

BY THE COUNCIL: JACOBS, JORGENSEN, PAGE, RASMUSSEN

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ESTABLISHING NEW CITYWIDE LAND USE REGULATIONS REGARDING BUFFER ZONES, FRONTAGE SETBACKS, ACTIVITY NODES, OUTDOOR LIGHTING, LANDSCAPING, MIX OF LAND USES, FENCING, BOISE RIVER NATURAL RESOURCE PROTECTION, AND DEFINITIONS BY REPEALING TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 2 (“BASE ZONING DISTRICT REGULATIONS”), ARTICLE H (“FLOOD HAZARD”), SECTION 6 (“RIPARIAN ZONE”); AMENDING TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 2 (“BASE ZONING DISTRICT REGULATIONS”), ARTICLE A (GENERAL CONDITIONS) THROUGH ARTICLE C, SECTION 27 (“LAUNDROMAT SELF SERVICE CLEANING”); AMENDING CHAPTER 4 (“DESIGN AND DEVELOPMENT REGULATIONS”), ARTICLE A (“GENERAL PROVISIONS”) THROUGH ARTICLE I (“LANDSCAPING AND TREE PROTECTION PROVISIONS”), SECTION 5 (“PERIMETER LANDSCAPING PROVISIONS”); AMENDING CHAPTER 7 (“REFERENCES”), ARTICLE A (“DEFINITIONS”), SECTION 2 (“DEFINITIONS OF TERMS). ADDING TITLE 8, CHAPTER 2, ARTICLE B SECTION 4 (MIX OF USES); ADDING CHAPTER 4, ARTICLE M (“BOISE RIVER NATURAL RESOURCE”); HEREBY CREATING A NEW ZONE BASE DISTRICT DESIGNATION; REPEALING ALL ORDINANCES OR PARTS THEREOF TO THE EXTENT THEY CONFLICT WITH THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, provisions of Title 50, Chapter 9, of the Idaho Code authorize publication of compiled ordinances of a municipality; and

WHEREAS, the City of Garden City wishes to reduce conflicts and promote compatibility by providing transitional areas between different land uses.

WHEREAS, the City of Garden City recognizes the need to update its land use regulations to address emerging development trends, ensure compatibility between different land uses, protect natural resources, and enhance the overall livability and character of the community; and

WHEREAS, the City Council for the City of Garden City has determined that the adoption of the following new land use provisions is necessary and in the best interest of the public health, safety, and welfare;

WHEREAS, the City wishes to better align the zoning districts with the Comprehensive Plan land use designations.

WHEREAS, the purpose of this Ordinance is to establish new citywide land use regulations to:

- (1) Provide for appropriate buffer zones and setbacks between incompatible land uses;
- (2) Ensure consistent and attractive frontage setbacks along public streets;

- (3) Encourage the development of activity nodes to promote walkability and community interaction;
- (4) Regulate outdoor lighting to minimize light pollution and glare, and promote energy efficiency;
- (5) Enhance landscaping and protect trees to improve the aesthetic and environmental quality of the city;
- (6) Require perimeter landscaping to soften the edges of development and provide visual buffers;
- (7) Promote a mix of compatible land uses to create vibrant, walkable neighborhoods;
- (8) Establish standards for fencing and retaining walls to ensure safety and visual appeal; and
- (9) Protect the Boise River Natural Resource area through the creation of a new district.

NOW, THEREFORE, the City Council for the City of Garden City intends to adopt the changes herein.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN CITY, ADA COUNTY, IDAHO:

SECTION 1. That the foregoing recitals are hereby incorporated into this ordinance as if fully set forth herein.

SECTION 2. That all other ordinances or parts of ordinances in conflict herewith, to the extent of such conflict, are hereby repealed.

SECTION 3. That all other ordinances shall continue in full force and effect unless specifically repealed or amended.

SECTION 4. That Title 8 Chapter 2, Article A, Section 1 (“Base Zoning Districts Established”), Garden City Code, be, and the same is hereby amended to read as follows:

For the purposes of this title, the city may be ~~is hereby~~ divided into the following base zoning districts designations:

Base Districts	Map Symbol
Rural density residential	R-1
Low density residential	R-2
Medium density residential	R-M
Medium density <u>Mixed use</u> residential	R-3
Medium-high density residential	R-20

Base Districts	Map Symbol
Mixed use	M
Highway commercial	C-1
General <u>Mixed-use</u> commercial	C-2
Light industrial	LI
Specific area plan	SAPD

SECTION 5. That Title 8 Chapter 2, Article B, Section 1 (“Purpose”), Garden City Code, be, and the same is hereby amended to read as follows:

A. Residential Districts: The purpose of the residential districts is to provide a full range of housing products within the city in areas that are ~~exclusively predominantly~~ for residential uses. The purpose of the residential districts is to be in accordance with the comprehensive plan. The residential districts are ~~contrasted by the different in density and housing products that are allowed within each district:~~

District	Maximum Density	Minimum Density	<u>Typical Housing Types Purpose</u>
Rural density residential district (R-1, A, or R1-A referred to in the remainder of this Title as R-1)	1 du/acre	N/A	<u>This zoning district allows for single family dwellings on larger lots as well as small scale agricultural or rural uses. This zoning is appropriate for areas designated as low density residential in the Comprehensive Plan. Single-family detached dwelling units</u>
Low density <u>traditional</u> residential district (R-2)	6 du/acre, <u>except for in areas of an Activity Node 20 du/acre</u>	N/A	<u>This zoning district is intended to implement the Comprehensive Plan’s designation of low density residential. Single-family detached and attached; and two-family dwelling units</u>
Medium density residential (R-M)	15 du/acre except for in an Activity Node where the maximum density is 25 du/acre	14 du/acre in an Activity Node unless a mixed-use development or a successful obtainment of a conditional use permit	This zoning district is intended to implement the Comprehensive Plan’s designation of medium density residential.

District	Maximum Density	Minimum Density	Typical Housing Types Purpose
Medium density residential (R-3)	35 du/acre except for in an Activity Node there is no maximum density.	14 du/acre in TOD Activity Nodes locations of the comprehensive plan or neighborhood commercial nodes unless a mixed-use development or a successful obtainment of a conditional use permit	This zoning district is intended to implement the Comprehensive Plan's designations of residential neighborhoods that are more urban in nature such as in the mixed-use residential area or in the Neighborhood Destination or Transit Oriented Development Nodes. Single-family, two-family, and multi-family dwelling units
Medium-high density residential (R-20)	No max	14 du/acre unless a mixed use development or a successful obtainment of a conditional use permit	This zoning district is to implement the Comprehensive Plan's designation activity nodes that are residential in nature. Multiple-family dwelling units
Mixed use (M)	No max	14 du/acre unless successful obtainment of a conditional use permit	Single-family attached and multiple-family dwelling units

B. Commercial Nonresidential Districts: The purpose of the two (2) commercial nonresidential districts is to provide a full range of nonresidential and commercial uses and services for both the residents of Garden City and the region. Location determines the type and form of commercial uses. More intense commercial activities are intended to be located along arterial streets in the highway commercial (C-1) district. Activities which are more compatible with mixed use or residential uses and minimally disruptive to the neighborhood as identified in Table 8-2B-1 are to be located in the general commercial (C-2) district.

<u>District</u>	<u>Purpose</u>
<u>Highway Commercial (C-1)</u>	<u>The purpose of the highway commercial district is to allow for the concentration of commercial and retail activities that are appropriately located along arterial streets. This zoning district is appropriate in the areas designated in the Comprehensive Plan as Green Boulevard Corridor.</u>
<u>Light Industrial (LI)</u>	<u>The purpose of the light industrial district is to provide for employment centers of light manufacturing, offices, research and development, warehousing and distributing, and encourage the development of industrial uses which are clean, quiet, and free of hazardous or objectionable elements. This zoning designation is appropriate in areas designated in the Comprehensive Plan as Light Industrial.</u>

~~C.— Mixed Use: The mixed use (M) district allows for a mix of commercial and residential uses that are complementary of to one another. The purpose is to accommodate and encourage further expansion and renewal in designated areas of the community. A variety of residential, office, and commercial uses are encouraged in an effort to provide a mix of activities necessary to establish a truly urban character. All densities of residential, professional offices and a range of nonresidential uses that promote an active environment, neighborhood services retail uses may be located within this designation.~~

C.Mixed Use Districts: The purpose of the mixed-use districts is to provide a mix of residential and nonresidential uses that are urban in nature.

<u>District</u>	<u>Maximum Density</u>	<u>Minimum Density</u>	<u>Purpose</u>
<u>Mixed Use (M)</u>	<u>No maximum</u>	<u>14 du/acre unless a mixed use development or a successful obtainment of a conditional use permit</u>	<u>This zoning district is intended to implement the Comprehensive Plan's designation of live-work-create. The designation may also be applied to implement the Comprehensive Plan's designations of Main Street Corridor and Neighborhood Destination Node.</u> The purpose of the district is to provide for a mixed-use zoning district that is intended to encourage higher density residential and

			nonresidential uses that are compatible as identified in Table 8-2B-1.
Medium density residential Mixed Use Residential (R-3)	35 du/acre except for in an Activity Node there is no maximum density.	14 du/acre in Activity Nodes unless a mixed-use development or a successful obtainment of a conditional use permit	This zoning district is intended to implement the Comprehensive Plan's designations of residential neighborhoods that are more urban in nature such as in the mixed-use residential area or in the Neighborhood Destination or Transit Oriented Development Nodes.
Mixed Use Commercial (C-2)	No Maximum		This zoning district is intended to implement the Comprehensive Plan's vision for mixed-use commercial and Activity Nodes. The designation may be appropriate to implement the Comprehensive Plan's designations of Mixed-Use Commercial and Main Street Corridor. +The purpose of the district is to provide for a mixed-use zoning district that is intended to encourage nonresidential uses and residential uses that are compatible as identified in Table 8-2B-1.

~~D. Light Industrial (LI): The purpose of the light industrial (LI) district is to provide for employment centers of light manufacturing, offices, research and development, warehousing and distributing, and encourage the development of industrial uses which are clean, quiet, and free of hazardous or objectionable elements.~~

~~E. D. Specific Area Plan (SAP): The purpose of the specific area plan (SAP) district is to provide a means to create zoning regulations and a master plan for unique areas and developments where a different zoning district may not achieve desired results. An SAP district for a property shall implement provisions of, and be consistent with, the Garden City comprehensive plan future land use maps and policies. Each SAP district includes its own nontransferable set of regulations.~~

SECTION 6. That Title 8 Chapter 2, Article B, Section 2 ("Allowed Uses"), Table 8-2B-1 Allowed Uses in All Base Zoning Districts Garden City Code, be, and the same is hereby amended to read as follows:

TABLE
ALLOWED USES IN ALL BASE ZONING DISTRICTS

8-2B-1

*Indicates uses that are subject to specific land use provisions as set forth in article C of this chapter.

P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district									
	R-1	R-2	R-M	R-20	R-3	C-2	M	C-1	LI
Accessory use*	P	P	P	P	P	P	P	P	P
Agriculture*	P	P	P	P	P	P	P		P
Amusement center*						C	C	P	C
Animal care facility*	C				<u>C</u>	C	C	C	P
Artist studio*	C	C	P	P	P	P	P	P	P
Bed and breakfast*	C	C	C	C	C <u>P</u>	P	P	P	
Bicycle sales, service, storage, rental					<u>P</u>	P	P	P	P
Building material, garden and equipment*					<u>C</u>	C	C	C	C
Church or place of religious worship*	C	C	C	C	C	C	C	C	C

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	R-1	R-2	R-M	R-20	R-3	C-2	M	C-1	LI
Club*					<u>C</u>	C	C	C	
Commercial entertainment facility*						C		C	
Daycare, center*					<u>C</u>	C	C	C	C
Daycare, neighborhood*	C	C	P	P	P		P		
Daycare, personal*	P	P	P	P	P		P		
Drinking establishment, full service*						C		C	C
Drinking establishment, limited service*					<u>P</u>	P	P	P	C
Drive-through establishment*						C		C	C
Dwelling unit, accessory*	P	P	P	P	P	P	P	P	P

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	R-1	R-2	R-M	R-20	R-3	C-2	M	C-1	LI
Dwelling unit, group			C	P	C	P	C		
Dwelling unit, multiple-family*		C	P	P	P	P	P	C	
Dwelling unit, single-family attached		P	P	P	P	P	P	C	
Dwelling unit, single-family detached	P	P	P	P	P	P	P	C	
Dwelling unit, two-family		P	P	P	P	P	P	C	
Eating establishment, full service		C	C	C	C -P	P	P	P	C
Eating establishment, limited service		C	C	P	C -P	P	P	P	P
Equipment rental, sale and service*						C		C	P

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	R-1	R-2	R-M	R-20	R-3	C-2	M	C-1	LI
Financial institution*				C	<u>P</u>	P	P	P	P
Food products, processing*								C	P
Food products, small scale processing*	C	C	C	C	C	P	P	P	P
Food store*			C	C	C <u>P</u>	P	P	P	P
Fuel sales*						C		C	C
Fuel yard								C	C
Health club*			C	C	C <u>P</u>	P	P	P	
Healthcare and social service			C	C	C <u>P</u>	P	P	P	C
Home occupation*	P	P	P	P	P	P	P	C	

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	R-1	R-2	R-M	R-20	R-3	C-2	M	C-1	LI
Hospital*						C	C	C	
Industry, flex*						C		C	C
Industry, information*					<u>P</u>	P	P	P	P
Industry, light*								C	P
Kennel, hobby*	P	P	P	P	P	P	P		C
Laboratory - medical, dental, optical					<u>P</u>	P	P	P	P
Laundromat, self-service cleaner*				C	<u>P</u>	P	P	P	P
Laundry and dry cleaning, commercial plant						C		P	P
Laundry and dry cleaning establishment				C	<u>C</u>	C	C	P	P

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P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district									
	R-1	R-2	R-M	R-20	R-3	C-2	M	C-1	LI
Lending institution								C	
Lodging*				C	<u>C</u>	C	C	C	
Manufactured/mobile home park		C	C	C	C	C	C		
Mortuary*					<u>C</u>	C	C	C	
Nursery*	P				<u>P</u>	P	P	P	C
Nursing and residential care*		C	C	C	C	C		C	
Parking facility			C	C	C	C	C	C	C
Personal service*				C	<u>P</u>	P	P	P	P
Professional service*				C	<u>P</u>	P	P	P	P

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8-2B-1

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P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district									
	R-1	R-2	R-M	R-20	R-3	C-2	M	C-1	LI
Public service facility	C	C	C	C	C	C	C	P	P
Public uses	C	C	C	C	C	P	C	P	C
Recreational vehicle park*						C		C	
Research and development				C	<u>P</u>	P	P	P	P
Retail production*	C	C	C	P	C	P	P	P	C
Retail store				C	<u>P</u>	P	P	P	C
School*		C	C	C	C	C	C	C	C
Service provider*						C		P	P
Sexually oriented businesses*								C	
Small cell facility*	P	P	P	P	P	P	P	P	P

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8-2B-1

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P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district									
	R-1	R-2	R-M	R-20	R-3	C-2	M	C-1	LI
Storage facility or yard*								C	C
Storage facility, self-service								C	P
Storage yard, commercial recreational vehicle*								C	C
Temporary use*	P	P	P	P	P	P	P	P	
Tobacco entertainment facility*						C	C	C	C
Tobacco retail store				C	<u>P</u>	P	P	P	C
Vehicle rental*						C		C	C
Vehicle sales*						C		C	C
Vehicle service*						C	C	C	P

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ALLOWED USES IN ALL BASE ZONING DISTRICTS

8-2B-1

*Indicates uses that are subject to specific land use provisions as set forth in article C of this chapter.

P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district									
	R-1	R-2	R-M	R-20	R-3	C-2	M	C-1	LI
Vehicle washing facility*							C	P	C
Vehicle wrecking yard									C
Warehouse and storage, wholesale*						C		C	P
Wireless communication facility*								C	C

SECTION 7. That Title 8 Chapter 2, Article B, Section 3 (“Form Standards”), Garden City Code, be, and the same is hereby amended to read as follows:

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 may be 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 Minimum	Interior Minimum	Side Minimum		
		Minimum	Maximum					
R-1	35'	20'		15'	5'	20'	30%	1 acre
R-2	35'	15'/20'*		15'	0' interior to the development and _____/5' exterior to the development	20'	70%	6,000* sq. ft.
R-M	45'	15'		15'	0' interior to the development and _____ 5' exterior to the development	20'	70%	
R-3		5'/20'		15'	0' interior to the property that is being developed and _____/5' exterior to the development*	5'	70%	n/a
R-20		5'		5'	0'	5'	80%	n/a
C-1		5'		5'±	50'	5'	n/a	3,000 sq. ft.
C-2		5'		5'	50'	5'	n/a	n/a
M	72'	5'	10' max	5'	0' interior to the development and _____/3' exterior to the development	0'	n/a	n/a
LI	55'	15'		5'±	5'±	20'	n/a	n/a

Indicates an exception that follows.

E. Location of Activity Nodes

1. The neighborhood and destination centers include the properties within a quarter mile from the center of the intersection as measured following a street or pathway, from the intersection of:

- a. Adams and 50th streets.
- b. Adams and 42nd streets.
- c. Glenwood and Marigold streets.
- d. Chinden Boulevard and Garret street.
- e. Chinden Boulevard and 50th street.
- f. State Street and Pierce Park lane.

2. A neighborhood and destination center is located at the easterly city boundary to 36th street between the Boise River and Chinden Boulevard.

3. The Transit Oriented Development Nodes include the properties within a quarter mile from the center of the intersection as measured following a street or pathway, from the:

- a. Chinden Boulevard and Glenwood Street intersection.
- b. Chinden Boulevard and Veterans Parkway intersection.
- c. State Street and Horseshoe Bend Road.
- d. State Street and Glenwood Street.

F.E. Maximum Height Limit: The exceptions to height area identified in Table 8-2B-2 are as follows:

- 1. Except in the R-2, and R-M zoning districts, the maximum height limitations shall not apply to the following architectural features not intended for human occupation: spire or steeple, belfry, cupola, chimney, or roof access structures such as stairs or elevator shafts. Such architectural features shall have a maximum height limit of twenty feet (20') as measured from the roofline.
- 2. Except in the R-2, and R-M zoning districts, the maximum height limitations shall not apply to parapets needed to conceal mechanical equipment. The height exceedance shall be limited to that which is required to accommodate the concealment of the equipment.
- 3. 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.

4. Encroachments into the maximum height by up to 15' are allowed on 10% or less of the roof space if utilized as an amenity as required by 8-2C-15. B such as a rooftop patio.
5. In instances of different adjoining zone districts, the allowed heights may not be compatible with adjacent properties. Below are illustrative methods to achieve compatibility:
 - a. A public street separates the districts;
 - b. A structure that does not exceed the adjacent zoning height is located between the property line and a taller structure;
 - c. A larger setback proportional to the difference of the proposed height and the adjacent allowable height is provided;
 - d. The proposed structure is not more than 10' taller than the structure in the adjacent zone; or
 - e. The portions of the proposed structure that are taller than the adjacent zone's height limit is stepped back ten feet (10') for every twenty feet (20') of additional height above the adjacent zone's height limit. The maximum additional step back of thirty feet (30') is reasonable in most instances.

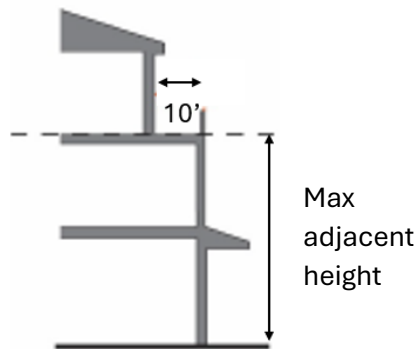


FIGURE 8-2B-1 ILLUSTRATION OF STEP-BACK

G.F. Setbacks: The exceptions to setbacks identified in Table 8-2B-2 are as follows:

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 maximum setback.

3. Encroachments allowed, in any setback Except for within the 70' setback from the ordinary high-water mark of the Boise River, encroachments may be made as follows:

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.

c. Fences are exempt from setback requirements, except as otherwise noted in section 8-4A-3 "fences and walls" of this title.

4. ~~Covered front porches with a minimum of five feet (5') depth or more may encroach into the front yard setback. So as to best implement the Comprehensive Plan's vision, the maximum height limitation in the R-3 zoning designation shall not apply if the property is east of Glenwood Street or if the development is designated as a neighborhood destination node or a transportation node by the comprehensive plan~~

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 Structures that contain more than one dwelling or nonresidential tenant, or combination thereof 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.~~

8.9. When access is taken from a public street, the entrance of the garage shall be set back a minimum of twenty feet (20') from the back of the sidewalk, or property line if no sidewalk is present, as measured perpendicular from the foundation of the structure abutting the driveway. The purpose of this setback is to provide visibility for vehicles entering into the right-of-way and prevent vehicles parked in a driveway from encroaching into the sidewalk or roadway.

9-10. In all districts, no new or substantially improved structure shall be permitted within seventy feet (70') from of the riverbank ordinary high-water mark of the Boise River without a design review and conditional use permit with approval of city council or otherwise designated by city council. This setback requirement cannot be waived through the Planned Unit Development process.

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

b.The structure meets the approval of the Federal Emergency Management Agency and national Flood Insurance Program and does not jeopardize the city's participation in the national Flood Insurance Program; and

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

11.If both lots are owned by a single owner or constructed as a singular development, zero foot (0') setbacks are permitted interior to the development in the R-2, R-M, R-3, and M zoning districts. Applications that propose such interior setbacks shall be compliant with the following development standards:

a.Lots with a reduced or zero lot line shall provide drainage easement(s) of sufficient size to maintain drainage on the site.

b.A property with a reduced or zero lot line shall not be allowed adjacent to a property that is not part of the development unless otherwise allowed by this section. This criterion cannot be waived through the Planned Unit Development process.

12.No new or substantially improved structure, including fences and walls, shall be permitted within five feet (5') of the Greenbelt or Nature Path travel way, without a design review and conditional use permit with approval or otherwise designated by city council. This standard does not apply to public use structures.

13.No new or substantially improved structure shall be permitted within fifty feet (50') of wetland areas as defined by the Environmental Protection Agency or U.S. Army Corps of Engineers without a design review and conditional use permit or otherwise designated by city council. A reduction to this setback may be granted upon recommendation by United States Army Corp of Engineers and Environmental Protection Agency.

14.No new or substantially improved structure shall be permitted within fifty feet (50') of wetland or critical habitat as defined by the U.S. Fish and Wildlife Service, within three hundred feet (300') of established Great Blue Heron rookeries, or within two hundred feet (200') of established eagle nesting, feeding, and loafing areas without a design review and conditional use permit with approval or otherwise designated by city council. A reduction to these setbacks may be

granted upon recommendation by Idaho Department of Fish and Game to reduce the setback.

15. Rear and side setbacks adjacent to the Greenbelt and Nature Path shall be a minimum of thirty 30' from the Greenbelt travel way.

16. Front The setbacks adjacent to the Greenbelt shall be adequate to provide adopted designs of flood prevention measures such as a floodwall, levee, or sheet pile improvements, and their required maintenance clearances. Required minimum setbacks shall not be greater than thirty feet (30') to and not less than fifteen feet (15') from the Greenbelt travel way.

H.G. . Minimum Lot Size: The exceptions to minimum lot area identified in Table 8-2B-2 are as follows:

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.~~

I.H. . Minimum Street Frontage: The exceptions to frontage requirements identified in Table 8-2B-2 are as follows:

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.

c. Structures shall not front onto the Nature Path.

SECTION 8. That Title 8 Chapter 2, Article B, Section 4 ("Mix of Uses"), Garden City Code, be, created to read as follows:

A. Required Mix of Uses: Any development that is in the R-3, Mixed Use Residential, M, Mixed Use Residential District, or the C-2 Mixed-Use Commercial District shall provide a mix of uses in the following circumstances:

1. When a development contains more than 50 dwelling units and a density of greater than 20 dwelling units per acre, there shall be at least 30% of the square footage of the site dedicated to nonresidential uses. The calculation shall not include the required components of the residential uses such as the parking or private open space for the dwellings.

2. For developments with a site of 120,000 gross square feet or more, at least 10% of the square footage of the structures must be dedicated to dwellings.

3. Developments that do not meet the above criteria may be allowed, provided an approval of a conditional use permit or planned unit development.

SECTION 9. That Title 8 Chapter 2, Article C, Section 27 (“Laundromat Self Service Cleaning”), Garden City Code, be, amended to read as follows:

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~~ mixed-use 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.

SECTION 10. That Title 8, Chapter 4, Article A, Section 3 (“Fences and Walls”), Garden City Code, be, and the same is hereby amended to read as follows:

8-4A-3: FENCES AND RETAINING WALLS:

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

B. Permit Required:

1. Anyone constructing a fence or wall over eight ~~six~~ feet (86') in height shall first obtain a design review ~~consultant(s) recommendation for approval followed by approval from the planning official~~ and a building permit from the city prior to construction.

2. Any fence located in the floodway shall secure ~~a floodplain~~ applicable permit(s) from the city and all agencies with jurisdiction prior to construction.

C. Maximum Height and Setback Requirements:

1. ~~Fences and retaining walls located along a public street frontage or within the front yard setback: shall not exceed t~~Three and one-half feet (3.5') Fences along public street frontages or within front yard setbacks shall not exceed three and one-half feet (3.5') in height. However, fences may be up to six feet (6') in height if:
 - a. They are set back to be flush or behind a permanent building; or
 - b. ~~Where there is no~~In the absence of a building the fence, they shall be set back minimally ten feet (10') from the back of sidewalk, or in the absence of a sidewalk the fence shall be set back 10' from where a code compliant future sidewalk would be located, so as to allow for street trees and landscaping between the fence and the sidewalk system. The area between the fence and the sidewalk, or a future sidewalk, shall be maintained with Type A or Type B landscaping.
2. Fences and retaining walls are prohibited within 5' of the Greenbelt or Nature Path travel way.
3. Fences or retaining walls located within five to fifteen feet (5'-15') of the Greenbelt or Nature Path travel way, or adjacent to a public park shall not exceed three- and one-half feet (3.5') in height , unless:
 - a. The fence is six feet (6') in height or less and is concealed from view with Type A landscaping between the fence and the Greenbelt or Nature Pathway, or;
 - b. The fence is six feet (6') in height or less, is designed to be see-through or non-privacy (e.g., wrought iron), and is accompanied by Type B landscaping between the fence and the Greenbelt or Nature Pathway.
4. Fences located along a residential rear yard, or a side yard setback shall not exceed six feet (6') in height.
5. Fences located within rear or interior side yards on between residential and nonresidential uses, or between nonresidential uses property with rear and interior side yards located adjacent to commercial uses shall not exceed eEight feet (8') in height.
6. Retaining walls located within rear and interior side setbacks not adjacent to public rights-of-way, public parks, or the Greenbelt or Nature Path shall not exceed sSix feet (6') three- and one-half feet (3.5') -in height unless the retaining wall is adjacent to the Boise Bench land mass that runs along the southern city limits.
7. The height of fences and retaining walls shall be measured from the existing lowest adjacent grade. On sloped lots, the height shall be measured from the

lowest point within a three-foot (3') horizontal distance from the base of the fence or wall.

8. Fence and retaining wall setbacks and height limitations cannot be amended by the Planned Unit Development process.

D. Design Standards:

1. Fences and retaining walls shall be designed and constructed of materials that do not pose a safety hazard to users of sidewalks, the Greenbelt, Nature Path, parks, or adjacent properties.
2. Fences and retaining walls shall not obstruct the clear vision triangle or access to required parking, public utility boxes, meters, or other infrastructure.
3. Retaining walls adjacent to the public realm shall provide at least three feet (3') of landscape area, between the public space and the retaining wall.
4. If a fence or a retaining wall is placed on top of a retaining wall, the fence or retaining wall must be set back one inch (1") for every one inch (1") that the combined height exceeds the fence height limitations. Set back areas greater than one foot (1') shall be a landscape area.

E. D. Setbacks:

~~1. 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 building, fences greater than three and one-half feet (3.5') shall be set back minimally ten feet (10') from the back of sidewalk, so as to allow for street trees and landscaping between the fence and the sidewalk.~~

~~B. 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 a design review application is an application is made to the design review consultant(s) and is recommended to and approved by the planning official as compliant with the following: 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 unsightly materials for fencing is prohibited unless a design review application is approved by the planning official, demonstrating:~~

1. The use of the materials is not in conflict with the comprehensive plan;
2. The fence is constructed of professional and durable materials and is not intended to be of a temporary nature; and
3. The fence provides significant creativity and uniqueness, and the intent is not to merely evade the provisions set forth in this section; or

3. 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.

~~1. Implement the vision as set forth in Not be in conflict with 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 is not intended to be of temporary nature.~~

SECTION 11. That Title 8, Chapter 4, Article A, Section 4 ("Outdoor Lighting"), Garden City Code, be, and the same is hereby amended to read as follows:

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').~~

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

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

34. Lighting shall be located to limit lighting that trespasses into adjacent residential properties or onto the Greenbelt and Nature Path. Ways to mitigate light trespass include, but are not limited to:

- a. Lights may be on a timer or sensor activated lights.
- b. Lights should be a minimum eighty-five degree (85°) full cutoff type luminaries.
- c. The maximum lumen output should be 260 lumens.
- d. The height of a freestanding light fixture in a residential district should not exceed nine feet (9') in height.

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).

SECTION 12. That Title 8, Chapter 4, Article C, Section 2 (“Applicability”), Garden City Code, be, and the same is hereby amended to read as follows:

This article sets forth provisions that apply to any nonresidential and mix-use 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 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.

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.

SECTION 13. That Title 8, Chapter 4, Article C, Section 3 (“General Provisions For Nonresidential Development”), Garden City Code, be, and the same is hereby amended to read as follows:

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. If an alternative method is employed, it is the petitioner’s burden to demonstrate that the alternative method produces the objective in a superior manner than the guidelines. 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 within the Comprehensive Plan's designated Activity Nodes should have a minimum floor area ratio of ~~1.0~~ 0.8 or a structure must be a minimum of two (2) stories. The FAR calculation excludes the areas dedicated to required perimeter landscaping and required setbacks.

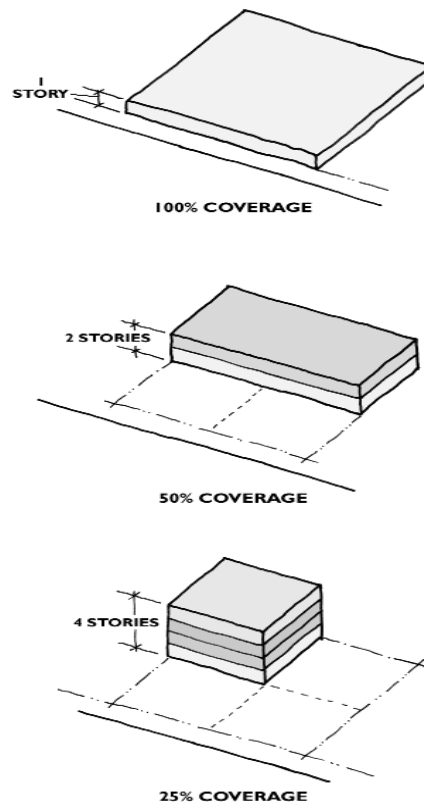


FIGURE 8-4C-1 THREE DIFFERENT WAYS TO ACHIEVE FAR 1.0

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.

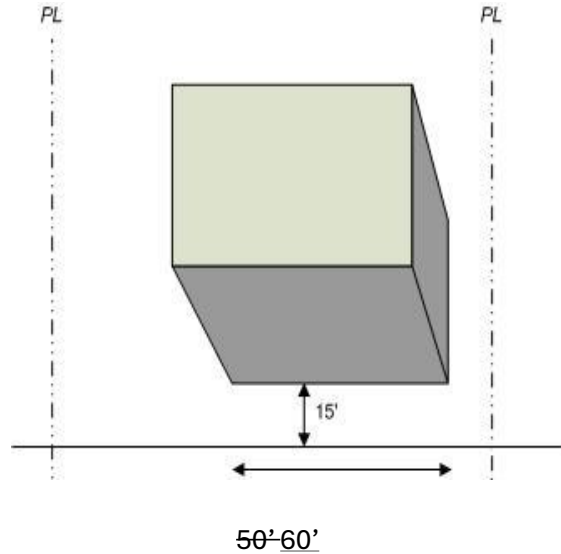


FIGURE 8-4C-2: ILLUSTRATION OF MAXIMUM SETBACK ALONG STREET FRONT

- 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.
- 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.

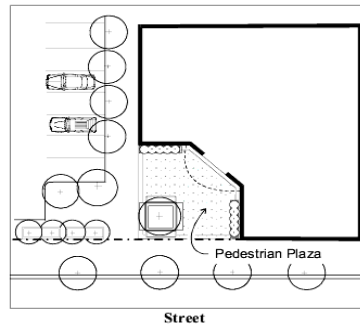


FIGURE 8-4C-3 PLAZA EXAMPLE

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

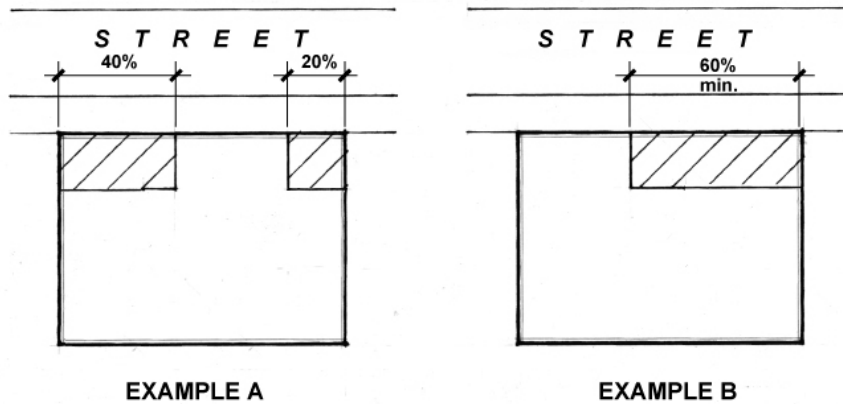


FIGURE 8-4C-4 TWO DIFFERENT WAYS EXAMPLES TO ACHIEVE STREET FRONTAGE EXAMPLES

4. First Floor Facades: First floor facades visible that face a public street, or the Greenbelt shall include elements to activate the ground floor. The facade should include surfaces in windows, showcases, displays, plaza, or pedestrian access elements as follows: for retail uses front facade at least fifty percent (50%), for all other uses facades visible from the public right-of-way at least ~~fifteen~~ thirty percent (4530%).

5. Upper Story Facades: Upper story facades should be set back an additional ten feet (10') from the required side yard setback after the first two stories where the location side yard is adjacent to a an R-1, R-2, or R-M residential district or the Greenbelt.

6. Wall Plane: Facades should have no wall plane wider than two and one-half (2 1/2) 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').

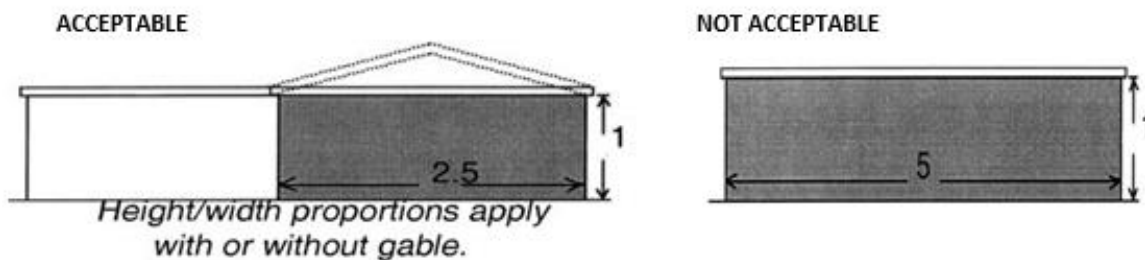


Figure 8-4C-5 Acceptable And Not Acceptable Wall Plane Dimensions Examples

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

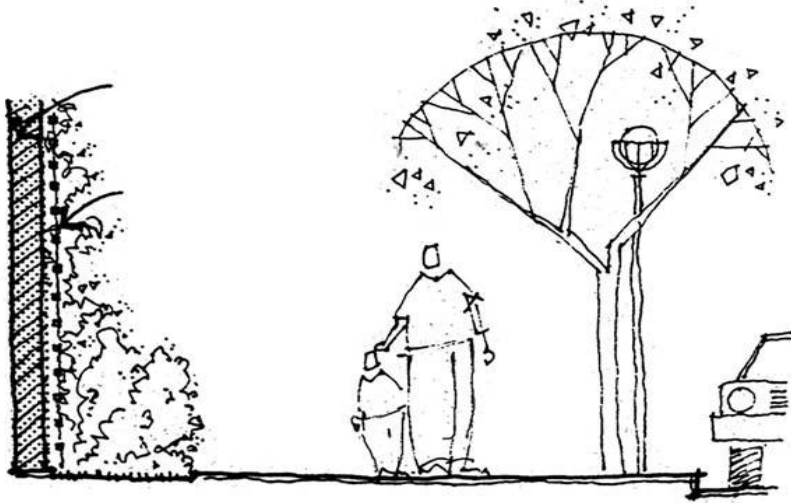


FIGURE 8-4C-6 VERTICAL TRELLIS AND LANDSCAPING TREATMENT ON BLANK WALL EXAMPLE

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-two feet (202') where they cross the sidewalk 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 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, e~~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.

- 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.
- 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.

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.

E. Objective 5: The design of all buildings shall provide visual interest, ~~support the vision for the area as articulated in~~ not be in conflict with the comprehensive plan, and positively contribute to the overall urban fabric of the community. Buildings should interact interrelate with the public realm and should augment the pedestrian experience adjacent to public streets, multi-use paths, gathering places, parks, Greenbelt and Nature Path.

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. Buildings should not turn their backs to the street.

2. 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, and/or columns.

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, visual interest, and architectural significance.

3. 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.

4. 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. 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.

G. Objective 7: The design of all structures shall consider visual privacy for adjacent residential properties. Examples of ways to achieve visual privacy include, but are not limited to, adding a smaller scale structure between the existing dwelling and tall portions of the proposed development, placing trees to prevent views into neighboring rear yards, stepping back the structure, increased setback, or strategic window placement.

SECTION 14. Repeal Title 8, Chapter 4, Article H, Section 6 ("Riparian Zone)

SECTION 15. That Title 8, Chapter 4, Article I, Section 3 ("General Landscaping Standards and Irrigation Provisions"), Garden City Code, be, and the same is hereby amended to read as follows:

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; and

6. The placement of trees near structures shall be adjusted to allow for the anticipated mature spread of the trees at the tree's maturity.

SECTION 16. That Title 8, Chapter 4, Article I, Section 5 (“Perimeter Landscaping Provisions”), Garden City Code, be, repealed in its entirety and replaced as follows:

A.Purpose: The perimeter landscaping buffer is intended to provide the following benefits:

- 1.To provide a visual barrier between different land uses.
- 2.To provide privacy.
- 3.To protect from wind, dust, traffic, glare, visual disorder, and harmful or noxious impacts between neighboring properties.

B.Applicability: Perimeter landscaping buffer is required as noted below.

1.Type A Visual Separator Landscaping is required in the following circumstances:

- a.Along the common property line between new adjacent nonresidential use and a dwelling in the R-1, R-2, or R-M zoning districts or vacant property in the R-1, R-2, or R-M zoning districts unless within the same development.
- b.Along the common property line between a multi-family residential use and a single-family or two-family residential use or vacant property in the R-1, R-2, R-M zoning districts unless the dwellings are within the same development.
- c.Between a loading or utility service area, vehicle repair bay, or vehicle fueling area and all property lines.
- d.Between other paved vehicular use areas, including driveways, and vehicle storage areas and all property lines unless the vehicular use area is a shared facility.
- e.Between covered parking for five (5) or more vehicles and an adjoining lot with a dwelling or vacant property in the R-1, R-2, R-M, R-3, R-20, M, and C-2 zoning districts.

2.Type B Filtered Screen Landscaping is required in the following circumstances:

- a.In the front of a new or substantially altered nonresidential use and a dwelling or vacant property in a residential zoning district where such uses are not separated by an arterial street.
- b.Along surface parking areas greater than three (3) cars adjacent to public streets.
- c.Between the front of any use and a public park or greenbelt.

C. General perimeter landscaping buffer standards. All perimeter landscaping shall be compliant with the below standards:

1. A perimeter landscaping buffer area shall be at least five feet (5') wide measured from the property line to the interior of the lot.

2. 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 so as long as they are screened from view.

3. Perimeter landscape buffer areas shall not eliminate required pedestrian access between uses.

4. Unless specifically precluded by an easement, or it is impossible to achieve the mature spread of a tree, trees shall be provided for every 50 lineal feet of perimeter landscape, and within the 15' minimum setback adjacent to the Greenbelt or Nature Path, as follows:

a. One Class III tree;

b. Two Class II trees; or

c. Three Class I trees.

5. Clustering of trees is allowed, but trees shall be spaced no closer than 80 percent of the average mature width of the trees as demonstrated in the following example:

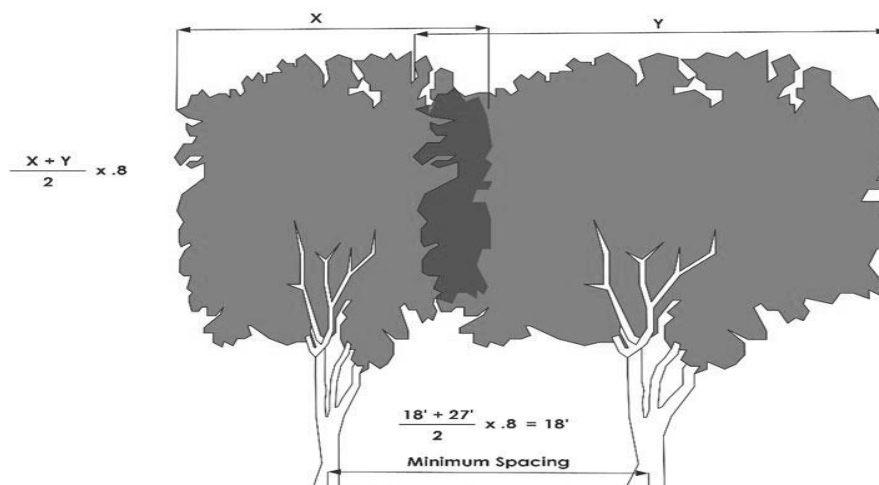


FIGURE 8-4I-1 ILLUSTRATION OF TREE SPACING

6. Where existing or proposed adjacent land uses cannot be adequately buffered with plant material(s), the City may require inclusion of a wall, fence, or other type of screen that mitigates impacts such as light, and unsightly uses.

D. Type A Visual Separator Standards: The intent of Type A Visual Separator landscaping is to provide landscaping that will function as a full screen and visual barrier.

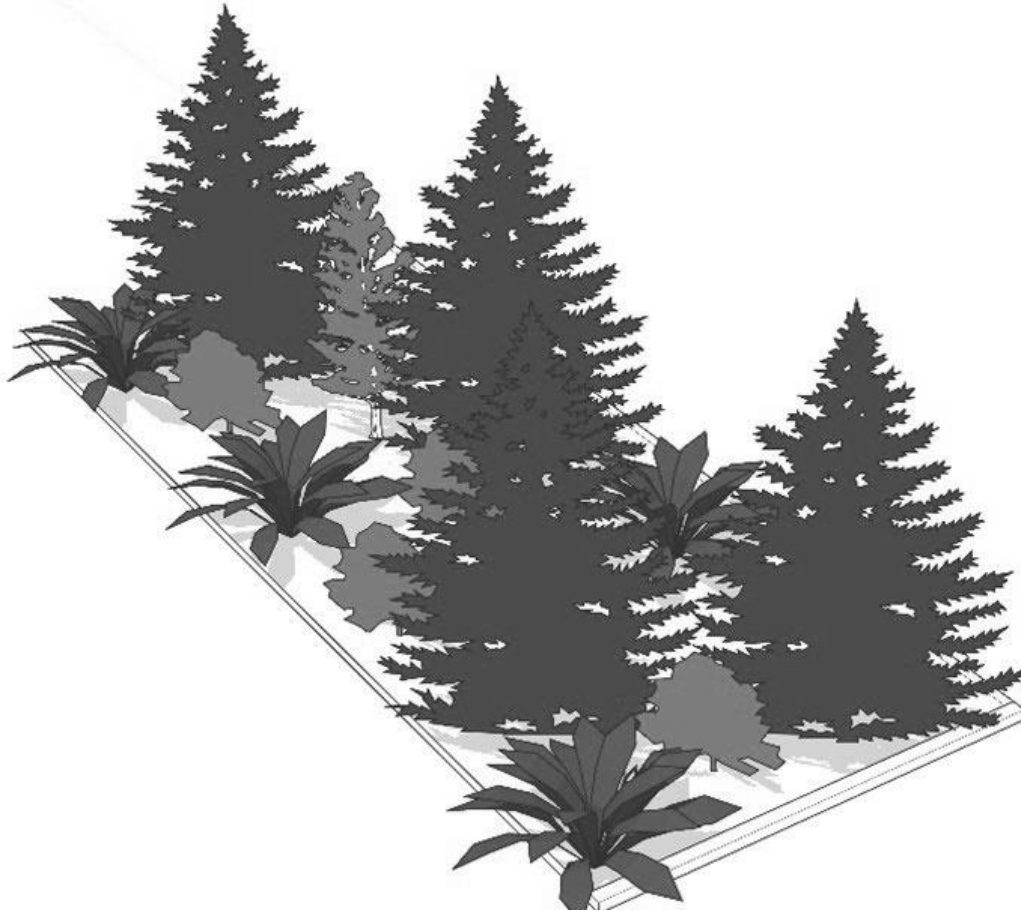


FIGURE 8-4I-2 ILLUSTRATION OF TYPE A VISUAL SEPERATOR LANDSCAPING

The landscaping shall be installed in accordance with these standards:

1.The selected plant materials and configurations shall provide horizontal screening of the site feature or adjacent property within six years of installation.

2.The plant variety shall be mix of primarily evergreen trees and shrubs so that the following is achieved:

a.Screening during the winter months; and

b.Pedestrian level screening is achieved to six feet (6') in height.

3.Fences, walls, and berms may be incorporated into the buffer area.

4.Trees shall be:

- a. At least 35' tall at maturity if intended to provide visual separation of a structure that is 35 feet (35') or taller in height.
- b. At least fifteen feet (15') in height at time of occupancy;
- c. At least 50% of an evergreen variety; and
- d. A variety or varieties of species that average two feet (2') or more of growth annually.

E.Type B Filtered Screen Standards: The intent of Type B Filtered Screen Standards landscaping is to provide landscaping that will function as a visual separator.



FIGURE 8-4I-3 ILLUSTRATION OF TYPE B FILTERED SCREENING LANDSCAPING

The landscaping shall be installed in accordance with these standards:

- 1. The selected plant materials may be a mix of deciduous and evergreen varieties so that the following is achieved:
 - a. Visual interest during the winter months; and
 - b. The landscaping provides a visual separation, but not a complete visual barrier.

SECTION 17. That Title 8, Chapter 4, Article I, Section 6, Subsection D. (“Perimeter Landscaping and Screening Standards”), hereby amended as follows:

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

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. 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-24 EXAMPLES OF LANDSCAPING AND WALLS TO SCREEN PARKING LOTS

E. Internal Landscaping Standards:



FIGURE 8-4I-35 EXAMPLES OF INTERNAL PARKING LOT LANDSCAPING

SECTION 18. That a new Article, Title 8, Chapter 4, Article M, (“Boise River Natural Resource”), hereby added as follows:

ARTICLE M. BOISE RIVER NATURAL RESOURCE

SECTIONS:

8-4M-1 Purpose and Objectives

8-4M-2 Definitions

8-4M-3 Applicability

8-4M-4 River Zone Standards

8-4M-5 Natural Resource Protection Standards

8-4M-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 which 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 wildlife and fisheries habitat and wetlands, and riparian areas along the river.
3. Protect public access and enjoyment of the Boise River, Greenbelt, and Nature Path.
4. Increase public safety and welfare.
5. Prevent disruption and alteration of existing waterways.
6. Enhance the natural environment.
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.
9. Safeguard private property rights.

8-4M-2 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 Article shall be applied.

B. Provisions of this Article apply to all property in Garden City:

1. Within seventy feet 70' of the Boise River Ordinary High-Water Mark; or
2. Containing a wetland, tributary or side channels of the Boise River, or habitat.
3. Existing legal nonconforming structures may remain as regulated by Garden City Code 8-1B unless they are deemed to be unsafe, or the property or structure is substantially improving.

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

FIGURE 8-4M-1 AREAS WITHOUT GREENBELT OR NATURE PATH

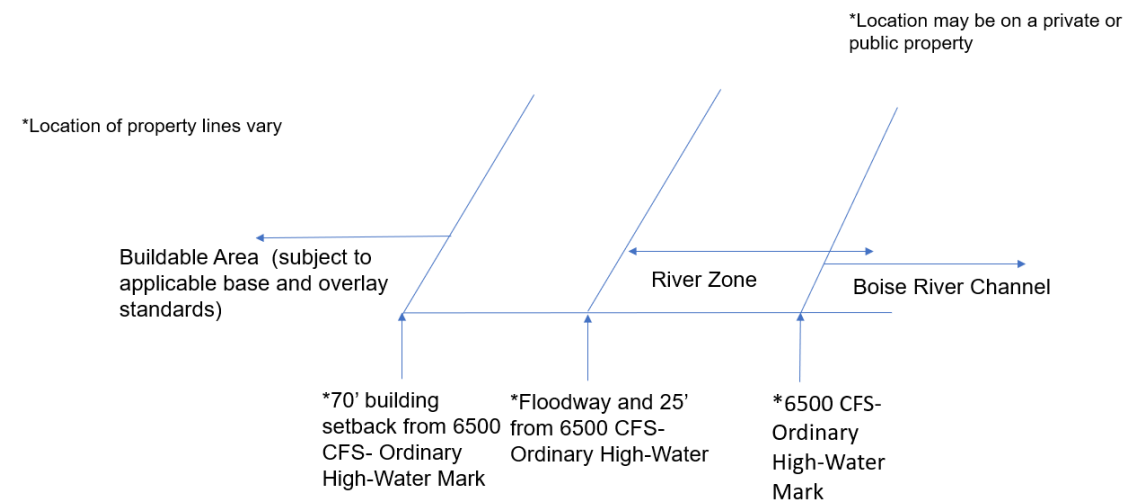
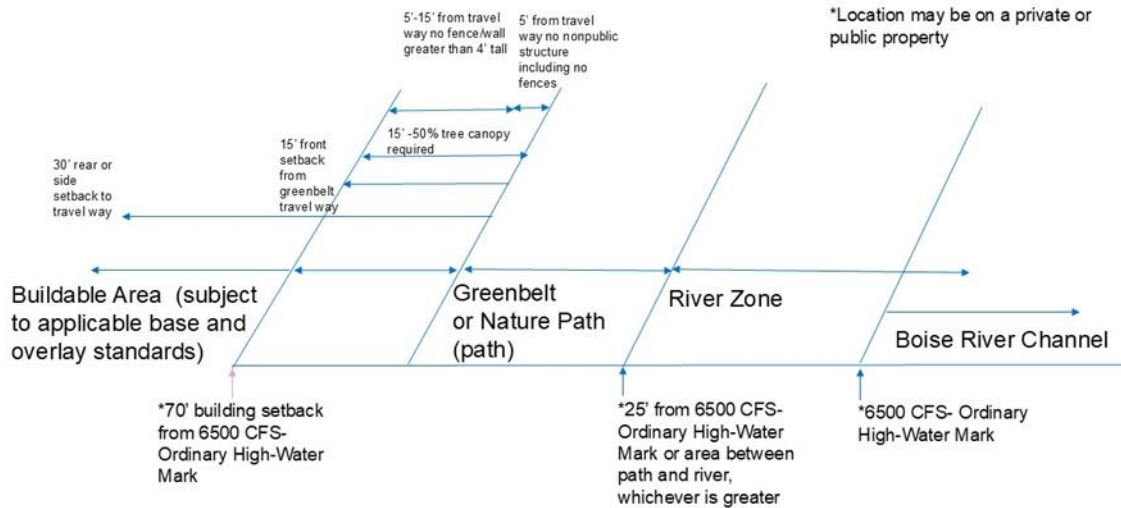


FIGURE 8-4M-2 AREAS WITH GREENBELT OR NATURE PATH



8-4M-4 River Zone Standards

A. Applicability

1. This Section applies to all portions of properties within the River Zone at all times.

B. Objectives

1. Provide riverbank stabilization that includes a strong plant root structure to limit erosion and reduce scouring during times of inundation.
2. Encourage native plant species and plant species capable of living through times of inundation.
3. Reduce water runoff and pollution
4. Reduce velocities during times of inundation.
5. Reduce damage during times of flood inundation.
6. Provide ample shade to cool the river to protect against algae blooms, sewer treatment costs, and enhance fisheries habitat.
7. Provide both aquatic and terrestrial habitat and food sources.
8. Provide ample shade trees and vegetation to provide a cooling effect for Greenbelt and Nature Path users.
9. Enhance the natural environment with requirements for appropriate native landscaping, planting, and landscape maintenance techniques.

C. Standards

1. Applicable permits and permissions must be obtained from Garden City, Idaho Department of Lands (IDL), Idaho Department of Water Resources (IDWR), and United States Army Corp of Engineers (USACE).

2. 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, hazard signs), for public recreation (for example, the Greenbelt, controlled access points to the river, or river viewing platforms), or for wildlife habitat improvements (for example, vegetation, nesting structures) provided that the use/encroachment:

a. 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.

b. Is 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)

c. Has been approved through the conditional use permit process.

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

4. Streambank Stabilization. Where streambank stabilization is required, a fifteen feet (15') wide strip of vegetation to cover a minimum of 70% of the streambank as measured from the ordinary high-water mark shall be required, unless in conflict with other regulatory agency requirements, or not physically possible. 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.

5. Application of chemicals

a. No use of restricted use chemicals or soil sterilant regulated by Idaho Department of Agriculture will be allowed within the River Zone.

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

c. 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.

d. The application of dormant oil sprays and insecticidal soap within the River Zone may be used throughout the growing season as needed.

6. 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 and permissions from each agency with jurisdiction. The following provisions shall be verified for the approval of a Garden City permit:

a. No work shall be permitted, including on public property, unless the property owner's consent has been obtained or no ownership can be determined.

b. Documentation must be provided by an expert or group of experts, approved by the City as qualified to ensure:

i. 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

ii. The proposed work will provide riverbank stabilization that includes a strong plant root structure to limit erosion and reduce scouring during times of inundation; and

iii. Plant species capable surviving through times of inundation; and

iv. Water runoff and pollution will be minimized; and

v. Velocities will not increase during times of inundation because of the proposal; and

vi. The proposal shall provide ample shade to cool the river to protect against algae blooms, and enhance fisheries habitat; and

vii. The proposal will not fragment or cause the denigration of habitat for native species or migratory birds.

c. Removal of invasive non-native vegetation as well as any Idaho listed noxious weeds and minor pruning above the ordinary high-water mark, including trimming to maintain views, that does not remove, damage or otherwise harm any plant, tree, or habitat or cause bank destabilization is allowed without a permit provided:

- i.All vegetation that is removed is replaced with recommended species as identified by the City's landscape reference document.
- ii.There is no net loss of vegetation.
- iii.There is no net loss of tree canopy as measured within five years of growth.
- iv.There is no soil removal, fill, or soil destabilization.
- d.Mechanical machinery cannot be utilized, nor can plant debris be left, unless approved through IDWR, IDL, USACE, and Garden City.
- e.Improved access to the Boise River shall be prohibited in all areas that are not approved through a conditional use permit or otherwise designated by the city council.
 - i.Access shall only be granted for the use by public and shall not be permitted for private use of individuals or subdivisions.
 - ii.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.
 - iii.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.

8-4M-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

- 1.Prevent pollution of the Boise River.
- 2.To maintain and enhance waterways.
- 3.Protect waterway access.
- 4.To maintain and enhance wetlands and habitat.

C. Standards

1.Drainage. Stormwater swales that cannot be utilized for purposes other than drainage are discouraged adjacent to the Greenbelt.

2.Waterways:

- i. Any open canal or open waterway as defined by Idaho Department of Water Resources 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 the area that is tiled.
- ii. A side channel at least 15' in width with a flow of 5-150 cfs shall require a minimum setback of 20' from the channel.

3.Wetlands and habitat.

- i. 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.
- ii. Exterior lighting shall not trespass on critical habitat that may be sensitive to light.
- iii. Relocation of wetlands and critical habitat may occur on site if the relocation enhances the wetlands or critical habitat.
- iv. Riparian areas shall not be relocated.

SECTION 19. That Title 8, Chapter 7, Article A, Section 2 (“Definition of Terms”), Garden City Code, be, and the same is hereby amended to read as follows:

ACTIVITY NODE: Activity nodes are neighborhood centers that are local and regional destinations. Activity centers range in size depending on their function and location. Some nodes are centered around the intersection of major streets or extend down a street to connect major community facilities.

The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. There are two types of nodes as follows:

- 1. Neighborhood and Destination Centers: The centers are focused on uses that facilitate making the location a destination. Appropriate uses include small scale retail, art, office, and medium to high density residential. Areas identified as neighborhood and destination centers are intended to be an attractor for nearby residents and businesses.

2. Transit Oriented Development Nodes are intended to be more intense and could be a regional draw. They are intended to be high-density, mixed-use centers that are capable of supporting transit stops and corridors.

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, loudspeaker, public address (P.A.) system, sound amplifier, or comparable sound broadcasting device.

CRITICAL HABITAT: Those areas categorized by the Endangered Species Act as critical habitat.

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.

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.

ORDINARY HIGH-WATER MARK: 6500 cfs line of the Boise River, as determined by Idaho Department of Lands or Idaho Department of Water Resources.

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.

PUBLIC REALM: The area that is of the public including but not limited to public roads, Greenbelt, Nature Path, parks, and the Boise River.

PUBLIC USE STRUCTURE: A structure intended for the use of the public. Examples of these structures include, but are not limited to, bridges, benches, bike racks, water stations, bike fix-it stations, art installations, etc.

RIPARIAN: the interface between land and a river or stream.

~~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.~~

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.

SIDE CHANNEL: A stream or watercourse, either natural or manmade, that flows from or into the Boise River. This includes waterways developed as amenities in residential or commercial developments.

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. Wetlands generally include saturated swamps, marshes, bogs and similar areas, 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.

TRAVEL WAY: The surface that is improved for travel.

~~YARD: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three feet (3') above the general ground level of the graded lot upward; provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.~~

Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

Yard, Interior Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

Yard, Street Side: A yard extending from the principal building to the secondary street that adjoins the lot between the lines establishing the front and rear yards.

SECTION 20: The Ordinance is hereby declared to be severable. Should any portion of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the Ordinance before the declaration of partial invalidity.

SECTION 21. The fact that some provisions of the official municipal code for the City of Garden City have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said official Code. All other ordinances shall continue in full force and effect unless specifically repealed or amended.

SECTION 22. If any provision or section of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

SECTION 23: This Ordinance shall be in full force and effect upon passage, approval, and publication.

PASSED by the City Council and **APPROVED** by the Mayor of the City of Garden City, Idaho, this _____th day of _____, 2025.

ATTEST:

APPROVED:

Lisa Leiby
CITY CLERK

John G. Evans
MAYOR

EXHIBIT “A”

**STATEMENT OF GARDEN CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO. 1057-25**

The undersigned, Charles I. Wadams, in his capacity as City Attorney of the City of Garden City, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. 1057-25 of the City of Garden City, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this _____ day of _____, 2025.

Charles I. Wadams
City Attorney

**SUMMARY OF ORDINANCE NO. 1057-25
OF THE CITY OF GARDEN CITY, IDAHO**

PUBLIC NOTICE IS HEREBY GIVEN that the City of Garden City, Idaho, adopted at its regular meeting of _____, 2025, that Ordinance No. 1057-25 entitled:

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ESTABLISHING NEW CITYWIDE LAND USE REGULATIONS REGARDING BUFFER ZONES, FRONTAGE SETBACKS, ACTIVITY NODES, OUTDOOR LIGHTING, LANDSCAPING, MIX OF LAND USES, FENCING, BOISE RIVER NATURAL RESOURCE PROTECTION, AND DEFINITIONS BY REPEALING TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 2 (“BASE ZONING DISTRICT REGULATIONS”), ARTICLE H (“FLOOD HAZARD”), SECTION 6 (“RIPARIAN ZONE”); AMENDING TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 2 (“BASE ZONING DISTRICT REGULATIONS”), ARTICLE A (GENERAL CONDITIONS) THROUGH ARTICLE C, SECTION 27 (“LAUNDROMAT SELF SERVICE CLEANING”); AMENDING CHAPTER 4 (“DESIGN AND DEVELOPMENT REGULATIONS”), ARTICLE A (“GENERAL PROVISIONS”) THROUGH ARTICLE I (“LANDSCAPING AND TREE PROTECTION PROVISIONS”), SECTION 5 (“PERIMETER LANDSCAPING PROVISIONS”); AMENDING CHAPTER 7 (“REFERENCES”), ARTICLE A (“DEFINITIONS”), SECTION 2 (“DEFINITIONS OF TERMS). ADDING TITLE 8, CHAPTER 2, ARTICLE B SECTION 4 (MIX OF USES); ADDING CHAPTER 4, ARTICLE M (“BOISE RIVER NATURAL RESOURCE”); HEREBY CREATING A NEW ZONE BASE DISTRICT DESIGNATION; REPEALING ALL ORDINANCES OR PARTS THEREOF TO THE EXTENT THEY CONFLICT WITH THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance adds provisions to land uses, design criteria, setbacks, and definitions of zones to reduce conflicts and promote compatibility by providing transitional areas between different land uses.

The effective date of the ordinance is from and after the date of its passage, approval, and publication. A copy of the full text of the ordinance is available at the city clerk’s office, 6015 N. Glenwood Street, Garden City, Idaho 83714. Examination may be requested in writing or in person during regular business hours of the city clerk’s office, from 8:00 a.m. until 5:00 p.m., pursuant to Section 50-901A(4), Idaho Code.

DATED this ____ day of _____, 2025.

ATTEST:

CITY OF GARDEN CITY, IDAHO:

Lisa M. Leiby, City Clerk

John G. Evans, Mayor