Property Maintenance Standards

8-1C-1 PURPOSE:
The provisions of this article set forth minimum level of property maintenance standards to advance the goal of the comprehensive plan to "improve the image of the city" and the following purposes:

A. To promote the life, health, safety, aesthetic, economic, and general welfare of the citizens of Garden City.

B. To protect individuals from health and safety hazards and the impairments of property values that result from the neglect and deterioration of property.

C. To protect neighborhoods against nuisances, blight, and deterioration.

D. To protect the livability and economic stability of the entire city. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-1C-2 APPLICABILITY:
A. This article shall apply to all existing residential and nonresidential buildings, structures, and lands without regard to the use, date of construction, improvement, or alteration.

B. Buildings, structures, or portions thereof determined to be unsafe shall be abated in accordance with the provisions of the building code for the abatement of dangerous buildings.

C. Buildings, structures or properties determined to be nuisances shall be abated in accordance with the provisions of title 4, chapter 3, "Nuisances", of this code. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-1C-3 PROPERTY MAINTENANCE STANDARDS:
A. All land visible from the public right-of-way, including exterior premises and vacant land, whether improved or unimproved, and exterior areas under any roof not enclosed by the walls, doors, or windows of any building, shall be maintained free from the following:

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1. Any accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, or waste material, including, but not limited to:

a. Graffiti on walls, buildings, structures, fences, and mailboxes;

b. Bottles, cans, paper, plastic, rags, broken glass, organic or inorganic material;

c. Tires, auto parts, lumber, covering (carpet, pads, vinyl), scrap iron, tin, similar materials or other metal not neatly stacked; or

d. Anything that becomes a hazard to the public health and safety or harbors insect, rodent, or vermin infestation.

2. The exterior visible use or display of tarps, plastic sheeting, or other similar materials as flexible or inflexible screening, used as fencing, or wall covering which is not part of a manufactured screen or fence assembly.

3. Heavy equipment, including but not limited to: forklifts, backhoes, tractors, or similar types of construction or commercial equipment other than equipment used for residential gardening or property maintenance purposes, active construction sites, or where permitted.

4. Vehicles: Vehicles that are not operable for more than three (3) months shall be enclosed in a structure, or located in the rear or side yard and screened from view.

5. Unless permitted by the zoning district or through a conditional use, any abandoned, unattended, discarded, broken or inoperable commercial or industrial equipment, appliances, machinery, freezers, refrigerators or other household items, equipment, furnishings, or any container, appliance or equipment.

6. Any object, tree, ~~or~~ bush, or plant on private property that interferes with, obstructs, partially obstructs, or renders dangerous the free passage, use, or vision in the customary manner of any sidewalk, street, alley, highway, Greenbelt, Nature Path, or traffic light or sign in the city.

7. Any landscaping on site or adjacent right-of-way to edge of pavement that is visible from public property which is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated appearance; uncultivated plants, weeds, tall grass, tumbleweeds, uncultivated shrubs or growth (whether growing or otherwise) higher than six inches (6"); or any dead trees and branches, bushes, shrubs, or portions thereof; or trees that harbor insect or rodent infestations, or may become a fire hazard, or result in a condition which threatens the health and safety of adjacent property owners or occupants.

8. Furniture intended for indoor use being utilized outdoors, discarded or broken furniture; bicycles, bicycle parts, and toys; mattresses, bedding or any similar item or packing materials.

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9. Any unguarded and unprotected, or abandoned excavation, pit, well, cellar, hole, trench or other excavation of more than two feet (2') in depth on any unenclosed lot that may constitute a threat or public hazard.

B. Maintenance Of Fences And Walls: All fences, screen walls, and retaining walls visible from the public right-of-way shall be maintained as follows:

1. Structurally sound, safe and uniform in color, structure and design; and

2. Do not constitute a hazard, blight, or condition of disrepair. Examples of hazards, blight, or conditions of disrepair include, but are not limited to: leaning fences, fences that are missing slats or blocks, graffiti, peeling paint, deterioration of surface finish, rotting, or damaged components.

C. Accumulation Of Stagnant Water: All premises shall be maintained so as to prevent the accumulation of stagnant water which otherwise may cause a hazardous or unhealthy condition; become a breeding area for insects; or allow soil erosion or damage to foundation walls visible from the public right-of-way.

D. Refuse Collection: All properties shall comply with the requirements for municipal refuse collection as set forth in title 4 of this code.

E. Swimming Pools, Spas, Hot Tubs And Fountains: All swimming pools, spas, hot tubs, and fountains shall be properly maintained as follows:

1. Do not create a health or safety hazard, harbor insect infestation, or a visibly deteriorated appearance;

2. Water shall not be allowed to stagnate; and

3. Fencing or other barriers required for swimming pool and spa enclosures shall be properly maintained as specified in title 7, "Building Regulations", of this code at the time of pool construction.

F. Vacant And Unsecured Buildings: Vacant and unsecured buildings, structures, and premises shall be actively maintained and monitored through the following provisions:

1. Maintenance of landscaping and plant materials in good condition, free of weeds, litter and rubbish;

2. Maintenance of the exterior of the building, including, but not limited to, paint and finishes;

3. Regular removal of all exterior trash, debris, and graffiti;

4. Maintenance of the building in continuing compliance with all applicable codes and regulations; and

5. Prevention of reoccurring criminal activity on the premises.

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G. Fences And Walls; Obstruction Of Vision: Fences and walls shall not obstruct the clear vision triangle or access to required parking, public utility boxes, meters or other infrastructure.

Commented [JT1]: Left in

H. Fire Hazard: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such materials. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved as specified in the International Fire Code.

I. Radioactivity Or Electrical Disturbance: No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point, other than that of the creator of such disturbance.

J. Noise And Vibration: No noise or vibration shall be permitted which is ongoing and disturbing to normal conversation and/or disturbing sleep on adjoining properties.

K. Air Pollution: Air pollution shall be subject to the requirements and regulations established by the air pollution agency.

L. Erosion: No erosion shall be permitted which will carry objectionable substances onto neighboring properties or the Boise River or its tributaries.

M. Water Pollution: Water pollution shall be subject to the requirements and regulations established by the health authority and other agencies with jurisdiction.

N. Outdoor Display Of Merchandise: The outdoor display of merchandise shall be allowed in compliance with the following standards:

1. Merchandise for sale shall be displayed outdoors only during hours the business is open, except for merchandise associated with the following uses: building material, garden and equipment; equipment rental, sales and service; nursery; vehicle sales and rental.

2. The sale of the merchandise displayed outside shall be associated with a specific business located on the site.

3. The outdoor display shall not be located on the public right-of-way, including sidewalks; in the parking lot or in a landscaped area.

O. Outdoor Lighting: Outdoor lighting shall be in compliance with the following standards:

1. All fixtures shall be located or shaded as to prevent direct glare into a street and to minimize impact on abutting properties.

2. Floodlight fixtures shall be set to only go on when triggered by activity on the property (sensor activated) and must turn off within ten (10) minutes of turning on.

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3. Floodlight fixtures shall be installed so that they do not tilt up more than forty-five (45) degrees down from vertical.

4. Uplighting shall only be allowed in cases where the fixture and any light it emits are shielded from the sky by a roof overhang or similar structural shield.

5. Laser source light or any similar high intensity light when projected above the horizontal is prohibited.

6. Strobe lights are prohibited, except for emergency uses.

7. Searchlights are prohibited, except where approved for public or temporary uses.

8. All nonessential exterior commercial, recreational, and residential lighting shall be turned off after business hours and/or when not in use in residential zones and adjacent to the Greenbelt or Nature Path.

P. Outdoor Service And Equipment Areas: Outdoor service and equipment areas shall be maintained in compliance with the following standards:

1. All on-site service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults shall be located in an area not visible from a public street, ~~or~~ adjoining property, and Greenbelt or Nature Path or shall be screened from view from a public street and adjoining property with a privacy fence.

Q. Outdoor Storage: Where allowed the outdoor storage of vehicles, equipment, materials, or merchandise shall be in compliance with the following standards:

1. No outdoor storage items shall block sidewalks, driveways to the site, or impede vehicular and pedestrian traffic and parking.

2. ~~For nonresidential uses, o~~Outdoor storage areas in all districts shall be screened from the view of adjacent property~~.~~, public street, Greenbelt, and Nature Path by a solid masonry wall or privacy fence or approved landscape buffer. ~~The height of the wall or fence shall be the maximum of eight feet (8').~~

~~3. For residential uses, outside storage of materials shall be screened with a six-foot (6') privacy fence.~~ The use of more than twenty percent (20%) of the site for the purpose of storage shall be considered a storage facility or yard.

4. No junk materials, goods, merchandise, or wares shall be stored outside in any residential zoning district or visible from an arterial street.

5. ~~Outdoor storage areas shall not exceed fifty percent (50%) of the total area of the site except where landscaping is provided in addition to the required setbacks as follows:~~

~~a. The additional landscaping shall be equal to at least ten percent (10%) of the area of storage that is over the fifty percent (50%) of total site area; and~~

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~~b. The additional landscaping shall be located on the outside of the required solid masonry wall or privacy fence.~~

~~c. Notwithstanding the provisions of this subsection, o~~Outdoor storage shall be allowed without landscaping in conjunction with the following land uses: agriculture; building material, garden and equipment; equipment rental, sales and services; nursery; vehicle sales and services.

6. Building materials to be used in the construction of any building may be temporarily stored on the premises where the structure is to be built or renovated for not to exceed sixty (60) days in advance of the commencement date of construction or sixty (60) days after the termination date of construction.

7. Outside storage for commercial or industrial uses shall be limited to those items owned or used by the business.

8. Outside storage for a residential development or recreational vehicle park shall be limited to recreational vehicles or personal recreation items of the owners and/or tenants.

R. Accessory Structures: In all districts, no garage, tent, trailer, fifth wheel, motor coach, recreational vehicle, travel trailer or other accessory structure shall be erected or used for living quarters or sleeping quarters outside of an approved recreational vehicle park for more than fourteen (14) consecutive days.

1. The quarters may not be utilized more than two (2) times per calendar year from January 1 through December 31 for living or sleeping quarters outside of an approved recreational vehicle park.

2. No recreational vehicle shall be allowed to connect to Garden City utilities outside of an approved recreational vehicle park.

S. The owner(s) of land abutting any public street, the Greenbelt, or Nature Path– in the city shall be responsible for maintaining the adjacent landscaping, –sidewalk, and pathway in good repair and free from hazards such as debris, weeds, cracks, or ice. (Ord. 898-08, 9-8-2008; amd. Ord. 905-09, 3-23-2009; Ord. 944-12, 5-14-2012; Ord. 975-15, 4-27-2015)

T. Noise: No person shall operate or permit the operation of any amplification device between the hours of 9:00 p.m. and 7:30 a.m. in such a manner that the sound therefrom is plainly audible within any:

Commented [JT2]: Comments that this is too early

1. Place of residence not on the same property; or

2. Private or public property not on the same property at the distance of one hundred feet (100') or more from the source of such sound.

Exceptions to this provision include sound that is:

1. Related to construction activity; or

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2. Specifically permitted through a conditional use permit, special event permit; or another permit; or

3. Is caused by a warning device being utilized for its intended purpose. Examples of exempted warning devices include but are not limited to emergency vehicle sirens, public warning device, or alarms.

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The following code is existing code. Language that is shown in strikethrough is recommended to be deleted from existing code and language that is underlined is intended to be added to existing code. The color of changes has no significance.

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				Maximum Lot Coverage	Minimum Lot Area/DU*
		Front	Rear	Interior Side	Street Side		
R-1	35'	20'	15'	5'	20'	30%	1 acre
R-2	35'	15'/20'*	15'	0/5'*	20'	70%	6,000* sq. ft.
R-3		5'/20'*	15'	0/5'*	5'	70%	n/a
R-20		5'	5'	0'	5'	80%	n/a
C-1		5'	5'*	5'*	5'	n/a	3,000 sq. ft.
C-2		5'	5'	5'	5'	n/a	n/a
M	72'	10' max	5'	0/3'	0'	n/a	n/a
LI	55'	15'	5'*	5'*	20'	n/a	n/a

* Indicates an exception that follows.

E. Maximum Height Limit:

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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. Encroachments 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.

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9. In all districts, no new or substantially improved structure shall be permitted within seventy feet (70') from the ~~riverbank of~~Ordinary-High-Water Mark of the Boise River Unless:

~~a. The structure is an existing single-family dwelling that:~~

~~i. Was damaged by a catastrophic event such as an earthquake, fire, or flood; and~~

~~ii. The footprint of the structure will not encroach further into the setback than the footprint of the structure prior to the catastrophic event; and~~

~~iii. The request for a building permit occurs within one year of the catastrophic event; and~~

~~iv. 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. or~~

b. ~~without a~~The structure obtains Design Review Committee approval, ~~and~~ a conditional use permit approval, ~~with~~ and approval of City Council or is otherwise designated by City Council. The approvals must find that the structure:

i. ~~a. Approvals must find that the structure is~~ Is required by public necessity, public recreation, or wildlife habitat improvements; and

ii. ~~b. The structure m~~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

iii. ~~c.~~ Is in conformance with the Garden City comprehensive plan.

10. The setback of seventy feet (70') from the Ordinary High-Water Mark of the Boise River cannot be waived by the Planned Unit Development process.

11. In all districts no structure, including fences and walls, shall be allowed within 5' of the Greenbelt or Nature Path travel way, including future identified alignment, unless it is a structure, such as a bench, bike rack, water station, bike fix-it station, art, etc. intended to be used by the public from the Greenbelt or Nature Path. These structures shall be placed in a way that users are completely clear of the travel way and can be utilized safely. This standard cannot be waived by the Planned Unit Development process.

11. In all districts the minimum setback from the Greenbelt or Nature Path including future identified path alignment is 15' if fronting the Greenbelt or Nature Path and 30' if situated so that the rear or side of the development is adjacent to the Greenbelt or Nature Path. This is to be measured from the land side of the Greenbelt or Nature Path. The 15' setback to the Greenbelt cannot be waived by the Planned Unit Development process.

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Provisions stricken.

This was recommended by the committee to allow reconstruction of a residence regardless of the severity of damage. See review conducted by Clark Wardle finding this in conflict with:

8-1B-2 NONCONFORMING STRUCTURES:
If a nonconforming structure is destroyed or damaged by more than fifty percent (50%) of its current assessed taxable value by fire, flood, explosion, wind, earthquake, war, riot, calamity, or other catastrophic event, the structure shall comply with this title upon restoration or reconstruction. If the damage to the nonconforming structure is fifty percent (50%) or less of the current assessed taxable value, the structure may be restored or reconstructed to the nonconforming condition; provided, that restoration or reconstruction commences within twelve (12) months of the event.

This is contrary to comment supplied by Shawn McFadden requesting to include homes and sheds

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12. Fences walls may be allowed at 0' setback from the property line, unless another provision supersedes this allowance.

13. In all districts, setbacks to wetland areas shall be at least 50'. A reduction to this setback may be granted upon recommendation by Idaho Department of Water Resources, United States Army Corp of Engineers, Idaho Department of Lands, and Idaho Department of Fish and Game to reduce the setback.

14. In all districts, setbacks from Great Blue Heron rookeries shall be a minimum of 300'. A reduction to this setback may be granted upon recommendation by Idaho Department of Fish and Game to reduce the setback.

15. In all districts, setbacks from eagle nesting, feeding, and loafing areas shall be a minimum of 200'. A reduction to this setback may be granted upon recommendation to reduce the setback by Idaho Department of Fish and Game.

16. ~~13.~~Minimum setback from the Ordinary High-Water Mark 6,500 cfs and designated wetlands/critical habitat areas shall take priority over any other setback provisions.

Commented [JT2]: See comment from Clark Wardle indicating that the recommendations are not enforceable regulations. Previous wording: " 13. In all districts, setbacks to wetland areas shall be at least 50' or as otherwise recommended by Idaho Department of Water Resources, United States Army Corp of Engineers, Idaho Department of Lands, and Idaho Department of Fish and Game."

Commented [JT3]: Have contacted Bill Bosworth with IFG to see if they can recommend setbacks

Comment to add osprey- will ask Fish and Game to comment

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:

1. 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.

2. Greenbelt/ Nature Path frontage:

a. Structures may front onto the Greenbelt.

b. Buildings fronting the Greenbelt may also front onto a public street.

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c. Structures shall not front onto the Nature Path.

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The following code is existing code. Language that is shown in strikethrough is recommended to be deleted from existing code and language that is underlined is intended to be added to existing code. The color of changes has no significance.

8-4A-3: FENCES AND WALLS

A. Applicability: All new fences shall be required to be in conformance with this section. Legal nonconforming fences may remain so as long as there are no significant improvements to the site or specifically conditioned in a conditional use permit.

B. Permit Required: Anyone constructing a fence or wall over six feet (6') in height shall first obtain Design Review Committee approval and a building permit from the city prior to construction. ~~.~~Any fence located in the floodway shall secure a floodplain permit from the city prior to construction.

C. Maximum Height Requirements:

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

2. Fences and walls located within five to fifteen feet (5'- 15') of the Greenbelt or Nature Path travel way: Four feet (4').

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

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

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

D. Setbacks:

1. Fences may be allowed on the property line unless otherwise regulated.

2. Fences and walls shall not be allowed within 5' of the Greenbelt or Nature Path travel way.

3. Fences greater than three and one-half feet (3.5') shall be set back to be flush or behind the building frontage. Where there is no building frontage, fences greater than three and one-half feet (3.5') adjacent to a public street shall be set back minimally ten feet (10') from the back of sidewalk, or future sidewalk, so as to allow for street trees and landscaping between the fence and the sidewalk.

D. Design Standards:

1. Fences shall be designed and made of materials that so not be a safety hazard to sidewalk, Greenbelt, and Nature path users.

2. Fences and Walls within 5'- 15' of the Greenbelt and Nature Path shall have the following characteristics:

i. Fences may separate but not hide spaces. An example material that would achieve this characteristic is wrought iron.
ii. Provide separation while encouraging interaction between private property and greenbelt users.
iii. Be designed, fabricated with materials or setback so as not be a safety hazard to Greenbelt and Nature Path users.

3. Opaque fences and walls greater than four feet (4') in height must be screened from view from the Greenbelt or Nature Path with landscaping.

Commented [JT1]: Reference to structure shielding view confusing and removed

4. Fences and walls shall not obstruct the clear vision triangle or access to required parking, public utility boxes, meters or other infrastructure.

5. Fence setbacks and height limitations cannot be amended by the Planned Unit Development process.

~~E~~F. Prohibited Fencing Materials: The use of barbed wire, razor wire, boxes, sheet metal, old or decayed wood, broken masonry blocks, chain link, chain link with slats, or other like unsightly materials for fencing shall be prohibited unless an application is made to design review committee and the committee finds the fence to be compliant with the following:

1. Implement the vision as set forth in the comprehensive plan; and

2. Demonstrate that the fence provides significant creativity and uniqueness, and the intent is not to merely evade the provisions set forth in this section, or can demonstrate that the fence is an established icon that enhances the community's assets more than a fence complying with the requirements set forth in this section; and

3. Demonstrate that it is constructed of professional and durable materials and are not intended to be of temporary nature.

8-4A-4: OUTDOOR LIGHTING:

A. Standards:

1. The height of a freestanding light fixture in a residential district shall not exceed nine feet (9').

2. Electrical feeds to outdoor light fixtures shall be underground, not overhead.

3. Street lighting shall be provided consistent with an adopted fixture design and plan developed by the city.

4. Lights on a timer and sensor activated lights are permitted. Lighting shall activate only when motion on the property is detected.

6. Lighting shall be located to prevent lighting into adjacent properties or onto the Greenbelt and Nature Path.

7. All building lighting fixtures shall be full cutoff fixtures with the light source fully shielded.

8. All area lights shall be a minimum eighty-five degree (85°) full cutoff type luminaries.

9. The maximum lumen output shall be 260 lumens.

B. Prohibitions:

1. Mercury vapor lamp fixture and/or lamp.

2. Laser source light or any similar high intensity light when projected above the horizontal.

3. Strobe lights, except for emergency uses.

4. Searchlights, except where approved for temporary uses.

5. Lighting, including holiday lighting, on commercial or private tower structures that exceed the district height limit except as required by regulations of the federal aviation administration (FAA).

ARTICLE B. DESIGN PROVISIONS FOR RESIDENTIAL STRUCTURES

SECTION:

8-4B-1: Purpose
8-4B-2: Applicability
8-4B-3: Single-Family And Two-Family Attached And Detached Residential Dwelling Units
8-4B-4: Multi-Family Residential Dwelling Units

8-4B-1 PURPOSE:

A. To create residential development that is safe, sustainable and convenient, and that enhances the quality of life of its residents;

B. To promote quality building design in residential development that enhances the visual character of the community;

C. To ensure that the design of structures and site development is compatible with the intended character of the neighborhood as set forth in the comprehensive plan;

D. To promote neighborhood and walkability in residential design; and

E. To create open space areas and neighborhood amenities that contribute to the aesthetics of the community, provide an attractive setting for buildings, and provide safe, interesting outdoor spaces for residents.

8-4B-2 APPLICABILITY:

A. This article provides standard regulations for design and development of residential properties. This article supplements the regulations for development in each district and specific use standards or other provisions of this chapter and title.

B. The provisions in this article apply to all new development and the substantial alteration of existing development in all base districts; unless, a development is proposed within an overlay district, then the provisions of the overlay district may supplant these regulations.

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

A. Building Design:

1. Materials used on the street facade of a residential structure shall wrap a minimum of two feet (2') around the facades not facing the street, or terminate at a perpendicular building element.

2. The front entry of a residential structure shall be clearly defined and identifiable as demonstrated by the following:

a. Shall have a direct and permanent pathway that connects to the public sidewalk; and

b. Shall be clearly visible in the front elevation of the structure; and

(1) A front entry door with a covered porch, dormer, stoop, decorative posts or roof; or

(2) A front entry door may not be located flush with garage doors, but may be located in the portion of the building closer to the front property line with the garage setback a greater distance from the front property line.

3. All elevations adjacent to public streets must contain:

a. Windows; and

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b. Shall have a direct and permanent pathway that connects to the sidewalk and an entrance with decorative posts or roof, or covered porch; and

c. Modulation in the building facades.

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 committee approval 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 committee approval and approval of a conditional use permit.

5. A minimum of an 8'X 10' shall be provided in addition to enclosed garages (space may be achieved through additional space in garage) for storage.

C. Garage and Carport:

1. A garage and carport shall be deemphasized when viewed from the public street demonstrated by one (1) of the following:

a. The garage or carport shall not occupy more than fifty percent (50%) of the building line adjacent to any public street unless the garage has one (1) of the following: windows in or above the garage doors; and dormers, raised or recessed trim on the garage doors; or garage doors sized for a single automobile; and contains texture, color, and materials that match the residential structure; and

(1) The garage or carport is recessed at least six feet (6') behind the front building line of the residential structure; or

(2) The garage or carport is located with a side entrance;

b. The garage or carport is located off a public street designated as an alley.

2. A temporary carport shall only be located behind the house and not visible from a public right-of-way, and shall not be allowed on a corner lot.

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8-4B-4 MULTI-FAMILY RESIDENTIAL DWELLING UNITS:

A. Building Setbacks: Building setbacks shall take into account windows, entrances, porches and patios, and how they impact adjacent properties and rights-of- way including the Greenbelt and Nature Path.

B. Building Design:

1. All building elevations shall have a minimum portion of the elevation devoted to architectural features designed to provide articulation and variety. These features shall include, but are not limited to, windows, bays and offsetting walls that extend at least two feet (2'); recessed entrances; and changes in material types. Changes in material types shall have a minimum dimension of two feet (2') and minimum area of twenty five (25) square feet.

2. Main entrances, which are the primary point(s) of entry where the majority of building users will enter and leave, shall be designed as an obvious entrance and focal point of the building through architectural treatment, lighting, and address identification.

3. Entrances shall be adequately covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.

4. Roof forms shall be distinctive and include variety and detail when viewed from the street. Sloped roofs shall have a significant pitch. Flat roofs should include distinctive cornice treatments.

5. Exterior building materials and finishes shall convey an impression of permanence and durability. Materials such as masonry, stone, stucco, wood, terra cotta, and tile are encouraged.

6. Windows are required to allow views to exterior activity areas or vistas. Windows shall be provided on any building facing any common area used for children's recreation.

7. All roof and wall mounted mechanical, electrical, communications, and service equipment should be screened from public view from the adjacent public streets, Greenbelt or Nature Path, and properties by the use of parapets, walls, fences, enclosures, or by other suitable means.

8. A minimum of an 8'X 10' space shall be provided for each unit in addition to enclosed garages (space may be achieved through additional space in garage) for storage.

9. The first-floor façade adjacent to the Greenbelt or public right-of-way shall include 50% of the first floor façade dedicated to pedestrian elements such as windows, decks, balconies, showcases, plazas, etc.

10 The scale, arrangement, and texture of buildings and open space shall vary through the development to reflect function, interest, and significance.

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11. Buildings adjacent to the Greenbelt or Nature Path should not be constructed to be a flat wall plane so that a large expanse of a building does not dominate the Greenbelt or Nature Path. This should be accomplished through the use of form changes with setbacks and building stepbacks. Additional building design components can contribute to the undulation such as balconies, canopies, awnings, porches, change of materials, and outdoor spaces.

C. Multiple Buildings On One Site: Development of multiple structures on one site shall comply with the requirements set forth in subsection 8-4C-4B, "Multiple Nonresidential Structures On One Development Site", of this chapter.

ARTICLE C. DESIGN PROVISIONS FOR NONRESIDENTIAL STRUCTURES

SECTION:
8-4C-1: Purpose
8-4C-2: Applicability
8-4C-3: General Provisions for Nonresidential Development
8-4C-4: Special Provisions for Specific Nonresidential Development
8-4C-5: Prohibitions

8-4C-1 PURPOSE:
The purpose of the nonresidential design provisions is to improve the image, economic vitality, and long term sustainability of nonresidential development within the city. Specifically, these provisions are intended:

A. To create development that creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city;

B. To improve the accessibility of development to nonmotorized and public modes of transportation;

C. To encourage a development pattern in nodes rather than strip commercial along arterial corridors;

D. To set in place a compact development pattern that enables intensification of development and changes over time;

E. To encourage a process for development of property that provides certainty and flexibility to applicants and property owners;

F. To provide outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and that encourage pedestrian activity. (Ord. 898-08, 9-8-2008)

8-4C-2: APPLICABILITY:
This article sets forth provisions that apply to development in the highway commercial (C-1) and general commercial (C-2) zoning districts, and any commercial building in the light industrial (LI) zoning district and/or any nonresidential development in any zoning district. The provisions apply to the various forms of development including: new

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construction, major and minor alterations, large scale construction, and development in specific locations as follows:

A. New Construction: For any new construction, the requirements of this article shall apply to all parts of the building and lot.

B. Structural Addition: For any structural addition that adds more than twenty five percent (25%) increase in gross floor area of the existing building, all of the building shall be brought into conformance with the requirements of this article.

C. Storefront Renovations: Any storefront renovations, where more than twenty five percent (25%) of the facade of the store is altered, replaced, rehabilitated or restored, shall comply with subsections 8-4C-3A4, 8-4C-3C, E, and F, and section 8-4C-5 of this article. (Ord. 898-08, 9-8-2008)

D. Lot Improvements: Any lot improvements that changes or cumulatively changes more than twenty five percent (25%) of the site area within a twenty four (24) month period shall be required to conform to subsections 8-4C-3B and D of this article.

E. Exceptions: This chapter does not apply to any new accessory structure that is less than twenty five percent (25%) the assessed value of the principal structure and is not located in the front or street side yard.

8-4C-3 GENERAL PROVISIONS FOR NONRESIDENTIAL DEVELOPMENT:
The provisions that follow establish an objective statement followed by guidelines for meeting that objective. In any situation, there may be a range of alternative methods for achieving the objective. The design review process set forth in chapter 6, "Administration", of this title provides the process for allowing innovation and creativity in meeting the development design objectives.

A. Objective 1: The design of all structures shall have a scale, massing and urban form that has a relationship to the street, the pedestrian, and adjacent properties.

1. Floor Area Ratio (FAR): All new construction should have a minimum floor area ratio of 1.0 or a minimum of two (2) stories.

Figure 8-4C-1

Three Different Ways To Achieve FAR 1.0

2. Street Setback: The maximum front setback is fifteen feet (15') from curb edge for a minimum of sixty percent (60%) of the length of the street frontage. (Ord. 898-08, 9-8-2008)

a. On parcels with more than one building, the maximum allowable street setback applies to the front elevation of the building closest to the public street.

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b. The street setback may be increased when a plaza is provided with a minimum area of five hundred (500) square feet and meeting the criteria for public space as set forth in subsection 8-4C-4C of this article.

Figure 8-4C-3

Plaza Example

3. Street Frontage: Sixty percent (60%) of the street frontage along the front setback should be occupied by a structure or a plaza.

Figure 8-4C-4

Two Different Ways To Achieve ~~Street~~ Frontage Examples

4. First Floor Facades: First floor facades visible from a public street or Greenbelt should include surfaces in windows, showcases, displays, or pedestrian access elements as follows: for all uses fronting the Greenbelt fifty percent (50%), retail uses at least fifty percent (50%), for all other uses at least fifteen percent (15%).

5. Upper Story Facades: Upper story facades should be set back an additional ten feet (10') for every additional 15' in height over the first 20' in height where the location is adjacent to a residential district or Greenbelt.

6. Wall Plane: Facades should have no wall plane wider than two and one-half (21/2) times the height of the wall plane. If a new wall plane is required to achieve compliance with this requirement, it must be offset by at least six feet (6').

Figure 8-4C-5

Acceptable And Not Acceptable Wall Plane Dimensions Examples

7. Blank Walls: No blank walls should front a public street. Any blank walls should be treated in one or more of the following ways:

a. Installing a vertical trellis in front of the wall with climbing vines or plant materials; or

b. Providing a landscaped planting bed at least five feet (5') wide or raised planter bed at least two feet (2') high and three feet (3') wide in front of the wall, with plant materials that obscure or screen at least fifty percent (50%) of the wall's surface within three (3) years;

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c. Providing artwork (mosaic, mural, sculpture, relief, etc.) over at least fifty percent (50%) of the blank wall surface.

Figure 8-4C-6

Vertical Trellis And Landscaping Treatment On Blank Wall Example

B. Objective 2: The design layout of all sites shall maximize opportunities for safe and comfortable pedestrian accessibility and minimize the obtrusive effects of parking and vehicular circulation.

1. Parking Lot Locations: All parking lots should be located to the side and rear of the building fronting on the street. A parking lot may be located between a building and a street when the visual effect of the parking lot has been mitigated by one of the following ways:

a. The lot is a minor component in a large site development and is no wider than one parking bay and one driveway lane; or

b. The site design demonstrates that the parking lot is well integrated with the overall site design and pedestrian connections and amenities have been provided that compensate for the parking lot location; or

c. A minimum of ten feet (10') of landscaping has been provided between the parking lot and the view of the surface lot from the street is minimized; or

d. The parking lot is designed with materials and landscaping that softens the appearance of the parking lot.

2. Driveway Lanes: Driveway lanes crossing a public sidewalk should be no wider than twenty feet (20') and the minimum of feet between driveway intersections with the public street as set forth by the transportation authority. Driveway lanes crossing a public sidewalk intersection should be clearly distinguished with special pavement or coloring.

3. Pedestrian Pathways:

a. Pedestrian pathways should be designed to provide a direct connection between the main building entrance and the public sidewalk.

b. Direct, convenient, and attractive pedestrian pathways should be provided that are clearly marked and connect all portions of the site.

c. Pedestrian pathways should be functionally separate from parking lots and driveways except where they cross driveways.

d. No access to a parking space should require a pedestrian to cross more than one drive aisle and two (2) parking bays of parking. Pedestrian pathways that

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are flush or shared with driveways, or pathways that cross surface parking lots longer than one drive aisle and two (2) parking bays in distance should be visually distinct from parking lot and driveway surfaces by either: 1) a distinct pattern and texture (e.g., brick pavers or stamped concrete) in paving materials; or 2) a raised surface.

Figure 8-4C-7

Distinctive Texture Pattern On Pedestrian Walkway Flush With Driveway Example

4. Primary Entrance:

a. The building closest to the street should have its primary entrance to the street and be clearly defined by the architectural design of the building.

b. The primary entrance of all buildings should provide a covered pedestrian open space such as a building recess, an awning, canopy or marquee.

c. Pedestrian amenities should be provided at the entrance including a minimum of one hundred (100) square feet of landscaping, outdoor seating, plazas, courtyards, public art, fountains, special paving, bicycle racks, transit stop.

C. Objective 3: Buildings shall be designed and constructed of quality materials.

1. Suitable Materials: Materials should be selected for suitability to the type of building and design for which they are used.

2. Encouraged Materials: Quality finish materials should be utilized, including, but not limited to, brick, masonry, or stone integrally tinted, textured masonry block, stucco, wood, or concrete siding.

3. Discouraged Materials: Metal siding, corrugated fiberglass, aluminum siding, mirror or metalized reflective glass, plywood, chipboard siding, vinyl, cinderblock, plastic tilt-up concrete, highly tinted or mirrored glass, and all types of imitation building materials should not be used as the primary building material.

4. Discouraged Finishes: Finishes that reflect light and glare; or bright, heavily saturated and/or reflective shades of primary colors are discouraged.

5. Change In Materials: Piecemeal embellishment and frequent changes in material should be avoided.

6. Matched Colors: The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps should blend with the roof colors.

D. Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water.

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1. Maintenance Of Existing Vegetation: All existing trees, significant vegetation and surface water features should be maintained.

2. Fifty Year Old Buildings: Buildings over fifty (50) years old that are safe and habitable should be maintained. (Ord. 898-08, 9-8-2008)

3. Scraped Sites:

a. Any existing site that is entirely scraped of existing natural and structural site conditions, should meet the requirements set forth in article I, "Landscaping And Tree Protection Provisions", of this chapter and should be well integrated with the site design. (Ord. 905-09, 3-23-2009)

b. Any existing site that is entirely scraped of existing natural and structural site conditions in which a natural waterway, irrigation canal, lateral or drain has previously been tiled or piped should meet the requirements set forth in section 8-4A-13, "Waterways", of this chapter. (Ord. 898-08, 9-8-2008; amd. Ord. 905-09, 3-23-2009)

E. Objective 5: The design of all buildings shall provide visual interest, support the vision for the area as articulated in the comprehensive plan and positively contribute to the overall urban fabric of the community.

1. Building Orientation: Buildings should be oriented to a prominent feature, such as a corner location, a plaza, a street or the river. Buildings and site design should provide inviting entry orientation.

2. Buildings should interact with the public realm and should ~~not turn their backs to~~ amplify the pedestrian experience adjacent to ~~the~~ public streets, gathering places, parks, Greenbelt and Nature Path.

Commented [JT2]: Separated from building orientation to clarify that the buildings don't have to necessarily front on Greenbelt, etc./

~~2~~3. Articulation: Buildings should be articulated to reduce the apparent scale. Architectural details that are used to articulate the structure may include reveals, battens, and other three-dimensional details that create shadow lines and break up the flat surfaces of the facade. The following are ways to achieve building articulation:

a. Window Treatments: Provide ample articulated window treatments in facades visible from streets and public spaces for architectural interest and human scale. Windows should be articulated with mullions, recesses, etc., as well as applying complementary articulation around doorways and balconies.

b. Architectural Elements: The mass of long or large scale buildings can be made more visually interesting by incorporating architectural elements, such as arcades, balconies, bay windows, dormers, building stepbacks, form changes, and/or columns.

Working draft

c. Rooflines: A distinctive roofline can reduce perceived building height and mass, increase compatibility with smaller scale and/or residential development, and add interest to the overall design of the building.

(1) Change the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.

(2) Roofs that incorporate a variety of vertical dimensions such as multiplaned and intersecting rooflines are encouraged.

(3) Flat roofed designs should include architectural details such as cornices, and decorative facings to provide interest to the roofline.

d. The scale, arrangement, and texture of the buildings and open space shall vary throughout the development to reflect function, interest, and significance.

~~3~~4. Building Details: The design of buildings should be enhanced with appropriate details. The following elements are examples of techniques used on buildings to provide detail:

a. Ornate Rooflines: Examples include ornamental molding, entablature, frieze, or other roofline devices.

b. Detailed Treatment Of Windows And Doors: Examples include decorative lintels, sills, glazing, door design, molding or framing details around all windows and doors located on facades facing or adjacent to public streets or parks. Window sizing and treatment should be as follows:

(1) Windows should not have individual glass panes with dimensions greater than five feet by seven feet (5’ x 7').

(2) Windows should be surrounded by trim, molding and/or sill at least four inches (4") wide. Commercial buildings with no trim or molding should have window frames at least two inches (2") wide.

(3) Individual window units should be separated from adjacent window units by at least six inches (6") of the building’s exterior finish material.

c. Ornamentation: Examples include ornamental railings, grillwork, landscape guard, and trellises.

d. Distinctive Light Fixtures: Examples include lights with a decorative shade or mounting.

e. Artwork Or Decorative Paving: The artwork may be freestanding or attached to the building, and may be in the form of mosaic, mural, bas-relief sculpture, light sculpture, water sculpture, fountain, freestanding sculpture, art in pavement, or other similar artwork.

Working draft

~~4~~5. Colors: Colors used on building exteriors should integrate a building's various design elements or features.

a. Accent colors should use color combinations that complement each other.

b. Use accent colors in a way to enhance or highlight building design, and not in a manner that creates clutter or otherwise detracts from building design.

c. The use of bright colors should be avoided. Softer, muted or earth toned colors are preferred.

d. Colors should be compatible with the architectural character of the surrounding buildings and neighborhood.

~~5~~6. Use Of Certain Building Features Or Design Elements Discouraged: The use of building features or design elements that overemphasize corporate themes, logos, or colors which stand above the neighborhood and community context without adding functional or aesthetic value to the building context should be discouraged. See section 8-4C-5, "Prohibitions", of this article.

F. Objective 6: The site development should support and be consistent with the adopted streetscape. (Ord. 898-08, 9-8-2008)

8-4C-4 SPECIAL PROVISIONS FOR SPECIFIC NONRESIDENTIAL DEVELOPMENT:

A. Large Scale Nonresidential Structures:

1. Facades longer than fifty feet (50') (measured horizontally along the facade) should incorporate relief to perceived building mass through such features as wall projections or recesses, projecting windows, entrances, or other visual relief. The doorways on buildings abutting or within three feet (3') of the sidewalk should be recessed in order to avoid conflicts with pedestrians.

Figure 8-4C-8

Mitigating Building Mass Example

2. Rooflines exceeding fifty feet (50'), should incorporate relief to the perceived building mass by providing roofline variation. Roofline variation should be achieved using one or more of the following methods: a) vertical offset in ridgeline; b) horizontal offset in ridgeline; c) variations in roof pitch; d) gables; and e) dormers.

Figure 8-4C-9

Methods To Provide Roofline Variations

B. Multiple Nonresidential Structures On One Development Site:

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1. Pedestrian Pathways: All portions of a site should be accessible by a direct, convenient, attractive, safe and comfortable system of pedestrian pathways as follows:

a. A pedestrian pathway provides a direct route between building and the public sidewalk.

b. A pedestrian pathway is free from hazards and has appropriate lighting levels.

c. Pathway layouts should promote the shortest distance between building entrances. Long circuitous routes should be avoided.

d. Secondary pathways must be at least three feet (3') in width.

Figure 8-4C-10

Internal Pedestrian Circulation Example

2. Consistent Setbacks: Consistent setbacks to the front or internal parking areas should be provided to create an organized spatial enclosure.

Figure 8-4C-11

Front And Internal Parking Area Setback Examples

3. Terminal Views: Terminal views within the site should be provided to landscaping, landmarks or significant site features.

Figure 8-4C-12

Terminal View Examples

4. Visual Continuity: Visual continuity should be achieved between dissimilar buildings by emphasizing common elements of site design (landscaping, screening, furnishings, light standards, decorative paving materials).

C. Plaza Requirements:

1. To qualify as a pedestrian plaza, an area should have:

a. Pedestrian access (including handicapped access) into the plaza from the public right of way.

b. Paved walking surfaces such as concrete, brick pavers, or other type of pavers on level, stepped, or gently sloping (less than 3 percent grade).

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c. One linear foot of seating per perimeter linear foot of the plaza.

d. Security lighting on site or building mounted.

e. A minimum size of five hundred (500) square feet with the shorter dimension of a plaza less than three (3) times the height of surrounding buildings.

f. Buildings on plazas should promote and accommodate outdoor activity with balconies, arcades, terraces, decks, and courtyards for residents' and workers' use and interaction.

g. Distributed trash containers around the plaza.

h. Direct access to occupied indoor space.

i. Located so that the build provides buffering from street noise when the location is on a major arterial.

2. A pedestrian plaza is encouraged to have:

a. Site furniture:

(1) Seating may be on planters, rails, benches, retaining walls and other raised surfaces.

(2) Cluster and movable seating for informal gathering and outside eating areas.

(3) Locate seating for sun exposure, where views can be taken advantage of, and near to activity centers of a site such as at building entrances and at the intersection of walkways.

b. Artwork, or amenities such as fountains, kiosks:

(1) Interactive art, sculpture, and fountains which people can touch and move.

(2) Fountains for visual attraction, to screen traffic noise, and for cooling effects.

3. A pedestrian plaza should not be located adjacent to unscreened parking lots or blank walls without wall treatment as set forth in subsection 8-4C-3A7 of this article.

D. Awning, Marquee And Arcade Requirements:

1. Awning, marquee, or arcades should be at least four feet (4') and six inches (6") deep, over the full length of sidewalk or walkway adjacent to the building, and minimum eight feet (8') above the walkway level.

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Figure 8-4C-13

Awning, Marquee And Arcade Design

2. The shape, color and location of the awning, marquee or arcade should be consistent with the architectural design of the building.

3. Awnings, marquees or arcades which are used as an integral and creative form of signage should be encouraged.

4. Awnings, marquees or arcades with distinctive shapes such as barrel shape, segmented arches, or round ended should be carefully used.

5. Awnings, marquees or arcades which dominate the facade, run the entire length of the building, obscure the architectural features of the building, and which are illuminated with fluorescent lighting should be discouraged.

E. Murals:

1. The content of the mural is consistent with the architectural, geographical, sociocultural and historical context of the city.

2. The location is on the rear, side or alley side of the building.

3. The size of a mural may be limited based on the location, building and context.

4. The surface material is resistant to vandalism and weather.

F. Outdoor Service And Equipment Areas:

1. HVAC and utility equipment, trash dumpsters, trash compaction, and other service functions should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties, the Greenbelt, Nature Path, and ~~and~~ public streets.

2. All on site service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults should be located in an area not visible from a public street or adjoining property, or should be fully screened from view from a public street and adjoining property with a privacy fence.

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Figure 8-4C-14

Examples Of Location And Screening Of Service And Mechanical Equipment

Figure 8-4C-15

Example Of Screening Mechanical Equipment

(Ord. 898-08, 9-8-2008)

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 will be reviewed on a case by case basis by the design review committee 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. Metal Buildings: Metal buildings should be prohibited except within the light industrial (LI) base zoning district.

D. Prohibited Materials: Chainlink fence and crushed colored rock/crushed tumble glass are prohibited site improvement materials. (Ord. 898-08, 9-8-2008)

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ARTICLE D. PARKING AND OFF STREET LOADING PROVISIONS

SECTION:

8-4D-1: Purpose
8-4D-2: Applicability
8-4D-3: Parking Design And Improvement Standards
8-4D-4: Parking Use Standards
8-4D-5: Required Number Of Off Street Parking Spaces
8-4D-6: Standards For Alternatives To On Site Parking
8-4D-7: Off Street Loading Standards

8-4D-1 PURPOSE:
This article provides regulations and standards for vehicular and bicycle parking and loading facilities with the following purposes:

A. To provide for off street parking and loading areas that minimize traffic hazards and congestion, and mitigates impacts on surrounding properties;

B. To limit the amount of land required for parking with the consequent impacts on water quality and storm drainage;

C. To maximize the use and efficiency of parking facilities;

D. To recognize that each development has unique parking needs and to provide for a flexible approach for determining parking space requirements; and

E. To provide for parking that is in scale and supports the pattern of compact, mixed use development identified in the city's comprehensive plan. (Ord. 898-08, 9-8-2008)

8-4D-2 APPLICABILITY:
A. The design standards as set forth in section 8-4D-3, "Parking Design And Improvement Standards", of this article shall apply to any new construction, alteration, or moving of a structure or any new or more intense use of property. Except where there is a change in use, the provisions of this article shall not apply to any existing building or structure.

B. Construction or modification of any parking area, except single-family residential parking areas, shall comply with plans that have been approved by the city.

C. The number of required off street parking spaces, as set forth in section 8-4D-5 of this article, shall be provided for all allowed uses in any district. (Ord. 898-08, 9-8-2008)

8-4D-3 PARKING DESIGN AND IMPROVEMENT STANDARDS:
A. Design And Layout Of Parking Areas:

1. Required: All parking areas shall be designed and constructed to provide the type and number of off street parking spaces required by section 8-4D-5 of this article, and designed as required by this section.

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2. General Provisions For Location Of Parking Areas:

a. No part of any parking area for more than ten (10) vehicles shall be closer than twenty feet (20') to any dwelling unit, school, hospital or other institution for human care located on an adjoining lot, unless separated by screen in compliance with the provisions as set forth in article I, "Landscaping And Tree Protection Provisions", of this chapter.

b. If a parking area is located on the same lot with a single-family dwelling unit, the parking area may be located within the front yard required for such building if approved by the design committee and only if parking elsewhere is not feasible or possible.

c. Parking areas shall not be located closer than four feet (4') to any established street or alley right of way.

d. No parking areas shall be allowed within 15' of the Greenbelt or Nature Path travel way except at the terminus of public streets.

3. Location And Design Of Parking Spaces For Residential Uses:

a. Parking spaces for detached residential dwelling units shall be located on the same lot as the dwelling which the space is intended to serve.

b. Parking for attached residential dwelling units shall be located not more than three hundred feet (300') from the structure(s).

c. The size of the parking space for a residential unit shall be at least ten feet by twenty feet (10' x 20'). Garage spaces shall be measured from the exterior dimensions.

d. Other requirements apply to the location of garages and carports as set forth in article B, "Design Provisions For Residential Structures", of this chapter.

4. Nonresidential And Mixed Uses: Location of parking spaces and lots for nonresidential uses and mixed uses:

a. Parking shall be located not more than one-fourth (1/4) mile from the use, as allowed by the provisions set forth in section 8-4D-6 of this article.

b. Parking lots shall not be located within forty feet (40') of a corner.

c. Parking spaces shall not interfere with the visibility and access to the main building entrance.

d. Off street parking spaces shall not be located in any required landscape area.

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Figure 8-4D-1

Acceptable And Unacceptable Location For A Parking Lot

5. Other Requirements: Other requirements that apply to the location, layout and design of parking lots:

a. Parking lots shall be designed in compliance with the requirements as set forth in article C, "Design Provisions For Nonresidential Structures", of this chapter.

b. Parking lots shall be designed in accordance with article I, "Landscaping And Tree Protection Provisions", of this chapter.

6. Parking Area Dimensional Standards: Parking lot layouts shall ~~conform to the layouts and specifications identified in the "Garden City Design And Construction Guide", as amended~~be designed to accommodate standard vehicles.

7. Parking Area Access Requirements:

a. Parking areas shall be designed in such a manner that any vehicle leaving or entering the parking area from, or onto, a public or private street shall be traveling in a forward motion. Except for an alley and parallel spaces, driveway configurations which require backing in, from, or out onto the street, are not allowed.

b. Parking areas shall be designed so that all vehicles are able to turn around within the site boundaries.

c. Access driveways for parking areas shall be located in such a way that any vehicle entering, or leaving, such an area shall be clearly visible by a pedestrian, or motorist, approaching the access or driveway from a public or private street. Access shall conform to the clear vision requirements in section 8-4E-3, "Public Street Connections", of this chapter and the vehicle and pedestrian circulation standards in section 8-4E-4, "Internal Circulation Standards", of this chapter.

8. Handicapped Parking: Parking areas shall conform to Americans with disabilities act (ADA) standards for parking spaces. Parking spaces and access lanes shall be marked including handicapped symbols and signs.

B. Improvements:

1. Surface: All off street parking areas and driveways into and through a parking area shall be improved with a compacted gravel base, not less than four inches (4") thick, surfaced with dustless material, including, but not limited to, asphalt, concrete, pavers, infiltration pavers, paver bricks, or recycled asphalt.

a. This standard shall not apply to temporary uses.

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b. Residential uses may provide a substitute surface material where it can be demonstrated that the materials do not generate dust.

2. Drainage: All parking and loading areas shall provide proper drainage of surface water to prevent the flow of water onto adjacent properties or walkways.

3. Wheel Restraints: All off street parking areas for nonresidential uses shall be provided with a substantial wheel restraint to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions. This standard shall not apply to temporary uses.

4. Overhangs: When a bumper overhangs onto a sidewalk or landscape area, the parking stall dimensions may be reduced two feet (2') in length if two feet (2') is added to the width of the sidewalk or landscaped area planted in ground cover.

5. Lighting: Any parking area for nonresidential uses which is intended to be used during nondaylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate parking lots shall be so arranged as to reflect the light away from the adjoining property and be on a motion detector or timer.

C. Bicycle Parking Facilities: Space for bicycle parking shall be provided consistent with the following location and design standards:

1. Bicycle parking spaces shall:

a. Be a minimum space six feet (6') long by two feet (2') wide;

b. Be located as close as possible to the building entrance(s);

c. Be separated by a physical barrier to protect the bicycle from damage by motor vehicles if located within a vehicle parking area. The physical barrier can be curbs, poles, wheel stops, or other similar features;

d. Not impede pedestrian or vehicular circulation, and should be harmonious with their environment. The facilities shall be incorporated, whenever possible, into the structure's design or street furniture; and

e. Be located in highly well lighted areas to minimize theft and vandalism.

2. The bicycle support shall:

a. Support bicycles in a stable position without damage to the frame, wheels, or other components;

b. Provide for a bicycle to be locked to the frame and front wheel with one lock;

c. Be securely anchored to the lot surface so bicycles cannot be easily removed and shall be of sufficient strength to resist theft and vandalism; and

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d. Not be placed too close to a wall or other obstruction so as to make use difficult. There shall be sufficient space (at least 24 inches) besides each parked bicycle to allow easy access. (Ord. 898-08, 9-8-2008)

8-4D-4 PARKING USE STANDARDS:

A. Number Of Spaces: No use shall provide less than the minimum or more than the maximum number of off street parking spaces required under section 8-4D-5, "Required Number Of Off Street Parking Spaces", of this article.

B. Change Of Use: Upon any change of use, the number of vehicle parking spaces to be provided shall be calculated according to the requirements of this article for the new use.

C. Use Of Property; Phased Projects: The use of any property is conditional upon the unqualified continuance and availability of the parking as required by this code. In phased projects, individual phases of the project are exempt from the maximum parking standards, provided that the project does not exceed the maximum allowable parking at build-out.

D. Equivalent Facilities: No required parking area or space provided, as required by this article, shall later be eliminated, reduced, or converted in any manner unless other equivalent facilities approved by the city are provided.

E. Temporary Uses: Required parking spaces shall be used for vehicle parking only, except as may be allowed for a temporary use in compliance with the requirements as set forth in section 8-2C-36, "Temporary Uses", of this title.

F. Parking Use For Residential Dwellings:

1. Parking of one commercial vehicle as defined in chapter 7 of this title per property may be allowed, provided it is operated by the occupant and used to commute from home to work at an off site location or used as part of an approved home occupation;

2. Vehicles without current registration shall not be parked or stored on any residential property other than in an enclosed space;

3. One boat and one travel trailer less than six feet (6') in length may be stored in the side or rear yard;

4. Tandem parking use is allowed to meet the parking requirements; and

5. One on street parking space a minimum of twenty feet (20') in length may qualify as a required parking space. (Ord. 898-08, 9-8-2008)

8-4D-5 REQUIRED NUMBER OF OFF STREET PARKING SPACES:

A. Residential Uses: The minimum number of required off street vehicle parking for residential uses shall be in accord with table 8-4D-2 of this subsection.

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TABLE 8-4D-2
REQUIRED PARKING SPACES FOR RESIDENTIAL USES

Use	Total Required Parking Spaces Per Dwelling Unit	Required Parking Spaces Within An Enclosed Garage
Dwelling, multi-family:		
1 bedroom	1	1
More than 1 bedroom	2	1
Dwelling, single-family attached:		
1 bedroom	2	1
More than 1 bedroom	2	2
Dwelling, single-family detached	2	1
Dwelling, 2 unit:		
1 bedroom	2	1
More than 1 bedroom	2	2
For developments with more than 2 dwelling units there shall be 0.5 additional spaces/unit provided for guest parking.		

B. Nonresidential And Mixed Uses: The minimum and maximum number of required off street vehicle parking for nonresidential uses and mixed use shall be determined by the planning official based on the following criteria:

1. The specific use(s) proposed and/or on the property;

2. Uses in the vicinity of the property;

3. A traffic study, if prepared, forecasting the expected traffic and parking needs expected from the use(s);

4. The availability of on street, shared, and/or public parking within the vicinity of the use; and

5. The availability of public transit, vanpooling or other alternative transportation to serve the use.

C. Appeal: When in the determination of the planning official, there is insufficient parking or the proposed parking is oversupplied to meet the needs of the use(s), the planning official's determination may be appealed to the planning and zoning commission in accordance with the provisions set forth in section 8-6A-9, "Appeals", of this title.

D. Bicycle Parking Standards:

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1. Bicycle parking facilities shall be provided for any new structure, or an addition to any existing structure, that exceeds fifteen thousand (15,000) square feet in gross floor area, or any multi-family development of three (3) or more units.

2. Bicycle parking facilities shall be provided in compliance with table 8-4D-3 of this subsection, with fractional requirements for bicycle parking over 0.5 to be rounded up.

TABLE 8-4D-3
REQUIRED BICYCLE PARKING SPACES

Type Of Use	Minimum Number Of Bicycle Parking Spaces Required
All nonresidential structures	1 space per 20 vehicle spaces and 1 space per commercial tenant
Multi-family residential structures (3 or more dwelling units) including units in a mixed use project	1 space for every 6 dwelling units

(Ord. 898-08, 9-8-2008; amd. Ord. 975-15, 4-27-2015)

8-4D-6 STANDARDS FOR ALTERNATIVES TO ON SITE PARKING:
Alternatives to providing on site parking are encouraged, including, but not limited to, shared use facilities, access to transit and availability of other forms of transportation such as carpools and vanpools.

A. Conditions: Conditions favorable to providing alternatives to on site parking are as follows:

1. Shared use:

a. There are convenient pedestrian connections between separate properties;

b. The properties and/or uses are within one-fourth (1/4) mile of each other;

c. The principal operating hours of the uses are not in substantial conflict with one another; and

d. Directional signs provide notice of the availability of parking.

2. Alternative transportation:

a. There is a transit stop within one-fourth (1/4) mile of the use; ~~or~~and

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b. There is a direct improved connection to the Greenbelt or other bicycle trails; and

~~b~~c. There is an incentive program for carpooling, vanpooling, or transit supported by the employer or management~~.~~; or

~~c~~d. There are shower facilities and lockers or indoor bicycle storage and maintenance facilities to support and encourage the use of nonmotorized transportation by employees.

B. Agreement:

1. All parties involved with a joint use parking area shall submit a written agreement to the planning official, signed by the applicable parties involved. The agreement shall specify the following:

a. Party or parties responsible for construction; and

b. Party or parties responsible for maintenance.

2. The applicant or owner shall record such agreement with the Ada County recorder prior to issuance of any permits.

3. The shared use parking agreement may be terminated by the parties only if off street parking is provided in conformance with this article and approved by the planning official prior to the termination. (Ord. 898-08, 9-8-2008)

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ARTICLE E. TRANSPORTATION AND CONNECTIVITY PROVISIONS

SECTION:

8-4E-1: Purpose
8-4E-2: Applicability
8-4E-3: Public Street Connections
8-4E-4: Internal Circulation Standards
8-4E-5: Private Street Standards
8-4E-6: Sidewalk Standards
8-4E-7: Pedestrian And Bicycle Accessibility Standards
8-4E-8: Transit Facilities
8-4E-9: Greenbelt Standards
8-4E-10 Access Standards

8-4E-1 PURPOSE:
This article provides regulations and standards for streets, transit, pedestrian and bicycle connectivity with the following purposes:

A. To provide a safe, attractive and functional transportation system that is accessible and accommodates all modes of transportation including automobiles, pedestrian, bicycling, and transit;

B. To provide a transportation system for all modes that supports the pattern of compact mixed use development identified in the city's comprehensive plan and reduces dependency on vehicular transportation;

C. To improve the connectivity, standards and safety of pedestrian and bicycle facilities;

D. To maintain safe streets and control traffic through neighborhoods; and

E. To limit the amount of land required for streets and driveways with the consequent impacts on water quality and storm drainage.

8-4E-2 APPLICABILITY:
A. This article provides design standards that shall apply to any new construction, addition, expansion, grading, alteration, or any new or more intense use of property.

B. Nothing in the provisions of this article shall alter or negate the responsibilities of the transportation authority. (Ord. 898-08, 9-8-2008; amd. Ord. 975-15, 4-27-2015)

8-4E-3: PUBLIC STREET CONNECTIONS:
A. Clear Vision Triangle: All streets and driveways shall adhere to the standards of a clear vision triangle.

1. Measurement: The clear vision triangle shall be measured as follows:

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a. The area is measured from the intersection of two (2) streets from the edge of pavement at the corner to a distance of forty feet (40') along each public street. The triangular area within is the "clear vision triangle". (Ord. 898-08, 9-8-2008)

b. The area of the clear vision triangle at the intersection of private streets or driveways with a public street is dependent on the volume of traffic and existing safety conditions at the intersection as determined by the transportation authority. The clear vision triangle shall not be less than seven feet (7'). (Ord. 944-12, 5-14-2012)

2. Standards Within The Clear Vision Triangle:

a. Trees planted within a clear vision triangle shall be pruned to a minimum height of eight feet (8') above the ground or sidewalk surface and fourteen feet (14') above the adjacent street surface.

b. No evergreen trees shall be planted within any clear vision triangle.

c. The maximum height of any berm or vegetative ground cover at maturity within the clear vision triangle shall be three feet (3') from the lowest adjacent street grade.

d. No fences higher than three feet (3') from the lowest adjacent street grade are permitted in the clear vision triangle.

e. No signs taller than three feet (3') are permitted in the clear vision triangle, except for street/stop signs approved by the transportation authority.

B. Street Access:

1. All developments shall have approved access to a public street, in conformance with the provisions of the transportation authority.

2. Driveways shall be the minimum width necessary to provide the required number of vehicle travel lanes and to reduce the impact on sidewalk crossings.

3. Driveway access shall be separated from other driveways and street intersections in accordance with the requirements of the respective transportation authority, or as agreed to by the city and the transportation authority. Properties that do not conform to the requirements shall be brought into conformance when: a) the property is redeveloped; b) the property is altered by any structural addition that adds more than twenty five percent (25%) increase in gross floor; or c) the property is used for a higher intensity use.

4. Access management controls, such as shared access, and/or access in variance with that specified by the transportation authority may be recommended by the city for the purpose of protecting the function, safety and functionality of the street.

5. Properties adjacent to Chinden Boulevard with alley access, shall provide access to the property from the alley. (Ord. 898-08, 9-8-2008)

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8-4E-4 INTERNAL CIRCULATION STANDARDS:

A. Driveways, aisles and turnaround areas, when required for fire and refuse access, shall meet the following standards:

1. Have a minimum vertical clearance of thirteen feet six inches (13'6") for their entire length and width.

2. Have a minimum width of twenty feet (20').

3. The design of internal circulation should be integrated with the overall site design and adjacent properties, including the location of structures, pedestrian walkways and landscaping. (Ord. 898-08, 9-8-2008)

8-4E-5 PRIVATE STREET STANDARDS:

All private streets shall be designed and constructed to the following standards:

A. The private street shall be constructed on a perpetual ingress/egress easement or a single platted lot that provides access to all applicable properties.

B. The private street shall be constructed within the easement and shall have a travel lane width of twenty six feet (26').

C. The private street shall provide sufficient maneuvering area for emergency vehicles as determined and approved by the fire authority.

D. The private street name(s) shall obtain approval from the Ada County street name committee.

E. A binding contract that establishes the party or parties responsible for the repair and maintenance of the private street including regulations for the funding shall be recorded with a final plat. No building permit shall be issued until the contract has been recorded. (Ord. 898-08, 9-8-2008)

8-4E-6 SIDEWALK STANDARDS:

All sidewalks shall be designed and constructed to the following standards:

A. Sidewalks shall be required along public rights-of-way intended for vehicular travel.

B. All sidewalks adjacent to public streets shall be a minimum of five feet (5'). Sidewalks adjacent to arterial roadways shall be a minimum of seven feet (7') unless detached by a landscaping buffer.~~), except if detached sidewalks are provided on local streets in residential subdivisions, the minimum sidewalk width may be reduced to four feet (4')~~.

Commented [JT3]: ACHD comment indicating that this conflicts with ACHD provisions

C. Detached sidewalks shall be required unless in conflict with a street plan adopted by the transit authority and/or the city or there is existing attached sidewalk on both sides adjacent to the property.

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D. Sidewalks shall be designed to flare around mailboxes, utility boxes and other impediments to pedestrian circulation to maintain a minimum five feet (5') of travel width. (Ord. 898-08, 9-8-2008; amd. Ord. 975-15, 4-27-2015)

8-4E-7 PEDESTRIAN AND BICYCLE ACCESSIBILITY STANDARDS:

A. Pedestrian Accessibility: All new nonresidential development shall provide for pedestrian accessibility. Accessibility shall be from a direct, convenient and attractive pathway system that conforms to the following standards:

1. A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances, as generally shown in figure 8-4E-1 of this subsection.

Figure 8-4E-1

Typical Pedestrian Pathway

2. The pathway shall be designed to connect or stub a pathway(s) to adjacent private property, transit stops, adjacent trails, plazas, future phases of development, and open space areas.

3. The pathway shall be designed to connect all portions of a development in a direct manner and not involve a significant amount of out of direction travel for likely users.

4. The pathway is free from hazards, has appropriate lighting levels, and meets the standards for ADA accessibility.

5. A pathway shall be a minimum width of four feet (4').

6. Pedestrian amenities shall be provided along sidewalks and pathways to support defensible space, crime prevention, pedestrian comfort and accessibility.

7. Pathway surfaces shall be concrete, and have a width that is based on their function. Pavers, brick, raised walkways, and other ornamental paving may be used if it has a smooth finish, and textured or bumpy materials may be used as an edge treatment, provided that an accessible route is provided between the edge treatments.

B. Bicycle Accessibility:

1. All new residential and nonresidential development shall provide for bicycle accessibility in the following situations:

a. A bicycle route is identified in the city and/or the transportation authority's bicycle master plans;

b. Where the property is adjacent to the Boise River greenbelt and there is an opportunity for a connection;

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c. Where cul-de-sacs or dead end streets are planned;

d. To connect the ends of the streets together, to other streets, and/or to other developments, where practicable.

2. Bicycle accessibility shall conform to and comply with the standards the ACHD adopted "Bike Facility Design And Designation Guide". (Ord. 898-08, 9-8-2008)

8-4E-8 TRANSIT FACILITIES:
Bus pullouts, shelter pads, shelters, and related right of way and easements may be required when a development is adjacent to an existing or planned bus stop or transit station. These facilities shall be integrated into the overall pedestrian plan of a project, and designed consistent with the requirements of the Valley Regional Transit authority.

8-4E-9 GREENBELT AND NATURE PATH STANDARDS

A. Applicability

a. This section applies to all new subdivisions including minor land divisions and all new or substantial improvement of more than two residential units and all new or substantial improvement nonresidential uses adjacent to the Greenbelt or identified future greenbelt location when the path is on public property or is the same ownership of the proposed development .

B. Objectives

a. Protect user safety.
b. Provide consistent development of the Greenbelt.
c. Provide for emergency vehicle use, flood control maintenance, and Greenbelt and River Zone maintenance.
d. Reduce public expenditure.
e. Maximize public access to the Greenbelt and Nature Path.
f. Reduce the need for large parking lots servicing the Greenbelt and Nature Path by providing accesses that are dispersed along the Greenbelt and Nature Path.
g. Provide adequate space for emergency, flood protection efforts, and maintenance access to Greenbelt, Nature Path, and Boise River.

C. Pathway Standards

a. The path should be located in a manner to best provide for the objectives identified in 8-3E-4 River Zone Standards.
b. The improved travel way (paved portion) of the Greenbelt shall be a minimum of fifteen feet (15') in width, and the Nature Path improved travel way shall be a minimum of twelve feet (12') in width.
c. The underlying base should be 4 inches of compacted crushed gravel (not required on Nature Path).

d. Pavement thickness should be two inches (2") of asphaltic concrete or an equivalent as determined by the Public Works Director (not required on Nature Path).
e. Appropriate treatments should be undertaken to inhibit root growth from coming up through the pavement, including a minimum depth of twenty-four inches (24") and a thirty-six inches (36") perimeter of a root barrier.
f. The path should be sloped to provide proper drainage. Low spots should be avoided where water may accumulate.
g. Conduit a minimum of 2" wide and buried 36" deep and with pull boxes every 500' located on the landward side of the Greenbelt and Nature Path shall be provided.
h. The Greenbelt may be improved with pavement up to a width of 22' to meet the requirements for a secondary access for emergency vehicles.
i. In congested areas or high activity, as determined by the final decision maker, a secondary separated parallel pathway a minimum of 5' in width or increased pathway width of up to 20' may be required to reduce bicycle and pedestrian conflicts.
j. When the Greenbelt or pathway is on private property, easements shall be required for the public's use of the pathway, maintenance, emergency access, and flood protection.
k. New Greenbelt sections that are wider than the adjacent sections of the Greenbelt shall provide a gradual taper to the section so as to not create an abrupt change in pavement width.

D. Access Standards

a. No public access to the Greenbelt or Nature Path shall be gated from public streets.
b. The paved section of the intersection of the Greenbelt with a street end shall be minimally twenty feet (20') in width to provide adequate access for emergency and maintenance vehicles.
c. The existing street grid pattern east of Glenwood shall be extended to the Greenbelt to provide maximum public parking on both sides of the street. Should the right of way be vacated, public parking for Greenbelt access shall be provided at two (2) stalls per nine lineal feet (9') of vacated right-of-way. Public parking required for Greenbelt access shall not be counted as part of the development's otherwise required parking.
d. Public corridors to the Greenbelt that are at least fifteen feet (15') in width shall be provided approximately and at least every 300' feet (measured parallel to the Greenbelt to the next public access). Extension of the existing street grid can satisfy this requirement, or the space can also serve as landscaping, emergency equipment access, water retention zones, or utility easements.
e. Where the public right-of-way is not extended to the Greenbelt and Nature Path, pathway and river users' parking shall be provided approximately

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and at least every 600' feet (measured parallel to the path to the next public parking location).

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ARTICLE I. LANDSCAPING AND TREE PROTECTION PROVISIONS

SECTION:

8-4I-1: Purpose
8-4I-2: Applicability
8-4I-3: General Landscaping Standards And Irrigation Provisions
8-4I-4: Landscaping Provisions For Specific Uses
8-4I-5: Perimeter Landscaping Provisions
8-4I-6: Parking Lot Landscaping Provisions
8-4I-7: Tree Preservation Provisions
8-4I-8: Reserved
8-4I-9: Landscape Maintenance Provisions

8-4I-1 PURPOSE:

A. To implement the goals and objectives of the comprehensive plan to "emphasize the garden in Garden City" and more specifically:

1. Improve the landscaping standards for all new development.

2. Beautify sidewalks and gateways with landscaping and trees.

3. Continue to require sidewalks and landscaping in all new development, and in major alterations and reuse of existing commercial sites.

4. Identify appropriate native plants and landscaping techniques for landscaping along the river. Require that new developments have landscaping consistent with those guidelines.

B. To enhance the livability, aesthetic qualities, economic attractiveness, and environmental health of the city.

C. To achieve a balance between the right of individuals to develop and maintain their property in a manner they prefer and the rights of city residents to live, work, shop, and recreate in pleasant, healthy, and attractive surroundings.

D. To promote the use of native and appropriate other low water use plant materials, and to discourage landscaping that requires high water use for maintenance, such as large expanses of lawn.

E. To require best practices in the maintenance of landscaping and the preservation of existing significant vegetation and trees. (Ord. 898-08, 9-8-2008)

8-4I-2 APPLICABILITY:

All development, redevelopment, additions, or site modifications to existing development shall be required to conform to this article based upon the following guidelines:

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A. Additions less than twenty five percent (25%) of the gross floor area of the existing structure or developed area, no additional landscaping shall be required.

B. Except for residential uses, additions or site modifications that are twenty five percent (25%) to fifty percent (50%) of the gross floor area of the existing structure or developed area, streetscape landscaping as required by section 8-4I-8 of this article shall be installed.

C. Except for single-family and two-family residential uses, additions or site modifications greater than fifty percent (50%) of the gross floor area of the existing structure or developed area, shall comply with all provisions of this article.

D. Restriping, parking lot overlays with no increase in the square footage of the parking area, or parking lot replacement less than twenty five percent (25%), no additional landscaping as required by section 8-4I-6, "Parking Lot Landscaping Provisions", of this article shall be required.

E. Parking lot replacement that is twenty five (25) to fifty percent (50%) of the parking area, shall comply with the requirements of section 8-4I-5, "Perimeter Landscaping Provisions", of this article.

F. Parking lot replacement that is greater than fifty percent (50%) of the parking area shall comply with all requirements of sections 8-4I-5, "Perimeter Landscaping Provisions", and 8-4I-6, "Parking Lot Landscaping Provisions", of this article.

G. For all new residential and nonresidential uses, all landscaping standards of this article shall be met. (Ord. 898-08, 9-8-2008)

8-4I-3: GENERAL LANDSCAPING STANDARDS AND IRRIGATION PROVISIONS:
A. Landscape improvements shall be an integral part of the overall site design for each property.

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

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

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

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

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

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

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

D. ~~All landscaping shall conform to the standards for approved and prohibited plant materials and tree species as set forth in the "Garden City Design And Construction Guide".~~ The area measured fifteen feet (15') landward from the Greenbelt and Nature Path or property line adjacent to the Greenbelt and Nature Path, whichever is greater, shall include a minimum of 50% tree canopy coverage. The canopy shall be achieved measured by the anticipated diameter of the tree at maturity. Should any tree utilized to achieve this standard be removed the total calipers lost on site up to an amount of one hundred percent (100%) shall be replaced. (Example: Two 10-inch caliper trees removed may be mitigated with four 5-inch caliper trees, five 4-inch caliper trees, or seven 3-inch caliper trees.).

E. Landscaping materials requiring a substantial application of chemicals and fertilizer for survival is discouraged.

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

Shade trees	2 inch caliper minimum
Ornamental trees	2 inch caliper minimum
Evergreen trees	6 foot height minimum
Woody shrubs	~~2 gallon pot~~ 1 gallon minimum

F. Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants. Use of mulch, organic or rock, as the only ground cover in required planting areas is prohibited.

G. When five (5) or more trees are to be planted to meet the requirements of any portion of this article (including street trees, perimeter landscaping, parking lot landscaping and other landscape guidelines) a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required as set forth in table 8-4I-1 of this subsection. (Ord. 898-08, 9-8-2008)

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

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

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

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

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

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

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

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

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

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

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

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

O. Required trees must be identified in the most current version of "Tree Selection Guide For Street And Landscapes Throughout Idaho" by Boise parks and recreation

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department or certified by a licensed landscape architect to be appropriate to the proposed location.

P. When a utility easement precludes meeting specific standards, standards may be waived.

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

A. Landscaping For Single-Family Residential Units:

1. For lots with thirty (30) to forty nine feet (49') of linear frontage, one class II or class III tree shall be planted in the front yard setback.

2. For lots with fifty feet (50') or more of linear frontage, two (2) class II or class III trees shall be planted with one tree located in the front yard setback. (Ord. 944-12, 5-14-2012)

3. Trees shall be planted with adequate spacing to allow for the mature spread of the trees.

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

1. A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. (Ord. 898-08, 9-8-2008)

2. A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage. (Ord. 944-12, 5-14-2012)

3. A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.

a. Trees shall be selected from the ~~city's approved list of appropriate tree species contained in the "Garden City Design And Construction Guide".~~ tree selection guide on file with the City or as otherwise reviewed and approved by the decision maker as appropriate for the location.

b. Trees shall be distributed throughout the site.

c. Shrubs shall be grouped and distributed throughout the site.

4. Trees may be substituted for up to one-half (1/2) of the required shrubs at the rate of one tree for ten (10) shrubs and vice versa. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

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

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8-4I-5: PERIMETER LANDSCAPING PROVISIONS:

A. Purpose: The perimeter landscaping shall provide the following benefits:

1. To provide a visual barrier between different land uses;

2. To enhance the streetscape;

3. To provide privacy; and

4. To protect uses from wind, dust, noise, traffic, glare, visual disorder, and harmful or noxious effects. (Ord. 898-08, 9-8-2008)

B. Applicability: Required perimeter landscaping meeting the standards set forth in subsection C of this section is required in the following situations unless the Design Review Committee finds that the purpose of this section is otherwise better achieved with a different treatment:

1. Between a new or substantially altered nonresidential use and a residential use or vacant residentially zoned property where such uses are not separated by an arterial street; (Ord. 944-12, 5-14-2012)

2. Along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property;

3. Along the common property line between a multi-family residential use and a single-family or two-family residential use or vacant single-family or two-family zoned property;

4. Between a nonresidential or multi-family use and a public park;

5. Between a loading or utility service area, vehicle repair bay, or vehicle fueling area and all property lines;

6. Between other paved vehicular use areas, including driveways, and vehicle storage areas and all property lines;

7. Between a carport for five (5) or more vehicles serving a residential use and an adjoining lot with a residential use or vacant residentially zoned property.

C. Standards:

1. A perimeter landscaping area shall be at least ten feet (10') wide measured from the property line to the interior of the lot;

2. A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity;

3. At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage.

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4. Additional standards for parking lots ~~and carports~~ are set forth in section 8-4I-6, "Parking Lot Landscaping Provisions", of this article.

5. Structures less than one hundred twenty (120) square feet, including, but not limited to, trash enclosures and storage sheds may encroach into the perimeter landscape area.

6. Perimeter landscape areas shall provide for pedestrian access from residential development to abutting commercial districts and vice versa. (Ord. 898-08, 9-8-2008)

8-4I-6: PARKING LOT LANDSCAPING PROVISIONS:

A. Purpose: Landscape areas shall be distributed throughout a parking lot to soften and screen parking lot edges, reinforce circulation routes, create pleasant pedestrian conditions and maximize shade and stormwater benefits. (Ord. 898-08, 9-8-2008)

B. Applicability: The provisions of this section shall apply to all new or substantially altered parking lots of five (5) spaces or more. (Ord. 944-12, 5-14-2012)

C. Standards:

1. Landscaped areas in large parking lots shall be consolidated to enhance tree and plant material growing conditions.

2. Landscaped areas shall be designed to accommodate the following:

a. Trees shall be planted with access to at least five (5) square feet of area and three (3) in depth of quality soil prepared to the specifications set forth in ~~"Garden City Design And Construction Guide"~~ American Association Of Nurserymen (latest edition), or as recommended by a landscaping expert.

b. High branching, deciduous shade trees planted evenly at fifteen foot (15') intervals (or as appropriate to the selected species) to quickly establish continuous canopy coverage.

3. Plant materials for parking lot landscape areas shall be selected for suitability in that environment:

a. Native and nonnative plant species that are hardy, drought tolerant, and resistant to the stresses of compacted soils and weather exposure shall be used. No weedy or invasive exotic trees such as Russian Olive, Tree of heaven or Tamarisk should be planted;

b. Suitable native species shall be included where possible and appropriate;

c. Invasive species shall not be planted near the Boise River ~~greenbelt~~ Greenbelt and other natural areas;

d. Monocultures which can be susceptible to disease shall be avoided;

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e. Consideration to the sun, shade and irrigation requirements shall be made; and

f. A variety of deciduous and coniferous trees and shrubs for year round interest, texture, shape and seasonal color shall be planted.

4. Landscape areas shall be coordinated with the location of light standards and other utilities.

D. Perimeter Landscaping And Screening Standards:

1. Edge treatments along streets and other public spaces shall visually screen parked vehicles, but not completely obstruct views into and out of the parking lot for the purpose of supporting pedestrian safety and security.

2.Parking area shall be screened from view of the Greenbelt and Nature Path with landscaping that is at least four feet (4') in height at maturity or a structure.

2. Solid masonry or wood fencing a minimum of six feet (6') in height with landscaped screening shall be provided between parking lots and residential uses or vacant residentially zoned properties.

Figure 8-4I-2

Examples Of Landscaping And Walls To Screen Parking Lots

E. Internal Landscaping Standards:

1. Landscaped areas, including islands, medians, and stormwater retention areas shall be designed within the parking lot to define major vehicle and pedestrian routes, provide shade and break up the expanse of paved areas.

2. Internal landscaped areas shall be designed with a curb to prevent damage from vehicles, to separate planting areas from pedestrian pathways, and to prevent soil and other landscape material from spreading over adjacent surfaces.

a. Taller or shorter curbs are permitted where vehicle overhang and door clearances are not an issue.

b. Curb cuts are permitted to the extent needed to support accessibility and stormwater initiatives.

3. Plant high branching deciduous trees throughout the parking lot interior to provide shade for pedestrians, vehicles and surfaces.

a. Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied.

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b. Internal shade trees shall be planted such that no parking space is more than one hundred feet (100') from a tree.

c. On small or narrow sites, shade trees provided in non-street facing perimeter planting areas can be counted toward the internal tree requirement, provided that the maximum distance from a parking space one hundred feet (100'), is met.

4. Include landscaped islands with at least one tree at the beginning and end of each parking row and to break up longer rows or highlight special features.

5. A continuous landscape median at least ten feet (10') in width shall be provided every three (3) banks of parking (a bank is 2 rows of parking and a drive aisle).

Figure 8-4I-3

Examples Of Internal Parking Lot Landscaping

(Ord. 898-08, 9-8-2008)

8-4I-7 TREE PRESERVATION PROVISIONS:

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

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

C. Standards:

1. Site development shall make all feasible attempts to maintain existing non-exotic and non-invasive trees four inch (4") caliper or greater within their design.

2. Existing trees that are retained shall be protected from damage to bark, branches, and roots during construction in accordance with the provisions set forth in the American Association Of Nurserymen (latest edition), or as recommended by a landscaping expert~~"Garden City Design And Construction Guide"~~.

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

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

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

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

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

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

5. Mitigation shall be required for all existing trees four inch (4") caliper or greater that are removed or damaged from the site.

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

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

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

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

e. Mitigation may occur on any property in Garden City, so as long as it is authorized by the property owner.

6. Existing trees that are retained or relocated on a site may count toward the required landscaping.

D. Standards For Planting Of Trees Near Existing Utilities And To Trenching For New Utilities Near Existing Trees:

1. Overhead Utilities: Only ~~class I~~ trees ~~as set forth in the "Garden City Design And Construction Guide" recommended plant list~~that can grow to maturity without conflict with the utility wires ~~-~~may be planted under or within ten (10) lateral feet of any overhead utility wires.

2. Underground Utilities: All trees shall be planted outside of any easement that contains a city water or sewer main, unless written approval is obtained from the city engineer. If any utility easement precludes trees required by this article, the width of the required buffer shall be increased to accommodate the required trees.

3. Trenching: New underground utilities shall stay outside of the drip line of existing trees if trenched, or be tunneled a minimum of three feet (3') below existing grade within the tree's drip line.

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a. No root two inches (2") or larger shall be cut.

b. This requirement is for placement of new utilities and does not affect the city's ability to access existing utilities for repair and maintenance. (Ord. 898-08, 9-8-2008)

8-4I-8 RESERVED:

8-4I-9 LANDSCAPE MAINTENANCE PROVISIONS:

A. Purpose: The provisions of this section are intended to ensure that all required landscaping is maintained in a healthy, growing condition at all times.

B. Applicability: The requirement for landscape maintenance applies in all districts where landscaping has been required.

C. Standards:

1. The property owner is responsible for the maintenance of all landscaping and screening devices required by this article.

2. Topping any street tree required by this article is prohibited.

3. Tree grates shall be widened to accommodate the growing tree trunk and prevent girdling of any trees planted in tree wells within sidewalks or other public right of way.

4. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.

5. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.

6. All landscaping required by this subsection may be subject to periodic inspections by city officials to determine compliance or to investigate.

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The following code is existing code. Language that is shown in strikethrough is recommended to be deleted from existing code and language that is underlined is intended to be added to existing code. The color of changes has no significance.

8-6B-2 CONDITIONAL USE

D. Required Findings: In order to grant a conditional use permit, the commission shall make the following findings:

1. The use is appropriate to the location, the lot, ~~and the~~ neighborhood, and overlay districts, and is compatible with the uses permitted in the applicable zoning district;

2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts;

3. The use will not unreasonably diminish either the health, safety or welfare of the community; and

4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city. (Ord. 898-08, 9-8-2008)

In the below section the Committee identified criteria to mitigate: Detriments to habitat, odors, Greenbelt and Nature Path comfort including appearance, and reduce risk of potential contaminants.

ARTICLE C. LAND USE PROVISIONS

SECTION:
8-2C-1: Purpose
8-2C-2: Accessory Use
8-2C-3: Agriculture
8-2C-4: Amusement Center
8-2C-5: Animal Care Facility
8-2C-5-1 Artist Studio
8-2C-6: Bed And Breakfast
8-2C-7: Building Material, Garden Equipment And Supplies
8-2C-8: Church Or Place Of Religious Worship
8-2C-9: Club
8-2C-10: Commercial Entertainment Facilities
8-2C-11: Daycare Facility
8-2C-12: Drinking Establishment
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8-2C-15: Dwelling Unit, Multi-family
8-2C-16: Equipment Rental, Sales And Service
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8-2C-1 PURPOSE:
This article provides specific standards for certain allowed uses, including permitted and conditional uses, as set forth within the applicable base zoning districts. The standards shall be the minimum standards applied. Additional conditions may be required.

8-2C-2 ACCESSORY USE:
A. Limitations:

1. An accessory use shall not be permitted if the use is otherwise not permitted in the zoning district, or obtaining required approvals for the use.

2. Accessory uses shall not be permitted in any zoning district without a legal principle use.

3. An accessory structure shall not be used for sleeping quarters, unless specifically designed as an approved accessory dwelling unit or through approval of a conditional use permit. (Ord. 944-12, 5-14-2012; amd. Ord. 967-14, 6-9-2014; Ord. 975-15, 4-27-2015)

8-2C-3 AGRICULTURE:
A. Setbacks:

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1. Buildings or confinement areas (not perimeter fencing), for animals and poultry shall not be closer than forty feet (40') from any existing residential structure not on the property, and not less than twenty feet (20') from the property lines, whichever is greater. (Ord. 898-08, 9-8-2008)

2. The feeding or sheltering of animals or poultry in penned enclosures shall not be within one hundred feet (100') of any adjacent residential structure. (Ord. 905-09, 3-23-2009)

3. The feeding, sheltering, or enclosure of animals or poultry shall not be within one hundred feet (100') of the Ordinary High-Water Mark of the Boise River or its tributaries.

B. Site Layout: Animals and poultry shall be maintained within fences, buildings, or confined feeding/watering areas. (Ord. 898-08, 9-8-2008)

C. Limitations:

1. The overall animal density shall not exceed the following: two (2) horses; or two (2) cows; or two (2) hogs; or four (4) llamas; or four (4) lambs; or four (4) sheep or four (4) goats; or twelve (12) chickens per acre or an equivalent animal density as approved by the planning official.

2. Roosters are not permitted.

3. A structure for the sheltering of the animals must be provided.

4. Minimum open space must be provided for the husbandry of the animals as follows: twenty one thousand seven hundred eighty (21,780) square feet per horse or cow; ten thousand eight hundred ninety (10,890) square feet per llama or hog; one hundred thirty (130) square feet for the first sheep or goat plus an additional forty (40) square feet per additional sheep or goat; twenty five (25) square feet for the first chicken plus twelve (12) square feet per additional chicken.

5. Husbandry of bees shall adhere to the following provisions:

a. Maximum Density: The maximum density of beehives and colonies is three (3) colonies per one-fourth (1/4) acre. Higher densities may be permitted by conditional use permit.

b. Nucleus Colony: For every two (2) colonies one nucleus colony is allowed.

c. Removable Frames: Colonies shall be kept in hives with removable frames.

d. Flyway Barriers: For colonies located within twenty five feet (25') of a property boundary, a flyway barrier at least six feet (6') in height consisting of a solid wall, fence or dense hedge parallel to the property line and extending ten feet (10') beyond the apiary in each direction is required.

e. Setbacks And Placement: Hives shall be located at least twenty feet (20') from front property lines and three feet (3') from other property lines. The back of the hive shall be oriented to adjoining properties.

f. Water Source: A constant supply of fresh water is required. It shall be readily accessible to the bees and allow them to access water by landing on a hard surface. A water supply is not required during winter and other inactive months.

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g. Maintenance: Hives not being actively maintained shall be removed. Colonies must be maintained so as to not interfere with the quiet enjoyment of surrounding properties.

h. Queens: Where a colony exhibits unusually aggressive characteristics the colony shall be destroyed or requeened.

i. Compliance With State Statutes: Beekeeping shall comply with all applicable state laws.

D. Site Maintenance:

1. Site Cleanup: The site shall be returned to a clean condition after the termination of the growing and packing season, including being free of debris and garbage.

2. Disposal Of Unsold Products: Unsold food products, trees, greens, or debris generated by the use shall be properly disposed of off-site.

3. Parking Surfaces: All surfaces used for parking on the site shall be constructed with paving, vegetative cover or of dustless material.

4. Manure: Manure shall not be allowed to accumulate so as to create odor.

5. Pesticides And Herbicides: Use of pesticides and herbicides shall be approved by the Garden City environmental division.

6. Mechanical Equipment: The use of mechanical equipment is limited from sunrise to sunset.

7. Contact Information: Contact information for a responsible party shall be clearly visible on site.

E. Accessory Uses: Accessory uses for packing, treating, selling and storing produce shall be secondary to that of normal agricultural activities.

1. The pick up and delivery of produce for the purpose of distribution to gardeners or those who have purchased shares of produce is allowed during daylight hours.

2. Sales shall be limited primarily to produce grown on the premises. Other items that have been grown or raised in Ada County, Idaho, may also be sold. Items not grown or produced in Ada County, Idaho, may not exceed twenty five percent (25%) of total product for sale. (Ord. 944-12, 5-14-2012)

F. Additional Standards for Riding Stables And Schools:

1. All stables or loafing sheds shall be located a minimum of one hundred feet (100') from any residential structure not on the property.

2. All facilities, including stables, riding rings and horse trailer parking shall be located with full consideration to their proximity to adjacent uses and their noise and odor impacts upon adjacent and surrounding properties. (Ord. 898-08, 9-8-2008)

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8-2C-4 AMUSEMENT CENTER:
A. Other Regulations Apply: A use that is a pool, billiard or card room shall comply with the licensing requirements as set forth in title 3, "Business And License Regulations", of this code. (Ord. 898-08, 9-8-2008)

8-2C-5 ANIMAL CARE FACILITY:
A. Site Layout: A minimum distance of three hundred feet (300') shall be required to be maintained from the facility to any residence or lodging not on the property; the facility shall be entirely enclosed, heated, soundproofed, and air conditioned.

B. Site Maintenance:

1. Adequate shelter shall be required for the animals to be kept, including adequate means of restraining animals from running at large.

2. The property shall be maintained with adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.

C. Accessory uses, grooming and boarding of animals are allowed.

D. Other Regulations Apply:

1. The operator shall have a continuing obligation to comply with all city, county and state regulations relative to such an operation.

2. The use shall comply with the licensing requirements as set forth in title 3, Business And License Regulations, of this code.

3. There shall be staff available at all times there are animals at the facility. If staff is not on site, a telephone number where a staff member can be reached and available to the site within thirty (30) minutes must be clearly and legibly posted from the exterior of the building at the front entrance to the establishment. (Ord. 898-08, 9-8-2008; amd. Ord. 967-14, 6-9-2014)

E. Limitations: Outdoor areas provided to serve the animal care facility must be at least 50' from the Greenbelt or Nature Path.

8-2C-5-1 ARTIST STUDIO:
A. Standards:

1. The artist or artists who are endeavoring in production, sale or instruction of the creative pursuit reside in a dwelling on site; or

2. The art and/or creative process being conducted on the site are visible to the public, on sale at the site, or the site is open to the public. (Ord. 975-15, 4-27-2015)

8-2C-6 BED AND BREAKFAST:
A. Limitations:

1. The bed and breakfast shall be limited to a maximum of five (5) guestrooms.

2. Service shall be limited to the rental of bedrooms or suites, and meal/beverage service shall be provided for registered guests only.

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3. A bed and breakfast within a residential zoning district shall not be used for private parties, receptions, or similar activities, unless the activities are specifically authorized by the conditional use permit approval for the bed and breakfast use.

B. Site Maintenance: A manager shall be present on the site at all times. (Ord. 898-08, 9-8-2008)

8-2C-7 BUILDING MATERIAL, GARDEN EQUIPMENT AND SUPPLIES:

A. Limitations:

1. It shall be unlawful for any person to maintain any lumberyard or stacks of lumber or to stack lumber in the city in such a manner as to create a fire hazard or a nuisance or in such a manner as to endanger the life or ~~well-being~~wellbeing of any persons.

2. All lumberyards or stacks of lumber shall be so maintained as to minimize the possibility of fire spreading from such yards to any nearby buildings or improvements.

3. All lumberyards and stacks of lumber shall be enclosed by a building or fence so that persons other than those having business interests in connection therewith shall not have access thereto unless permitted to have such access by the person in charge of such lumberyard or stacked lumber.

4. Outdoor storage of materials (excluding growing plants in ground or in containers) shall not be allowed within 50' of the Greenbelt or Nature Path.

5. Outdoor storage of materials (excluding growing plants in ground or in containers) of greater than two thousand square feet shall not be allowed in Urban Zones.

B. Other Regulations Apply: Outdoor storage areas for materials (excluding growing plants in ground or in containers), and mechanical equipment shall comply with the provisions as set forth in section 8-1C-3, "Property Maintenance Standards," of this title. (Ord. 898-08, 9-8-2008; amd. Ord. 967-14, 6-9-2014)

8-2C-8 CHURCH OR PLACE OF RELIGIOUS WORSHIP:

A. Setbacks: In the residential zoning districts, the interior side setback shall be a minimum of fifteen feet (15') and the rear setback shall be a minimum of twenty five feet (25'). The front setback shall be the same as that required for an allowed use.

B. Accessory Uses:

1. Schools, child daycare services, meeting facilities for clubs and organizations, and other similar uses not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation may be permitted to the extent the use is otherwise permitted in the district.

2. Accessory uses associated with a church or place of religious worship located in a residential district may only operate between the hours of six o'clock (6:00) A.M. and eight o'clock (8:00) P.M. (Ord. 898-08, 9-8-2008)

8-2C-9 CLUB:

A. Setbacks: No outdoor activity area associated with the use shall be located within fifty feet (50') of any property line adjacent to a residential zone or the Greenbelt or Nature Path, except for in an Urban Zone.

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B. Accessory Uses: The sale and/or distribution of beer and wine shall be allowed as an accessory use.

C. Other Regulations Apply: The use shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages. (Ord. 898-08, 9-8-2008)

8-2C-10 COMMERCIAL ENTERTAINMENT FACILITIES:

A. Setbacks: If the use involves the sale of alcoholic beverages, the use shall not be located within three hundred feet (300') of a property used for a church or school.

B. Limitations: No outside activity or event shall be allowed in the parking area, except as allowed through a special events permit that takes into account the public health and welfare, the interests of adjoining property owners, noise, traffic and vehicular and pedestrian safety.

C. Other Regulations Apply:

1. The use shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.

2. The use shall comply with the licensing requirements as set forth in title 3, "Business And License Regulations", of this code.

3. Security shall be provided for the entire premises including inside the building and any parking lot or outside usable space. Security shall be provided in the prescribed manner:

a. Security personnel are required and shall wear identical attire clearly identifiable with the word "Security" on the backside of shirts; and

b. Security staff should have some means of two-way communication; and

c. Video surveillance is required; and

d. Parking areas shall be lighted; and

e. No loitering outside of the establishment shall be permitted. (Ord. 944-12, 5-14-2012)

4. Noise shall comply with the provisions as set forth in section 8-1C-3, "Property Maintenance Standards," of this Title.

8-2C-11 DAYCARE FACILITY:

A. Determining The Type Of Facility: In determining the type of daycare facility, the total number of individuals cared for during the day and not the number of individuals at the facility at one time, is the determining factor. The operator's children are excluded from the number.

B. Access And Parking: On site vehicle pick up, parking and turnaround areas shall be provided to ensure safe discharge and pick up of clients.

C. Limitations: In residential districts or uses adjoining an adjacent residence, the hours of operation shall be between six o'clock (6:00) A.M. to eight o'clock (8:00) P.M.

D. Additional Standards For Daycare Facilities That Serve Children:

1. All outdoor play areas shall be completely enclosed by a minimum six foot (6') fence to secure against exit/entry by small children and to screen abutting properties.

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2. Outdoor play equipment over six feet (6') high, shall not be located in a front yard setback or within any required setback.

3. Outdoor play areas in residential districts adjacent to an existing residence shall not be used after dusk.

4. The use shall comply with the licensing requirements as set forth in title 3, "Business And License Regulations", of this code. (Ord. 898-08, 9-8-2008)

8-2C-12 DRINKING ESTABLISHMENT:

~~A. Setbacks: The drinking establishment shall not be located within three hundred feet (300') of a property used for a church or school.~~

B. Limitations:

1. No outside activity or event shall be allowed in the parking area, except as allowed through a special events permit that takes into account the public health and welfare, the interests of adjoining property owners, noise, traffic and vehicular and pedestrian safety.

2. ~~No amplification device shall be used such that the sound is plainly audible within any place of residence in a residential zone, at the Boise River, or, is plainly audible on a street at a distance of one hundred feet (100') or more from the amplification device.~~ Noise shall comply with the provisions as set forth in section 8-1C-3, "Property Maintenance Standards," of this Title

3. Establishments shall remain closed between two o'clock (2:00) A.M. and six o'clock (6:00) A.M. Closing times shall be clearly posted on all entrances and exits. (Ord. 944-12, 5-14-2012)

4. Drinking establishments shall meet the criteria set forth in Idaho Code 23-1011B

C. Other Regulations Apply:

1. The use shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.

2. The use shall comply with the licensing requirements as set forth in title 3, "Business And License Regulations", of this code. (Ord. 898-08, 9-8-2008)

3. ~~Security~~ For full service drinking establishments, security shall be provided for the entire premises including inside the building and any parking lot or outside usable space. Security shall be provided in the prescribed manner:

a. Security personnel are required and shall wear identical attire clearly identifiable with the word "Security" on the backside of shirts; and

b. Security staff should have some means of two-way communication; and

c. Video surveillance is required; and

d. Door security alarms shall be installed so as to prevent patrons from entering and exiting the building from doorways other than the main entrance; and

e. Parking areas shall be lighted; and

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f. Mandatory identification checks of all individuals patronizing the establishment shall be conducted and no one under the legal age to drink alcohol shall be allowed to patronize the establishment; and

g. No loitering outside of the establishment shall be permitted. (Ord. 944-12, 5-14-2012)

8-2C-13 DRIVE-THROUGH ESTABLISHMENT:

A. Location Standards:

1. A drive-through establishment may be appropriate on Chinden, Glenwood or State Street, which are arterial roadways that carry high volumes of pass-through traffic; however, the use is not appropriate on local or collector streets.

2. A drive-through establishment use shall not be closer than five hundred feet (500') from a residence, park, Ordinary High-Water Mark of the Boise River, or a school; and:

a. The speaker system is located so that the sound from a speaker system is directed away from a residence, park, or school and not audible off the site; and

b. Stacking does not create an impact off site; and

c. Vibration, noise, odors, etc., are not allowed off site; and

d. The use does not otherwise create a negative impact.

3. A drive-through establishment shall not be closer than five hundred feet (500'), as measured by the shortest unobstructed driving route from another drive-through establishment.

4. Drive-through establishments shall be prohibited in Urban Zones.

B. Building Design and Site Layout:

1. New drive-through facilities shall be oriented toward the side or rear yards and not placed between the street right-of-way and the primary customer entrance.

2. Vehicular lanes shall be sited to minimize additional vehicular traffic on site and within the surrounding uses.

3. Service shall be provided to those who elect to walk or bike.

a. Service shall be available in an area that is protected from the weather and separate from vehicle stacking lanes.

4. Adequate trash receptacles shall be provided that comply with the requirements set forth in section 8-4A-5, Outdoor Service And Equipment Areas, of this title.

5. All site and vehicular lighting shall be down-shielded, screened or oriented not to encroach on any residence.

6. Stacking lanes shall be screened with landscaping by plantings or berming or a combination of both to a minimum height of four feet (4') where not in conflict with a necessary clear vision triangle.

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C. Access and Parking: Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:

1. A bike rack shall be provided.

2. Access to the pedestrian customer shall be provided facing the public right-of-way.

3. Direct, comfortable, and safe pedestrian connection from the public sidewalk system and the parking area to the structure shall be provided through sidewalks or pathways that are:

a. A minimum of five feet (5') in width; and

b. Americans with Disabilities Act compliant; and

c. Uninterrupted by motorized vehicles. If there is no other feasible alternative, the vehicular crossing of the path or sidewalk shall be designed in a way to visibly demonstrate that it is secondary to the pedestrian. This may be achieved by changes in materials or colors, landscaping, or other such treatments.

4. Based on the size of the drive-through and expected patronage, stacking lanes shall have sufficient capacity to prevent obstruction of the public right-of-way.

5. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking.

6. Any stacking lane greater than one hundred feet (100') in length shall provide for an escape lane.

7. The design and construction of the drive-through facilities shall minimize the number of driveway cuts.

D. Additional Standards For Drive-Through Selling Food Or Beverages:

1. A seating area either indoor or outdoor with temporary or permanent shelter, sufficient for a minimum of ten (10) people shall be provided.

2. A minimum of one (1) outdoor trash receptacle shall be provided. (Ord. 898-08, 9-8-2008; amd. Ord. 905-09, 3-23-2009; Ord. 972-14, 11-24-2014)

8-2C-14 DWELLING UNIT, ACCESSORY:

A. Setbacks And Dimensional Standards:

1. Setbacks shall meet the zoning district setback requirements.

2. No accessory structure shall be allowed in front of the principal structure without design review approval.

3. Accessory dwelling units may not be any greater in size than six hundred (600) square feet.

B. Additional Standards: In addition to meeting all building codes for a dwelling unit the following provisions shall be complied with:

1. Not more than one accessory dwelling unit shall be allowed per property.

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2. Direct ingress and egress to the unit shall be provided.

3. The unit shall provide a kitchen with appliances for the cooking of food, a sink and storage.

4. The unit shall provide a bathroom with minimally a sink, toilet and either tub and/or shower.

5. The unit shall have at least three hundred (300) square feet of habitable space as defined by the building code.

6. The unit shall provide for at least one closet.

7. The unit shall be identified with an approved address.

8. Manufactured and mobile homes shall not be permitted as an accessory dwelling unit. (Ord. 944-12, 5-14-2012)

8-2C-15 DWELLING UNIT, MULTI-FAMILY:

A. Setbacks: Setbacks within the site between buildings shall be a minimum of ten feet (10').

B. Site Layout: All multi-family developments shall provide for quality of life, open space and recreation amenities to meet the particular needs of the residents as follows:

1. Quality of life amenities: a) clubhouse; b) fitness facilities; c) enclosed bike storage; or d) public art.

2. Open space: a) open grassy area of at least fifty feet by one hundred feet (50’ x 100') in size; b) community garden; c) ponds or water features; or d) plaza.

3. Recreation amenities: a) pool; b) walking trails; c) children’s play structures; or d) sports courts.

4. The number of amenities shall depend on the size of multi-family development as follows:

a. For multi-family developments with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate categories.

b. For multi-family developments between twenty (20) and seventy five (75) units, three (3) amenities shall be provided, with one from each category.

c. For multi-family developments with seventy five (75) units or more, four (4) amenities shall be provided, with at least one from each category.

C. Site Maintenance: All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features.

D. Additional Standards For Developments With Twenty Units Or More: Developments with twenty (20) units or more shall provide the following:

1. A property management office.

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2. A maintenance storage area.

3. A central mailbox location, including provisions for parcel mail that provide safe pedestrian and/or vehicular access.

4. A directory and map of the development at an entrance or convenient location for those entering the development. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-2C-16: EQUIPMENT RENTAL, SALES AND SERVICE:

A. Limitations:

1. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.

2. All equipment repairs shall be limited to between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Saturday.

3. Damaged or wrecked equipment shall not be stored on site for purposes other than repair.

4. All equipment shall be parked on site and not in adjoining streets or alleys.

5. All discarded vehicle parts or equipment, or permanently disabled, dismantled, or junked vehicles shall be removed from the premises within thirty (30) days of arrival.

6. ~~An~~Any equipment rental, sale, and service use shall not be closer than one hundred feet (100') from ~~the Boise River,~~ Greenbelt, or Nature Path.

7. Outdoor storage shall be prohibited in Urban Zones.

B. Site Design: All new structures constructed for equipment repair shall be constructed so that the entrances to individual workstation/service bays do not face abutting residential parcels or the public rights of way.

C. Maintenance: All paved and unpaved areas shall be maintained grease and oil free. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-2C-17: FINANCIAL INSTITUTIONS:

A. Other Regulations Apply:

1. The location, access and safety features of all automated teller machines (ATMs) shall be subject to review and approval by the Garden City police department, and in accord with the standards set forth in section 8-4A-6, "Self-Service Uses", of this title.

2. The provisions of section 8-2C-13, "Drive-Through Establishment", of this article shall apply to all drive-through tellers. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-2C-18: FOOD PRODUCTS PROCESSING:

A. Setbacks:

1. All structures, loading areas, outdoor activity areas for the storage and processing of food, ~~exclusive of parking~~ shall be located a minimum of five hundred feet (500') from any abutting residential districts, and two hundred feet (200') from the Ordinary High-Water Mark of the Boise River unless~~.~~

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~~2. All structures, loading areas, outdoor activity areas for the storage and processing of food and beverages shall be located a minimum of two hundred feet (200') from the Boise River unless~~ the activity or storage is concealed visually, audibly, and there is no perception of odor at the Greenbelt or Nature Path.

~~2~~3. Uses shall be located a minimum of one thousand feet (1,000') from any hospital.

B. Limitations: No outside activity or event shall be allowed on the site, except as allowed through a conditional use permit that takes into account the public health and welfare, the interests of adjoining property owners, odor, noise, traffic and vehicular and pedestrian safety.

C. Other Regulations Apply: The operator shall have a continuing obligation to comply with all city, county and state regulations relative to such an operation. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-2C-19: FOOD STORES:

A. Maximum Size: In the LI and C-2 base zoning districts, and within two hundred feet (200') of the Ordinary High-Water Mark of the Boise River -the maximum size is limited to two thousand (2,000) square feet.

B. Other Regulations Apply: Uses over sixty thousand (60,000) square feet shall comply with the regulations set forth in subsection 8-4C-4A, "Large Scale Nonresidential Structures", of this title. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-2C-20: FUEL SALES:

A. Minimum Site Area: The site area shall be at least fifteen thousand (15,000) square feet, with a minimum of one hundred twenty five feet (125') of frontage on a public street. This requirement shall not apply to the remodeling or expansion of a preexisting use.

B. Setbacks: The use shall be located at least five hundred feet (500') from a residential zone, a residence, ~~or~~ lodging, and Ordinary High-Water Mark of the Boise River.

C. Site Layout:

1. Air, water, telephone, and vending machines shall be located in an area that does not impede vehicular traffic.

2. All restroom entrances shall be accessed from inside the building.

3. The total height of any overhead canopy or weather protection device shall not exceed twenty feet (20').

D. Access And Parking:

1. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons.

2. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking.

E. Site Maintenance: All paved and unpaved areas shall be maintained grease and oil free.

F. Accessory Use:

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1. Mobile recycling trucks, emission control trucks and temporary, nonpermanent structures may be located on a fuel sales facility site through approval of a conditional use permit.

2. When fuel sales are allowed as an accessory use, the fuel sales facilities shall not occupy more than twenty five percent (25%) of the subject property.

G. Other Regulations Apply:

1. If the use is unattended, the standards as set forth in section 8-4A-6, "Self-Service Uses", of this title shall also apply.

2. Installation of underground fuel tanks shall require written approval from the Idaho division of environmental quality, Idaho department of water resources, and the fire authority. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-2C-21: HEALTH CLUB:

No outdoor activity area associated with the use shall be located within fifty feet (50') of any property line adjacent to a residential zone. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-2C-22: HOME OCCUPATIONS:

A. Maximum Size:

1. A home occupation use shall be conducted entirely within a structure and shall occupy no more than twenty five percent (25%) of the gross floor area of the residential structure. The maximum floor area calculation shall include on site storage areas, and any portion of the home occupation that is located within an accessory structure.

2. The floor area maximum can be exceeded if the storage area is located off site.

3. The area devoted to home occupation shall not occupy an area required for residential parking.

B. Site Layout:

1. There shall be no alteration to the residential character of the premises as a result of the home occupation use.

2. The existence of a home occupation use shall not be apparent beyond the boundaries of the subject site.

3. No outdoor storage or display of equipment, appliances, materials, or supplies shall be allowed.

4. Only one sign not exceeding four (4) square feet in area, nonilluminated and mounted flat against the building shall be allowed.

C. Limitations:

1. There shall be no items sold in the home occupations other than products crafted on the premises. Items manufactured off site may be sold through mail order or through the internet as long as the home occupation use (including storage area) does not exceed five hundred (500) square feet of floor area.

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2. No equipment or process shall be used in a home occupation, which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

3. Guns and ammunition shall not be sold as part of a home occupation except that a home occupation for a gunsmith or firearms collector licensed by the bureau of alcohol, tobacco, and firearms as a gunsmith or firearm collector is allowed and the license shall be visible at all times.

4. The home occupation shall not serve as a headquarters or main office where employees come to the site and are dispatched to other locations.

5. Only a resident of the dwelling unit and one other person other than a family member shall be employed in the operation of home occupation use.

6. The home occupation shall not involve the use of more than one commercial vehicle.

7. A home occupation use shall not allow any clients or customers without prior appointments.

8. Client/customer appointments are limited to the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M., Monday through Friday.

9. If there is an employee other than a family member, one parking space shall be provided in addition to the parking required for the residential use. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-2C-23 HOSPITAL:

A. ~~A.~~ Setback:

1. No hospital shall be located within one thousand feet (1,000') of the following uses: explosive manufacturing or storage, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, food product storage and processing plant.

B. Access: If the hospital provides emergency care, the location shall have direct access on an arterial street.

C. Accessory Uses: Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve patrons of the hospital and their visitors only. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-2C-24 INDUSTRY, FLEX OR LIGHT:

A. Setback:

1. All mechanical equipment emissions; shipping and/or delivery; or other outdoor activity areas shall be located a minimum of five hundred feet (500') from any abutting residential districts and the Ordinary High-Water Mark of the Boise River.

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2. Any use involving explosive manufacturing or storage, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, food product storage and processing plant shall be located a minimum of one thousand feet (1,000') from a hospital.

B. Limitations:

1. The following adverse effects shall be mitigated through setbacks, buffers, sound attenuation and/or hours of operation:

~~1~~a. Noise, odor, or vibrations; or direct or reflected glare; detectable by the human senses without the aid of instruments.

~~2~~b. Radioactivity and electric or electromagnetic disturbances which unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties.

~~3~~c. Any other emission or radiation which endangers human health, results in damages to vegetation or property or which exceeds health and safety standards.

2. This use shall be prohibited in Urban Zones.

C. Other Regulations Apply: A use in this category may require approval from the Environmental Protection Agency, the U.S. Department of Agriculture, Central District Health Department, the Ada County air quality board and Idaho Department of Water Resources. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012; Ord. 967-14, 6-9-2014)

8-2C-25 RESERVED:
(Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-2C-26 KENNEL, HOBBY:
A. Minimum Site Area: A minimum site area for twenty two thousand (22,000) square feet shall be provided for any property with more than three (3) dogs or five (5) or more domesticated animals that are more than four (4) months of age.

B. Setback:

1. A minimum of one hundred fifty feet (150') of distance shall be required to be maintained from the kennel facility to any residence or lodging not on the property.

2. The feeding, sheltering, or enclosure of animals outside of the dwelling unit shall not be within one hundred feet (100') of the Ordinary High-Water Mark of the Boise River or its tributaries.

C. Site Maintenance:

1. Adequate shelter shall be required for the number of dogs to be kept, including adequate means of restraining such dogs from running at large.

2. The property shall be maintained with adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.

D. Other Regulations Apply:

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1. The owner shall have a continuing obligation to comply with all city, county and state regulations relative to such an operation.

2. The use shall comply with the licensing requirements as set forth in title 3, "Business And License Regulations", and title 4, chapter 5, "Animal Control", of this code. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-2C-27: LAUNDROMAT, SELF-SERVICE CLEANING:

A. Limitations:

1. The hours of operation shall be limited to between six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M. in the general commercial (C-2) districts.

2. Exhaust shall be discharged upward and a minimum of twenty five feet (25') from any property line adjacent to a residential use.

B. Other Regulations Apply: If unattended, the use shall meet the requirements of section 8-4A-6, "Self-Service Uses", of this title. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

ADD USE 8-2C-47: Laundry and dry cleaning

A. Limitations:

1. Not allowed within 300' of the Ordinary High-Water Mark of the Boise River

8-2C-28: LODGING:

A. Minimum Lot Size: The minimum lot size for lodging uses shall be thirty thousand (30,000) square feet.

B. Limitations:

1. A maximum of sixty percent (60%) of the lodging units may contain a kitchen.

2. Lodging guestrooms shall not be provided on less than a daily basis. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-2C-29: MORTUARY:

A. Access: The site has frontage on and direct access to a collector or arterial roadway.

B. Design:

1. The design of new structures or additions to existing structures shall be reviewed by the Garden City design review committee for compatibility of scale and character with the intended land use and development in the vicinity.

2. At least twenty percent (20%) of the area within the required structure setbacks shall be open space, not used for buildings, parking areas or driveways.

C. Limitations:

1. Buildings and outdoor activity areas will be at least fifty feet (50') from adjacent residentially and mixed use zoned properties. The setback may be reduced to the minimum setback required by the zoning district if:

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a. The adjoining land is committed to a long term institutional or open space use that provides an equivalent or better buffer for vicinal residential development; or

b. The petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, or an equivalent combination, that presents an attractive and effective buffer for neighboring properties.

2. Crematoriums may be permitted as accessory uses to a funeral home or mortuary provided that:

a. No portion of the cremator may be visible to adjacent properties or right of way; and

b. Each cremation shall be monitored to ensure adherence to legal environmental standards as prescribed by DEQ; and

c. The crematorium must have a secondary chamber or other apparatus to consume and destroy smoke and odor. (Ord. 931-11, 8-8-2011; amd. Ord. 944-12, 5-14-2012)

8-2C-30 NURSERY:

A. Minimum Site Area: The minimum site area for a nursery or urban farm shall be fifteen thousand (15,000) square feet.

B. Site Maintenance:

1. The site shall be returned to a clean condition after the termination of the selling season, including being free of weeds, debris and garbage.

2. Unsold food products, trees, greens, or debris generated by the use shall be properly disposed off the site.

3. All surfaces used for parking on the site shall be constructed with paving, vegetative cover or of dustless material. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

C. Limitations:

1. Outdoor storage of materials (excluding growing plants in ground or in containers) shall not be allowed within 50' of the Greenbelt or Nature Path.

2. Outdoor storage of materials (excluding growing plants in ground or in containers) of greater than two thousand square feet shall not be allowed in Urban Zones.

8-2C-31 NURSING AND RESIDENTIAL CARE FACILITIES:

A. Limitations: If the use results in more than ten (10) persons occupying a dwelling at any one time, the applicant or owner shall concurrently apply for a change of occupancy as required by title 7, "Building Regulations", of this code.

B. Additional Standards For Uses Providing Care To Children And Juveniles Under The Age Of Eighteen Years:

1. All outdoor play areas shall be completely enclosed by a minimum six foot (6') nonscalable fence to secure against exit/entry by small children and to screen abutting properties.

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2. Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard.

3. Outdoor play areas in residential districts or uses adjacent to an existing residence shall not be used after dusk.

C. Additional Standards For Uses Providing Care To Patients Who Suffer From Conditions That May Cause Disorientation: A barrier shall be provided with a minimum height of six feet (6') and patient safe door, along the perimeter of any portion of the site that is accessible to these patients.

D. Other Regulations Apply: The owner and/or operator of the facility shall secure and maintain a license from the state of Idaho department of health and welfare, facility standards division. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-2C-32 PERSONAL AND PROFESSIONAL SERVICES:

A. Other Regulations Apply: A use that is a private security, escort service or massage service shall comply with the licensing requirements as set forth in title 3, "Business And License Regulations," of this code. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-2C-33 RECREATIONAL VEHICLE PARK:

A. Minimum Site Area:

1. The minimum site area for a recreational vehicle park shall be three (3) acres.

2. A recreational vehicle space shall have an area of not less than seven hundred (700) square feet exclusive of driveways and common areas.

B. Setbacks:

1. The location of all RV spaces shall comply with the setback of the base zoning district.

2. No outdoor activity area associated with the use shall be located within fifty feet (50') of any property line, Greenbelt, or Nature Path.

C. Site Layout:

1. The site layout shall reflect the requirements of the health and fire authorities with respect to water supply, sewage disposal, fire hydrants, sanitary facilities, building location, street layout and park design.

2. Roadways shall have a minimum width of thirty feet (30') or a minimum width of twenty feet (20') where parking is not permitted and an equal amount of off road parking is provided. Roadways shall be paved.

3. Each RV space shall have at least one ten by twenty foot (10' x 20') parking space exclusive of the RV itself. Parking and driveway areas shall be paved.

4. Outdoor lighting shall be provided. Lighting shall be oriented to prevent direct illumination onto abutting property and public right-of-way.

5. The park shall be screened on all sides by a sight obscuring planting screen, fence or combination thereof.

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6. One waste disposal dump station shall be provided for each one hundred (100) sites, or part thereof. All sewer and water lines shall be first approved by the city engineer and the health authority.

7. Trash receptacles shall be provided at a rate of thirty (30) gallons of refuse capacity for each two (2) spaces or equivalent.

8. Each RV space shall be provided with electrical service.

D. Limitations:

1. It shall be unlawful for a park owner or park tenant to permit a travel trailer or motor coach to remain situated in a park in excess of ninety (90) days. Where the park tenant is physically disabled from traveling, extensions may be granted by the planning and zoning administrator and/or his or her designee in conjunction with the proprietor of the park.

2. Where a park tenant remains in a park in excess of ninety (90) days, the park proprietor will so advise the planning and zoning administrator and/or his or her designee and cooperate with the planning and zoning administrator and/or his or her designee and city attorney in removing said holdover tenant.

3. It shall be unlawful to remove the wheels from any travel trailer or motor coach located within a park as defined in this chapter. It shall also be unlawful to permanently affix any such living unit to the ground when located within such a park.

4. This use shall be prohibited in Urban Zones.

E. Site Maintenance: A manager shall be present on the site at all times.

F. Other Standards Apply: Outdoor storage, service and equipment areas shall comply with sections 8-1C-3, Property Maintenance Standards, and 8-4A-5, Outdoor Service And Equipment Areas, of this title. (Ord. 898-08, 9-8-2008; amd. Ord. 905-09, 3-23-2009; Ord. 944-12, 5-14-2012; Ord. 967-14, 6-9-2014)

8-2C-34 SCHOOL:

A. Setbacks:

1. In the residential zoning districts, the interior side setback shall be a minimum of fifteen feet (15') and the rear setback shall be a minimum of twenty five feet (25'). The front setback shall be the same as that required for an allowed use.

B. Site Layout:

1. In residential zoning districts, a minimum of one hundred twenty five (125) square feet of outdoor play area shall be provided for each child enrolled.

2. In nonresidential zoning districts, a minimum of seventy five (75) square feet of outdoor play area shall be provided for each child enrolled.

3. No outdoor play area shall be located within a required front or corner side setback or within twenty five feet (25') of a residential use.

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4. Portable classrooms shall not be located in the front yard of the principal school structure or located in any required setback.

C. Access And Parking: On site vehicle pick up, parking and turnaround areas shall be provided to ensure safe discharge and pick up of students.

D. Accessory Uses: Accessory uses including, but not limited to, daycare facilities, special events, community services, social services, meeting facilities for clubs and organizations, and school administration may be allowed.

E. Additional Standards For Private Schools: Written documentation that the facility meets the minimum site area guidelines as established by the Idaho state department of education shall be provided.

F. Additional Standards For Vocational Or Trade Schools:

1. A school involving the instruction of truck driving, heavy equipment operation or any other vocation involving noise generating instruction shall not be allowed in a residential district.

2. Written documentation that the school will have major curriculum relating to technological industrial research and processes shall be provided. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-2C-35 SEXUALLY ORIENTED BUSINESSES:

A. Setbacks:

1. The use shall be located at least one thousand five hundred feet (1,500') from any school, child daycare, church or place of religious worship.

2. The use shall also be located at least one thousand five hundred feet (1,500') from any of the following: a) another adult oriented business; b) any boys' club, girls' club, or similar existing youth organizations; c) a public park; d) a public building; e) a school bus stop; or f) any property zoned for residential use or in use as residential property.

3. Said distances shall be measured in a straight line without regard to intervening structures from the nearest entrance of the sexually oriented business to the nearest property line or boundary line, or school bus stop.

B. Signs:

1. Signs for the use shall not contain any emphasis, either by movement, picture, or otherwise, on matter relating to the sexually oriented business.

2. A legible door sign stating "Persons Less Than 18 Years Of Age Not Permitted" shall be installed and maintained at each entrance to the business. The sign shall be no less than 0.5 square feet and no greater than one square foot in area. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-2C-36 SERVICE PROVIDER:*

A. ~~A.~~ Site Layout:

1. No structure, facility, drive lane, parking area, or loading area shall be located adjacent to a residential district.

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~~1.~~2. Outdoor storage shall not be allowed within one hundred feet (100') of the Greenbelt or Nature Path

B. Parking and Access:

1. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

2. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.

C. Limitations:

1, The site shall not be used as vehicle wrecking as herein defined.

2. This use shall be prohibited in Urban Zones.

D. Site Maintenance:

1. All outdoor storage of materials or vehicles shall be maintained in an orderly manner so as not to create a public nuisance.

2. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

E. Other Standards Apply: Outdoor storage areas shall comply with section 8-1C-3, Property Maintenance Standards, of this title. (Ord. 967-14, 6-9-2014)

* Code reviser's note: Ord. 967-14 adds this section as 8-2C-34. It has been editorially renumbered to avoid duplication of numbering.

8-2C-37 STORAGE FACILITY OR YARD:

A. Site Layout:

1. The distance between structures shall be a minimum of twenty five feet (25').

2. No structure, facility, drive lane, parking area, or loading area shall be located adjacent to a residential district.

3. Outdoor storage shall not be allowed within one hundred feet (100') of the Greenbelt or Nature Path

B. Parking And Access:

1. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

2. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.

C. Limitations:

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1. Storage units, facility areas or vehicles shall not be used as dwellings or as a commercial or industrial place of business.

2. The site shall not be used as a vehicle wrecking or junk yard as herein defined.

3. This use shall be prohibited in Urban Zones.

D. Site Maintenance:

1. All outdoor storage of materials or vehicles shall be maintained in an orderly manner so as not to create a public nuisance.

2. Materials or vehicles shall not be stored within the required yard setbacks.

3. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

E. Other Standards Apply: Outdoor storage areas shall comply with section 8-1C-3, Property Maintenance Standards, of this title.

F. Additional Standards For Storage Facility, Self-Service:

1. The manufacture or sale of any item by a tenant from or at a self-service storage facility is specifically prohibited.

2. On site auctions of unclaimed items by the storage facility owners shall be allowed as a temporary use in accord with section 8-2C-38,Temporary Uses, of this article.

3. If abutting a residential district, the facility hours of public operation shall be limited to six o'clock (6:00) A.M. to eleven o'clock (11:00) P.M.

4. If the use is unattended, the standards as set forth in section 8-4A-6, Self-Service Uses, of this title shall also apply, or an on site manager is present at all times.

G. Additional Standard For Storage Yard, Recreation Vehicle, Commercial: Storage shall be limited to operable recreational vehicles only.

H. Additional Standards For Storage Yard, Recreation Vehicle, Residential:

1. Recreational vehicle storage facilities shall be approved only as an accessory use to a platted subdivision and/or approved planned unit development.

2. Storage shall be limited to vehicles only and shall not include heavy equipment such as tractors or backhoes not normally needed for residential uses.

I. Additional Standard For Storage Yard, As An Accessory Use: Outside storage of materials for commercial or industrial uses shall be limited to those items owned or used by the business. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012; Ord. 967-14, 6-9-2014)

8-2C-38 TEMPORARY USES:

A. Setbacks: Structures and/or the display of merchandise shall comply with the setback requirements of the district within which it is located.

B. Site Layout:

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1. Temporary structures and merchandise shall be displayed so as not to interfere with the clear vision triangle. In no case shall items be displayed, or business conducted within the public right of way, unless otherwise authorized by the transportation authority.

2. Compressors, fans, pumps, and other motorized equipment shall be located or shielded to reduce noise levels to adjoining properties.

3. Except for the construction of a temporary office for model home sales, a maximum of one structure shall be allowed and may cover a maximum of five hundred (500) square feet.

4. No use shall be located on a site in a way that would block a private or public sidewalk.

5. A temporary use shall not result in the removal of any trees.

C. Parking And Access:

1. Adequate off street parking shall be provided to serve the use.

2. The use shall not displace the required off street parking spaces or loading areas of the permitted uses on the site.

3. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

4. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.

D. Limitations:

1. Except for the construction of an office for model home sales, the use shall not result in the construction of any permanent structures that would not otherwise be permitted subject to the provisions of this title.

2. Any temporary structures shall be portable and completely removed at the end of the allowed time period.

3. Except as otherwise defined in this section, one temporary use is allowed on a property for a specified period not exceeding two (2) weeks in any twelve (12) month period from the date of issuance of a temporary use permit. For seasonal stands or events, the temporary use permit shall specify a beginning and end date.

4. Any use of a temporary nature that does not meet the definition of a "temporary use" as defined in chapter 7, article A of this title shall be reviewed and permitted only as the use is allowed in the base zoning district.

E. Site Maintenance:

1. The site shall be returned to a clean condition after the termination of the use, including being free of debris and garbage.

2. Unsold food products, trees, greens, or debris generated by the use shall be properly disposed off the site.

F. Additional Standards For Fireworks Stands:

1.vProhibited: The use shall be prohibited in residential districts.

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2. Other Standards Apply:

a. The applicant or owner shall obtain written approval of the fire authority and Garden City police department.

b. Dates of the fireworks sales shall comply with Idaho Code section 39-2606 and title 4, chapter 8 of this code.

G. Additional Standards For Model Home Sales And Construction Office:

1. The sales office shall be located on a lot within a subdivision or planned unit development.

2. The sales shall be limited to the sale of lots and/or dwellings within the development.

3. When required, the applicant or owner shall obtain a building permit to convert the sales office to a dwelling or shall remove the sales office within thirty (30) days of the sale or rent of the final lot or space.

4. Temporary buildings, construction trailers, equipment and materials may be permitted in any district during the period construction work is in progress. Such temporary facilities or equipment shall be removed within sixty (60) days of completion of the construction work.

H. Additional Standards For Seasonal Sale Of Agricultural And Food Products: Such sales are limited to a period of time not to exceed two (2) consecutive months for pumpkin and Christmas tree sales, and four (4) consecutive months per calendar year for other uses. Christmas tree lots shall be removed by January 1.

I. Additional Standards For Arts, Entertainment Or Recreation Event:

1. Events, such as festivals, carnivals, circuses, fairs, and amusement rides may be allowed in any nonresidential district for a period not to exceed two (2) weeks within any ninety (90) day period.

2. The Garden City police department shall approve the location and access for any use in this category.

J. Additional Standards For Vendors Not Associated With An Arts, Entertainment Or Recreation Event:

1. The applicant shall provide notarized consent of the property owner.

2. The use shall be prohibited in residential districts.

3. Signs shall only be allowed on the vending units and shall not exceed sixteen (16) square feet in area.

4. No direct sales to customers in vehicles shall be allowed.

K. Other Standards Apply:

1. All signs erected in association with the use shall be in compliance with the regulations for signs as set forth in chapter 4, article F, "Sign Provisions", of this title.

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2. All outdoor display of merchandise shall be in compliance with the standard set forth in subsection 8-1C-3N, "Outdoor Display Of Merchandise", of this title.

3. A building permit for temporary structures may be required as set forth in title 7, "Building Regulations", of this code. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

~~**8-2C-39: TERMINAL YARD, TRUCKING:**~~

~~A. Minimum Lot Size: The use shall have a minimum lot size of thirty thousand (30,000) square feet.~~

~~B. Setback:~~

~~1. The use shall be located a minimum of one thousand feet (1,000') from any hospital.~~

~~2. No outdoor activity area shall be located within five hundred feet (500') from any residential district.~~

~~C. Access: The use shall be located with direct access to a principal arterial or state highway and with no access through residential streets.~~

~~D. Accessory Uses: Accessory uses are allowed through approval of a conditional use permit that have a direct relationship to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.~~

~~E. Other Standards Apply: Installation of underground fuel tanks shall require written approval from the Idaho division of environmental quality, Idaho department of water resources, and the fire authority. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)~~

~~F. Limitations:~~

~~1. This use shall not be allowed within three hundred feet (300') of the Boise River.~~

~~2. This use shall not be allowed within urban zones.~~

8-2C-40: TOBACCO ENTERTAINMENT ESTABLISHMENT:

A. Setbacks: The tobacco entertainment establishment shall not be located within three hundred feet (300') of a property used for church or school activities.

B. Limitations:

1. No outside activity or event shall be allowed in the parking area, except as allowed through a special events permit that takes into account the public health and welfare, the interests of adjoining property owners, noise, traffic and vehicular and pedestrian safety.

2. No amplification device shall be used such that the sound is plainly audible within any place of residence, or, is plainly audible on a street at a distance of one hundred feet (100') or more from the amplification device.

3. Establishments shall remain closed between two o'clock (2:00) A.M. and six o'clock (6:00) A.M. Closing times shall be clearly posted on all entrances and exits.

C. Other Regulations Apply:

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1. The use shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of tobacco products.

2. Security shall be provided for the entire premises including inside the building and any parking lot or outside usable space. Security shall be provided in the prescribed manner:

a. Security personnel are required and shall wear identical attire clearly identifiable with the word "Security" on the backside of shirts; and

b. Security staff are required to have some means of two-way communication; and

c. Video surveillance is required; and

d. Door security alarms shall be installed so as to prevent patrons from entering and exiting the building from doorways other than the main entrance; and

e. Parking areas shall be lighted; and

f. Mandatory identification checks of all individuals patronizing the establishment shall be conducted and no one under the legal age to smoke tobacco shall be allowed to patronize the establishment; and

g. No loitering outside of the establishment shall be permitted. (Ord. 944-12, 5-14-2012)

8-2C-41 VEHICLE SERVICE:

A. Minimum Site Area: The use shall have a minimum site area of fifteen thousand (15,000) square feet.

B. Site Layout:

1. All hydraulic hoists and pits, and all equipment for greasing, lubrication, and allowed repairs shall be enclosed entirely within a structure.

2. Any spray booth must be approved by the fire authority and building official.

3. All parts, inventory and vehicles waiting to be repaired shall be kept inside an entirely enclosed building or hidden behind a privacy fence or other visual barrier as set forth in section 8-2C-37, Storage Facility Or Yard, of this article.

4. All new structures constructed for vehicle/equipment repair shall be constructed so that the entrances to individual workstation/service bays do not face abutting residential parcels or the public rights-of-way.

5. Tires taken in on trade that have no more than salvage value shall be stored in a solid wall enclosure.

6, Outdoor storage shall not be allowed within one hundred feet (100') of the Greenbelt or Nature Path

C. Limitations:

1. No servicing of trucks in excess of one and one-half (1-1/2) ton capacity or industrial equipment of any type or character shall be allowed in the commercial district without a conditional use permit.

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2. All vehicle/equipment repair uses and related activities shall be limited to between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Saturday.

3. Damaged or wrecked vehicles shall not be stored on site for purposes other than repair.

4. All vehicles that are repaired and are waiting to be picked up by the owner of the vehicle shall be parked on site and not in adjoining streets or alleys.

5. All discarded vehicle parts or equipment, permanently disabled, dismantled, or junked vehicles, or tires shall be removed from the premises within thirty (30) days of arrival.

6. This use shall be prohibited in Urban Zones.

D. Site Maintenance: All paved and unpaved areas shall be maintained grease and oil free. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012; Ord. 967-14, 6-9-2014)

8-2C-42 VEHICLE RENTAL:

A. Location Standards: Vehicle rental may be appropriate on Chinden, Glenwood or State Street, which are arterial roadways; however, the use is generally not appropriate on local or collector streets unless on property designated as light industrial (LI) zoning.

B. Building and Site Design:

1. The site shall be designed in accord with chapter 4, article D of this title, Parking And Off Street Loading Provisions, chapter 4, article E of this title, Transportation And Connectivity Provisions, chapter 4, sections 8-4I-4, Landscaping Provisions For Specific Uses, 8-4I-5, Perimeter Landscaping Provisions, and 8-4I-6, Parking Lot Landscaping Provisions.

2. There shall be no barbed wire visible from the right-of-way or adjacent properties.

3. Chained-link fencing is not permitted adjacent to rights-of-way.

4. Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:

a. Vehicular lanes shall be sited to minimize additional vehicular traffic on site, within the surrounding uses, and on adjacent rights-of-way.

b. A bike rack shall be provided.

c. Direct, comfortable, and safe pedestrian connection from the public sidewalk system and the parking area to the structure shall be provided through sidewalks or pathways that are:

i. A minimum of five feet (5') in width; and

ii. Americans with Disabilities Act compliant; and

iii. Uninterrupted by motorized vehicles. If there is no other feasible alternative, the vehicular crossing of the path or sidewalk shall be designed in a way to visibly demonstrate that it is secondary to the pedestrian. This may be achieved by changes in materials or colors, landscaping, or other such treatments.

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5. All site and vehicular lighting shall be down-shielded, screened or oriented not to encroach on any adjacent property.

6. The design and construction of the site shall minimize the number of driveway cuts.

7. New construction or substantial alteration shall require:

a. All parking oriented toward the side or rear yards and not placed between the street right-of-way and the primary customer entrance.

b. Public access facing the public right-of-way.

C. Parking:

1. Customer parking shall be provided at:

a. One (1) space for every ten (10) cars available for rent; and

b. One (1) space for every three (3) pick-ups, cargo vans, or trucks available for rent.

2. No on-street parking associated with the use is permitted.

D. Limitations:

1. This use is not the same as storage facility or yard, storage facility, self-serve, vehicle sales, vehicle service, vehicle washing facility, or vehicle wrecking yard. Activities on site that are a part of these uses shall require separate approvals.

2. All vehicles on site shall be operable, licensed, and shall not be dismantled or partially dismantled.

3. All vehicles and trailers to be rented shall be indoors or in a screened parking lot, and shall not to be on display to the right-of-way. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012; Ord. 991-17, 2-13-2017)

8-2C-43 VEHICLE SALES:*

A. Minimum Site Area: The use shall have a minimum site area of thirty thousand (30,000) square feet.

B. Accessory Use:

1. Vehicle repair may be allowed as an accessory use, subject to the standards as set forth in section 8-2C-41 of this article, Vehicle Service.

2. Vehicle washing may be allowed as an accessory use, subject to the standards as set forth in section 8-2C-44 of this article, Vehicle Washing Facility.

3. The accessory uses of vehicle service and vehicle washing facility shall be limited to a combined forty percent (40%) of the gross floor area of enclosed space.

4. Vehicle service shall not be conducted in areas visible from the right-of-way.

C. Location Standards:

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1. Vehicle sales may be appropriate on Chinden, Glenwood or State Street, which are arterial roadways; however, the use is generally not appropriate on local or collector streets unless on property designated as light industrial (LI) zoning.

2. This use shall be prohibited in Urban Zones and within two hundred feet (200') of the Ordinary High-Water Mark of the Boise River.

D. Building and Site Design:

1. The site shall be designed in accord with chapter 4, article D of this title, Parking And Off-Street Loading Provisions, chapter 4, article E of this title, Transportation And Connectivity Provisions, chapter 4, sections 8-4I-4, Landscaping Provisions For Specific Uses, 8-4I-5, Perimeter Landscaping Provisions, and 8-4I-6, Parking Lot Landscaping Provisions.

2. There shall be no barbed wire visible from the right-of-way or adjacent properties.

3. Chained-link fencing is not permitted adjacent to rights-of-way.

4. Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:

a. Vehicular lanes shall be sited to minimize additional vehicular traffic on site, within the surrounding uses, and on adjacent rights-of-way.

b. A bike rack shall be provided.

c. Direct, comfortable, and safe pedestrian connection from the public sidewalk system and the parking area to the structure shall be provided through sidewalks or pathways that are:

i. A minimum of five feet (5') in width; and

ii. Americans with Disabilities Act compliant; and

iii. Uninterrupted by motorized vehicles. If there is no other feasible alternative, the vehicular crossing of the path or sidewalk shall be designed in a way to visibly demonstrate that it is secondary to the pedestrian. This may be achieved by changes in materials or colors, landscaping, or other such treatments.

5. All site and vehicular lighting shall be down-shielded, screened or oriented not to encroach on any adjacent property.

6. The design and construction of the site shall minimize the number of driveway cuts.

E. Limitations:

1. No on-street parking associated with the use is permitted.

2. This use is not the same as storage facility or yard, storage facility, self-serve, vehicle service, vehicle washing facility, or vehicle wrecking yard. Activities on site that are a part of these uses shall require separate approvals. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012; Ord. 991-17, 2-13-2017)

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* Code reviser's note: Ord. 991-17 creates a new section 8-2C-43. The sections following have been editorially renumbered to avoid duplication of numbering.

8-2C-44 VEHICLE WASHING FACILITY:*

A. Access And Parking: Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:

1. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons;

2. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking;

3. The stacking lane shall not be located within ten feet (10') of any residential district or existing residence; and

4. Any stacking lane greater than one hundred feet (100') in length shall provide for an escape lane.

5. The design and construction of the drive-through facilities shall minimize the number of driveway cuts.

B. Limitations:

1. Any use that is not fully enclosed shall be located a minimum of five hundred feet (500') from any abutting residential district, and shall be limited in operating hours from six o'clock (6:00) A.M. to eleven o'clock (11:00) P.M.

2. This use is prohibited within two hundred feet (200') of the Ordinary High-Water Mark of the Boise River.

C. Other Regulations Apply: If unattended, the use shall meet the requirements of section 8-4A-6, "Self-Service Uses", of this title. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

* Code reviser's note: Ord. 991-17 creates a new section 8-2C-43. This section has been editorially renumbered to avoid duplication of numbering.

8-2C-45 WAREHOUSE, STORAGE AND WHOLESALE:*

A. Minimum Lot Size: The use shall have a minimum lot size of thirty thousand (30,000) square feet.

B. Setback:

1. The use shall be located a minimum of one thousand feet (1,000') from any hospital.

2. Outside activity areas shall be located a minimum of three hundred feet (300') from any property line adjoining a residence or a residential district or Ordinary High-Water Mark of the Boise River.

C. ~~A.~~ Limitations:

~~Outside activity areas shall be located a minimum of three hundred feet (300') from any property line adjoining a residence or a residential district.~~

1. This use shall be prohibited in Urban Zones

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~~1.~~2. Access: The use shall be located with direct access to a principal arterial or state highway and with no access through residential streets.

~~2.~~3. Accessory Uses:

i. The use may include accessory office uses not to exceed twenty five percent (25%) and retail sales not to exceed ten percent (10%) of the gross floor area of the use.

ii. Accessory uses are allowed through approval of a conditional use permit that have a direct relationship to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.

4. Other Standards Apply: Installation of underground fuel tanks shall require written approval from the Idaho division of environmental quality, Idaho department of water resources, and the fire authority. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

8-2C-46 WIRELESS COMMUNICATION FACILITY:*

A. Setback:

1. A wireless communication facility shall not be located closer than five thousand two hundred eighty feet (5,280') (1 mile) from an existing cellular tower.

2. In addition to the setbacks required for the base zoning district as set forth in section 8-2B-3, table 8-2B-2, "Form Standards In All Base Zoning Districts", of this chapter, a support tower for a wireless communication facility shall be set back one foot (1') for every ten feet (10') of the total tower height.

3. All equipment shelters, cabinets or other on ground ancillary structures shall meet the setback requirements of the zone.

B. Height: The maximum height, including all antenna attachments shall be one hundred feet (100') in the C-1 zone and one hundred twenty five feet (125') in the LI zone.

C. Collocation: No new towers shall be allowed unless there has been an analysis certified by a qualified engineer and specific to the site that collocation on an existing wireless communication facility is infeasible. Evidence to demonstrate that no existing facility can accommodate the proposed new facility may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet the proposed facility's requirements;

2. Existing structures are not of sufficient height to meet the engineering requirements of the proposed structure;

3. Existing structures do not have sufficient structural strength to support the proposed antenna and/or equipment; or

4. The proposed antenna would cause electromagnetic interference with the antenna on existing structures, or the antenna on the existing structure would cause similar interference with the proposed antenna.

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D. Site Design:

1. Tower facilities shall be landscaped with a buffer outside the perimeter of the compound in accordance with the standards set forth in subsection 8-4I-5C of this title.

2. Materials, colors, textures and screening shall be used that blend the tower facility to the natural and built environment. Supporting electrical and mechanical equipment installed on the tower shall use colors that are similar to the tower.

3. Except as required by the federal aviation administration (FAA) or the federal communications commission (FCC), transmission structures shall not be artificially lighted. Equipment shelters may use lighting consistent with the lighting standards set forth in section 8-4A-4, "Outdoor Lighting", of this title.

E. Site Maintenance: A wireless communication facility that is no longer in use shall be completely removed and the site restored to its preexisting condition within six (6) months of the cessation of operation.

F. Other Regulations Apply: The site and structure design shall be subject to review by the design committee and the process set forth in section 8-6B-3 of this title. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)

* Code reviser's note: Ord. 991-17 creates a new section 8-2C-43. This section has been editorially renumbered to avoid duplication of numbering.

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8-6A-14 PENALTIES:

A. Purpose: The purpose of penalizing certain violations of this title is to protect and promote the health, safety and general welfare of the community, and deter dangerous and hazardous practices.

B. Administrative: In order to eliminate burdening courts with violations of ordinances and to eliminate insofar as possible public inconvenience, each person receiving an administrative Garden City police sign citation upon his or her property or sign or served upon him or her, for violating the provisions of chapter 4, article F of this title, unless otherwise specifically provided, shall follow the administrative procedure for payment of sign citations as set out in section 8-4F-17 of this title. In the event of nonpayment in accordance with the administrative procedure set out hereinabove, an infraction citation or complaint for a violation of the provisions of chapter 4, article F of this title may be filed in the magistrate division of the district court. The administrative fine for each sign citation under the provisions of chapter 4, article F of this title is fifty dollars ($50.00) unless otherwise specifically provided.

C. Infractions: It is an infraction for any person to violate any of the provisions of sections 8-2C-3; 8-2C-11D; 8-2C-15; 8-2C-21; 8-2C-26A; 8-2C-37F.3; 8-2C-38B; 8-2C-38C; 8-2C-40B; chapter 4, article F; sections 8-4J-4; 8-4J-5J and 8-4J-5K of this title unless otherwise specifically provided. Infractions under this title are punishable by a fine of one hundred dollars ($100.00) plus court costs unless otherwise specifically provided.

D. Misdemeanors: It is a misdemeanor for any person to violate any of the provisions of section 8-1A-4; chapter 1, article B; sections 8-2B-2; 8-2B-3; 8-1C-3; 8-2C-7A; 8-2C-31D; 8-3A-3; chapter 3, article B; chapter 3, article E; chapter 4, article A; sections 8-4J-6; 8-4L-4D.1; 8-5L-5C.1 and 8-6A-3B.1 of this title unless otherwise specifically provided. Additionally, a second and any subsequent conviction for the same infraction provision under this title within one (1) year shall be a misdemeanor under this title. Misdemeanors under this title are punishable as provided in section 1-4-1 of this code unless otherwise specifically provided.

E. Civil Proceedings: The planning official or designee may also institute any appropriate civil proceedings to prevent violations or threatened violations of this title.