

CITY OF GARDEN CITY

Record Documents ([link to all documents, including reference documents](#))

Requested Action

No formal action is requested. Information for a work session regarding file CPAFY2024-0006, an amendment to Planned Unit Development provision is provided in this memorandum.

Objective

The proposed amendment's objective is to update the zoning code to refine the standards for a planned unit development as well as address code provisions that are commonly requested to be waived.

Current Deficiencies

A Planned Unit Development (PUD) is a tool that allows for a waiver to provide a better product. The purpose of the PUD clearly states that it is not the intent that the PUD process be used solely for the purposes of deviation from the standards in the district.

The PUD code has been utilized for nearly every subdivision application in Garden City in the past few years. The reason for this is because of the allowance of waivers to base zoning standards.

There are provisions of Title 8 that are routinely requested to be waived. These include allowing for 0' interior lot lines for the purpose of constructing townhomes, allowing for more than four units on a common drive, and previously the required number of parking.

A secondary imperfection is with the PUD specific standards. They lack clarity for which standards waivers are appropriate. The threshold on size does not make sense in context with the properties in Garden City. Finally, the application of the requirement for different housing types has been a source of uncertainty for decision makers.

Suggested Changes

Upon research, a public meeting, engagement from the Garden City Design Review Consultants, and feedback from the Planning and Zoning Commission, the proposed changes are intended to:

1. Stop applicants from utilizing the PUD process solely for the purpose of requesting a deviation to or waiver of code.
2. Refine the PUD process to make sense in the context of Garden City.
3. Create a realistic tool to achieve desirable outcomes through the use of the PUD process.

A summary of the identified potential changes is below:

1. The requirement that areas designed for future expansion must be maintained in a neat and orderly manner are relocated from PUD regulations to property maintenance standards.
2. Parking was amended by ordinance 1034-22, adopted on 6-12-2023.

3. Setback clarifications are addressed in the “buffer” ordinance 1050-24, file CPAFY2024-0004 that is currently in review.
4. Relocated provisions for dwellings found in 8-2C and combined them with provisions for dwellings found in 8-4B.
5. The Police Department has asked for entry to structures with multiple units on a common interior corridor for cases of emergency. This will be done, likely via a Knox box, that will grant them access to the common areas. This would not grant access to individual apartments or businesses.
6. Common driveways are no longer limited to four units. More than one principal dwelling unit or nonresidential unit would require fire department approval.
7. Clarification that required easements shall be recorded with Ada County.
8. Currently only multi-family developments are required to provide amenities. It has been discussed in previous applications, as well as suggested by the Design Review Consultants that all residential developments should be providing amenities. A new section, pertaining to general dwelling standards requires that housing variety and amenities applies to all housing in every zoning district.
9. A variety of aspirational categories have been provided in the PUD that an applicant can choose from in exchange for strict adherence to code.
10. A point system has been developed to implement the PUD criteria in efforts to make the application more objective.
11. Documentation demonstrating compliance with PUD criteria is required.
12. Clarification of which codes may be deviated when the PUD process is utilized.
13. Findings have been updated.

Potential Changes

How to read the changes

The below show potential additions to code in underlined text and potential deletions from code in ~~striketrough~~. In some cases where code is suggested to be relocated, the relocated code will be underlined with changes in blue font. The code that is neither underlined or striken is current code.

8-1C-3: PROPERTY MAINTENANCE:

T. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

8-2C: ~~LAND USE~~ NONRESIDENTIAL USE PROVISIONS

8-2C-14: Dwelling Unit, Accessory: Repeal and relocate to 8-4D

8-2C-15: Dwelling Unit, Multifamily: Repeal and relocate to 8-4D

~~8-4B-3: SINGLE-FAMILY AND TWO-FAMILY ATTACHED AND DETACHED RESIDENTIAL DWELLING UNITS, GENERAL PROVISIONS:~~

A Architectural design: All residential developments of greater than two units shall provide for architectural variety and cohesion.

1. The design of the development shall be cohesive.
2. Architectural variety shall be provided so that the units within the development are distinct and easily distinguished from one another.
 - a. Individual units that have exterior access shall have unique entrances.
 - b. In instances where there are multiple units accessed from a single point, the residential access shall be clear and easily accessed.
 - c. Each unit with an exterior entrance shall provide form and character through materials, massing, or architectural elements that are incorporated into the structure so that the units are visually unique.

B. Variety of housing: When more than twenty homes are on a site, then housing must be provided to meet diverse needs. This can be achieved by meeting the following criteria:

1. There are a variety of floor plans that facilitate different user needs. There shall be no more that twenty-five percent (25%) of the site dedicated to a particular floor plan; and
2. There are a variety of bedroom counts that facilitate different user needs. There shall be no more than seventy-five percent (75%) of the units with the same number of bedrooms.

C. Amenities: All residential developments of greater than five units 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 including but not limited to:
 - a. clubhouse;
 - b. fitness facilities; or
 - c. fire pit.
2. Open space amenities including but not limited to:
 - 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
 - d. plaza; or
 - e. public art
3. Recreation amenities including but not limited to:
 - a. swimming pool;
 - b. walking trails;
 - c. children's play structures; or
 - d. sports courts.
4. The number of amenities shall depend on the size of development as follows:
 - a. For developments with less than fourteen (14) units, two (2) amenities shall be provided from two (2) separate categories.
 - b. For developments between fourteen (14) and seventy-five (75) units, three (3) amenities shall be provided, with one from each category.

- c. For developments with seventy-five (75) units or more, four (4) amenities shall be provided, with at least one from each category.

8-4B-4: MULTI-FAMILY RESIDENTIAL ACCESSORY DWELLING UNITS¹:

A. Setbacks And Dimensional Standards:

1. Setbacks shall meet the zoning district setback requirements;
2. No accessory dwelling unit structure shall be allowed in front of the principal structure.

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 (1) accessory dwelling unit shall be allowed per property;
2. Direct ingress and egress to accessory dwelling unit shall be provided;
3. Accessory dwelling unit may be up to eight hundred (800) square feet or up to fifty percent (50%) of the size of the principal dwelling unit, whichever is greater, up to a maximum of one thousand two hundred (1,200) square feet. If there is no principal dwelling, the accessory dwelling shall comply with the criteria set forth for a single-family dwelling;
4. Accessory dwelling unit shall have at least three hundred (300) square feet of habitable space as defined by the building code;
5. Accessory dwelling unit shall be clearly incidental to the principal structure in use. For the purposes of accessory dwelling units, "incidental" means in connection with the residential use and structure on site, but does not constitute the principal dwelling unit;
6. Accessory dwelling unit shall be compatible in design, materials, and scale with the principal structure;
7. Accessory dwelling unit shall be declared real property with Ada County and be on a foundation;
8. Accessory dwelling unit shall be identified with an approved address;
9. Accessory dwelling unit shall provide a kitchen with appliances for the cooking of food, a sink and storage;
10. Accessory dwelling unit shall provide a bathroom with minimally a sink, toilet and bathtub and/or shower;
11. Accessory dwelling unit shall provide for at least one (1) closet.

¹ Accessory Dwellings has been relocated 8-2C-14. The only changes are to remove subsection A that is duplicative of 8-1A-5.C.3 and specifying that Accessory dwelling unit may be up to¹ eight hundred (800) square feet as designated in blue font.

8-4B-5: SINGLE-FAMILY AND TWO-FAMILY ATTACHED AND DETACHED RESIDENTIAL DWELLING UNITS²

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. A direct and permanent pathway that connects to the public sidewalk; and
 - b. Be clearly visible in the front elevation of the structure; and
 - (1) Have a front entry door with a covered porch, dormer, stoop, decorative posts, or roof; or
 - (2) Have a front entry door that 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 that are greater than twenty feet (20') in length must contain:
 - a. Thirty percent (30%) or more of the structure measured from the adjacent grade to a height of twenty feet (20') in height dedicated to windows; and
 - b. Have an offset in the wall plane by six inches (6") or more ; and
 - c. Contain at least three or more building materials.

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. Except for an accessory dwelling, an accessory structure shall require design review consultant(s) recommendation and subsequent approval by the planning official as set forth in section 8-6B-3 of this title 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, other than an accessory dwelling 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 consultant(s) recommendation and planning official approval as set forth in section 8-6B-3 of this title and subsequent approval of a conditional use permit.

² This section is relocated from the current 8-4B-3. Material changes are in blue font.

5. Accessory structures are prohibited in the front setback.
6. Accessory structures visible from the right-of-way must contain architectural features and a variety of materials that fully integrate the accessory structure into and as a part of the design of the principle structure and the site.

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 and entrance door; 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.

8-4B-6: MULTI-FAMILY RESIDENTIAL DWELLING UNITS³:

A. Building Setbacks: Building setbacks shall take into account windows, entrances, porches and patios, and how they impact adjacent properties.

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.

³ 8-4B-4 and 8-2C-15 have been combined. Amenities requirements have been relocated to the proposed 8-4B3 General Provisions. Material changes are in blue text.

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 and properties by the use of parapets, walls, fences, enclosures, or by other suitable means.
8. Units that take access via secured common corridors shall install and maintain a keyless entry system, or suitable alternative, to provide police access to the common corridors under exigent circumstances. The keyless entry system or alternative shall be subject to review and approval by the Garden City Police Department.
9. Developments with fourteen (14) units or more shall provide the following:
 - a. A property management office.
 - b. A maintenance storage area.
 - c. A central mailbox location, including provisions for parcel mail that provide safe pedestrian and/or vehicular access.
 - d. A directory and map of the development at an entrance or convenient location for those entering the development.

- B. 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.
- 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, and common areas.

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

A. Large Scale Nonresidential Structures:

3. Units that take access via secured common corridors shall install and maintain a keyless entry system, or suitable alternative, to provide police access to the common corridors under exigent circumstances. The keyless entry system or alternative shall be subject to review and approval by the Garden City Police Department.

8-4L-5: OPEN SPACE STANDARDS FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENTS:

- A. Private Open Space Requirements: For any new multi-family development with three or more dwellings: A minimum of eighty (80) square feet of private, usable open space shall be provided for the benefit of each-unit-dwelling.

1. This requirement can be satisfied through a variety of private or semiprivate means including but not limited to outdoor porches, patios, rooftop gardens, decks, balconies, recreational areas, and/or enclosed yards.
2. The minimum dimension of any space calculated as private open space shall be six feet (6') in ~~any~~ each direction.
3. Landscaping, entryway and other accessways shall not count toward this requirement.

B. Common Open Space Requirements:

1. For any new multi-family development: A minimum area of ~~outdoor~~ common open space shall be provided as follows:
 - a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area. (Ord. 898-08, 9-8-2008)
 - b. (Rep. by Ord. 905-09, 3-23-2009)
 - c. Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area.
 - d. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area.
2. Common open space shall be not less than four hundred (400) square feet in area, and shall have a minimum length and width dimension of twenty feet (20') in each direction.
3. In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units.
4. Common open space areas shall not be adjacent to collector or arterial streets unless separated from the street by a constructed solid barrier at least four feet (4') in height intended to create a visual obstruction of the street.
5. Vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space.
6. Common open space shall be grouped contiguously with open space from adjacent developments.

C. Location Requirements

1. Private open space must be achieved within the development.
2. Common open space may be achieved on site or by enhancing other public or private parks within ¼ mile so as long as there is continuous access provided by means of a sidewalk, dedicated bicycle path, or multi-use path connects the development to the open space.

a. Common open space that is provided to create an enhanced usable open space with an adjacent development shall be permitted to be provide 90% of the required open space. The onsite open space is to be calculated first and a reduction shall not be applied to that which is on site. For example, if a site requires 100 square feet of open space, and 80 square feet is provided on site, only 18 square feet is required off site.

b. Common open space that enhances a public open space to be a more useable public open space, such as but not limited to a park, shall be permitted to be provided at 75% of the required open space. The onsite open space is to be calculated first at 100% the required amount.

8-4C-3: GENERAL PROVISIONS FOR NONRESIDENTIAL DEVELOPMENT:

- 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.
 7. Matched Colors: The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps should blend with the roof colors.
 8. All structures visible from the right-of-way must contain architectural features and a variety of materials that fully integrate as a part of the design of the principle structure and the site.

8-5A-5 [SUBDIVISION] DESIGN STANDARDS

D. Driveways:

2. Common Driveways:

a. Common driveways shall serve serving more than one principle dwelling or nonresidential structure shall not be permitted a maximum of four (4) dwelling units, unless approved through a planned unit development by the fire department.

F. Easements:

1. Utility easements that are unobstructed by permanent structures shall be provided along front lot lines, rear lot lines, and side lot lines when deemed necessary by the city engineer.

2. Total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.
3. Unobstructed easements, including, but not limited to, drainage, water, and sewer easements, shall be provided as required by the city public works planning official.
4. Additional easements including, but not limited to, parking, irrigation access may be utilized or required by authorized agents of the city.
5. All easements associated with a plat shall have the instrument number be shown on the plat. All required easements shall be recorded with Ada County land records so that they are incorporated into each deed transferring the title of the property.

Proposed Text to be Repealed: [linked 8-6B-7: PLANNED UNIT DEVELOPMENT](#)

Proposed New 8-6B-7: PLANNED UNIT DEVELOPMENT:

A. Purpose: The intent of a Planned Unit Development (PUD) is to accommodate for developments which promote and improve the health, safety, and general welfare of Garden City in ways consistent with the City's adopted Comprehensive Plan better than what is compelled by strict adherence to regulations of this title. The developments shall conform to this Section but may deviate in certain respects from the zoning regulations in order to achieve an enhanced development. It is not the intent that the planned unit development process be used solely for the purposes of adjustment from the standards of this title or as a substitute for obtaining Variances pursuant to 8-6B-9.

B Objectives of the Planned Unit Development include but are not limited to:

1. Providing a maximum choice of living environments;
2. Creating a more usable pattern of open space and recreation areas;
3. Preserve and promote natural systems such as wetlands, habitat; ecosystems, etc.;
4. Utilizing land more efficiently;
5. Create a desirable community to live, work, recreate, and visit;
6. Improve resiliency; and
7. Developing a land pattern compatible with future land use designation and objectives of the comprehensive plan.

B. Applicability: The planned unit development process may be used in any district.

C. Procedures:

1. A PUD may take the place of a conditional use permit when a use that is proposed is not otherwise permitted in the base zoning district.
2. A PUD shall take the place of a design review application.
3. When a PUD also qualifies as a subdivision, the processing of the PUD permit and subdivision application shall occur at the same time.
4. In addition to the application requirements set forth in section [8-6A-4](#), "Required Application Information", of this chapter, the application submittal for a preliminary development plan for a PUD should contain the following:
 - a. Proposed schedule for the development of the site.

b. Documentation that the PUD Enhanced Improvements are quantifiable, legally binding, will be maintained into perpetuity, and if a third-party certification is utilized that it is creditable.

E. Required PUD Enhanced Improvements: Each application shall provide PUD Enhanced Improvements. Each measure shall include a higher level of performance than otherwise required by this title.

1. The number of required PUD Enhanced Improvements measures shall depend on the size of the development as follows:

<u>Size of Development</u>	<u>Minimum Points Required</u>
<u>Fewer than 10,000 and up to 10,000 square feet dedicated to a structure.</u>	<u>20</u>
<u>10,001 to 37,499 square feet dedicated to a structure</u>	<u>40</u>
<u>37,500 or greater square feet dedicated to a structure</u>	<u>60</u>

2. The categories of PUD Enhanced Improvements and measures thereof are as follows:

<u>Category: Outdoor space</u>	
<u>Intent of Category: To provide for outdoor space that enhances the quantity and quality of outdoor space.</u>	
<u>Measure</u>	<u>Points</u>
<u>At least 30% of the gross site area shall be dedicated to usable outdoor common space</u>	<u>10</u>
<u>Enhancement of the public non-motorized improvements by 20% of what is required by the development. The improvements may be provided on site, in the public right-of-way adjacent to the site, or connecting to the site to existing improvements. These improvements may include but are not limited to public pedestrian and bicycle trails, paths, sidewalks, and walkways.</u>	<u>10 points per 500 feet of improvement</u>
<u>An unidentified measure to execute the intent of this category that is the equivalent or better than the other measures identified within this category.</u>	<u>10</u>
<u>Category: Natural systems</u>	
<u>Intent of Category: To better and permanently protect and manage natural systems and resources.</u>	
<u>Measure</u>	<u>Points</u>
<u>Maintaining a minimum of 10% more site area than what is otherwise required by any regulation dedicated to wetlands or habitat</u>	<u>10 points per every 5% of gross site</u>

	<u>area or separate type of habitat or wetlands preserved.</u>
<u>An open, landscaped canal through the site</u>	<u>10 points per every 25 feet of open waterway.</u>
<u>Provide for apiculture, including 20,000 square feet or more of pesticide free; blooming perennial plants or trees that appropriate for apiculture; a continual water source; a beehive; and maintenance thereof.</u>	<u>60 points</u>
<u>Providing for tree canopy equal to 50% of the site. At least 50% shall be provided by class III trees. The trees shall be on site or benefit the public in the public right-of-way, park, or other public space</u>	<u>30 points</u>
<u>An unidentified measure to execute the intent of this category that is the equivalent or better than the other measures identified within this category.</u>	<u>10 points</u>
<u>Category: Housing Affordability</u>	
<u>Intent of Category: To provide for affordable housing stock as defined by Housing and Urban Development (HUD).</u>	
<u>Measure</u>	<u>Points</u>
<u>a. Commitments to restrict for a period of at least 20 years at least 10 percent of residential units to households earning not more than 60 percent of the Area Median Income for the Boise area if the dwelling unit(s) is a rental unit or 15 percent of residential units affordable to households earning no more than 120 percent of the Area Median Income if the dwelling unit(s) is a for-sale property; and</u> <u>b. Providing a range of price points that are divergent from one another by 30% or more.</u>	<u>20 points per every 10% of units dedicated to affordable housing</u>
<u>An unidentified measure to execute the intent of this category that is the equivalent or better than the other measures identified within this category.</u>	<u>20 points</u>
<u>Category: Neighborhood Activation</u>	
<u>Intent of Category: To provide enhanced placemaking beyond that which regulations compel. This is the creation or highlight of the unique character and assets within the neighborhood that will make the physical space a desirable and inviting place to bring the public together, provide opportunities for social activities, and stimulate neighborhood businesses.</u>	
<u>Measure</u>	<u>Points</u>

<u>Ground floor activation: If the proposal includes residential development, commitments that (60%) sixty percent of the ground floor areas adjacent to the public right-of-way, greenbelt, or pedestrian or bicycle pathways will be designed for and occupied by uses that are in active use by occupants or users of the building or development or by the general public and will incorporate building designs that help activate street frontages to encourage pedestrian use. This requirement is not met by ground floor parking areas, storage areas, utility facilities, or stairwells that are not accessible from the street frontage.</u>	<u>40</u>
<u>Provide ten points of public interest such as artwork, pocket parks, seating, play equipment, etc.</u>	<u>20</u>
<u>Off site street improvements including street trees, curb, gutter, sidewalk, and if applicable bicycle improvements that complete a streetscape for one block or more.</u>	<u>60</u>
<u>An unidentified measure to execute the intent of this category that is the equivalent or better than the other measures identified within this category.</u>	<u>40</u>
<u>Category: Sustainable Building Design and Practices</u>	
<u>Intent of Category: To provide construction that enhances the community's long-term resiliency through healthy and efficient construction that also reduces the cost of maintenance.</u>	
<u>Measure:</u>	<u>Points</u>
<u>Commitments that the project will include conformance with sustainable building practices including Silver Certification by the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system or the adopted City of Boise Green Building Code or other reputable third-party certifier.</u>	<u>30</u>
<u>Enhanced service of water, sewer, stormwater, electric, gas, or telecommunications systems. Examples of enhanced service include but are not limited to rainwater harvesting; green alleys; heat island reduction through green roofs or walls or reflective materials; passive solar heating, etc.</u>	<u>10 per enhanced system type.</u>
<u>Each dwelling is provided a local annual transit pass annually.</u>	<u>60</u>
<u>The installation of a roof that is made of materials, such as an acrylic coating or tiles with high solar reflectance that reflect more sunlight and absorb less heat than traditional roofs.</u>	<u>10</u>
<u>The use of reflective coatings or aggregates or other materials that result in a surface that retains less heat than asphalt in areas of impervious surfaces.</u>	<u>10</u>
<u>For street trees, the use of a modular system that supports pavement above uncompacted soil and combines a stormwater management system to support trees and improve water quality</u>	<u>10</u>
<u>Energy Resiliency - Off site undergrounding of power services.</u>	<u>20 points per 100 lineal feet</u>

<u>Energy Efficiency - The structures on site are anticipated to be fifty percent (50%) more energy efficient than that which is required by the building code regulations.</u>	<u>30</u>
<u>Net Zero Development: The site balances energy needs with the energy produced or saved resulting in a balance of zero energy consumption over the life of the structure or structures. This may include but not be limited to the utilization of a combination of passive solar heating, high quality insulation; and natural ventilation with onsite renewable energy.</u>	<u>60</u>
<u>An unidentified measure to execute the intent of this category that is the equivalent or better than the other measures identified within this category.</u>	<u>10</u>

F. Areas of Flexibility

A. Standards required through this section, 8-6B-6, shall not be waived.

B. Each PUD application may only request adjustments to the following standards:

1. Minimum lot sizes;
2. Increased or decreased residential density;
3. Increased or decreased nonresidential intensity;
4. Reduced or reorganized setbacks;
5. Land use provisions prescribed in 8-2C;
6. Design provisions prescribed in 8-4;
7. Uses that are prohibited in the zoning district. The maximum adjustment shall not be more than twenty percent (20%) of the gross land area that is applied to other uses that are not permitted within the zoning district.

G. Required Findings:

1. In order to grant approval of a planned unit development, the decision maker shall make the following findings:
 - a. The proposal executes the purpose and objectives of this section.
 - b. The intent of each applied PUD Enhanced Improvement has been achieved, and adequate documentation has been provided to ensure the successful implementation and maintenance thereof;
 - c. The proposed development, including the design and proposed uses, preserves compatibility with surrounding neighborhood;
 - d. The proposal secures public health and safety;
 - e. Each regulation adjustment is necessary to achieve a development that is enhanced more than adherence to the provision of code for which an adjustment is being requested;
 - f. All findings found in 8-6B-3.E for Design Review are met;
 - g. If a use or uses that are prohibited are proposed, the proposed uses are interrelated and supportive of the other uses in the proposed development and the neighborhood.
 - h. If a use or uses that require a conditional use permit or are prohibited, the proposed findings found in 8-6B-2.D for Conditional Use Permit are met; and
 - i. The proposed development, including the design and proposed uses, advances the Comprehensive Plan's vision for the neighborhood and objectives.

8-7A-2 B Definition of Terms

Amenity - a desirable or useful feature. The categories of amenities are further described as:

1. Quality of Life - a physical improvement intended to bolster the health, comfort, or happiness of those who utilize the improvement.
2. Open Space - a space which improves livability, connects the community, or preserves and protects existing natural features.
3. Recreation - improvement or improvements intended to facilitate an activity done for enjoyment.

Planned Unit Development (PUD) Enhanced Improvements - A desirable land use, that is better employed through the use of the Planned Unit Development process than through strict adherence to the development code standard.

Private Open Space-open space that is reserved for a specific dwelling unit.

Common Open Space- open space that is intended for users of the development or for the public that is not private open space.

Decision Process

GENERAL PROVISIONS

This application is processed per GCC 8-6A-7 Public Hearing.

REQUIRED DECISIONS: The following decision processes are required for the project as governed by GCC Table 8-6A-1:

Decision	Recommendation Authority Hearing Date	Decision Authority
Development Code Amendment	Design Review Committee, via consultations.	City Council hearing date: 1/27/2025
	Planning and Zoning Commission hearing date: 1/15/2025	

REQUIRED FINDINGS:

For the approval of a Development Code Amendment, the City Council, as the final decision maker must find the application meets the following findings, found in [GCC 8-6B-5](#):

1. The text amendment complies with the applicable provisions of the comprehensive plan;
2. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and
3. The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.

DECISION:

After hearing the evidence and considering the application, the decision-maker shall make their decision. The decision-maker shall report the facts upon which it based its conclusion, the ordinance, and standards used in evaluating the application, the actions if any, that the applicant could take to obtain a permit, and whether a permit is granted, granted with conditions, or denied.

The decision-maker shall make its findings and decision no later than by the next regularly scheduled meeting.

For matters where design is affected by the application, a Design Review consultation is required. The Design Review comments are incorporated into the record for the Planning and Zoning Commission review and consideration.

The Planning and Zoning Commission is a recommending body for this application.

Recommendation:

The Recommending Authority may take one of the following actions:

1. Recommend the City Council grant/ approve the application as applied;
2. Recommend the City Council grant/ approve the application with conditions as drafted or as amended to the City Council;
3. Recommend the City Council deny the application; or
4. Request the applicant return with revised materials for additional review.

The City Council is the final decision maker for this application.

Decision

The City Council may take one of the following actions:

1. Sustain the recommendation as presented to the City Council;
2. Modify the recommendation with conditions;
3. Reject the recommendations; or
4. Remand the application to a recommending body for additional proceedings and findings.

If there is a denial, the state code requires that the decision-maker identify what could be done to obtain approval.

The Appeal of a Decision:

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the Planning and Zoning is a recommending authority. The City Council is the final decision maker for the requested application. The recommendation of the Planning and Zoning Commission does not constitute a final decision on the application.

Every final decision rendered shall be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis under section [67-8003](#), Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section [67-6521](#)(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by [chapter 52, title 67](#), Idaho Code. Per Idaho Code 67-6511 (2)(a) this provision extends to an amendment of zoning ordinances applicable to an owner's lands.

Agency Comments

The city has not received any agency comments.

Public Comment

There have been no written comments received by the city.

Statement of Compliance

There is no identified conflict with any other regulation, adopted policy, the Garden City Comprehensive Plan, or other adopted plan of the city.

Code/Policy Review

The below serves as an analysis of applicable provisions of Garden City Code, Title 8, Development Code, and identified applicable policies, plans, and previous approvals.

<u>Garden City Title 8 Code Sections</u>			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
Title 8, Chapter 1: General Regulations			
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process	PZ/ CC	Not Determined	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
8-6A-4 Required Application Information	PZ/ CC	Not Determined	A Compliance Statement is incorporated into this staff report.
8-6A-7 Public Hearing Process	PZ/DRC/CC	Not Determined	The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided notifications to agencies with jurisdiction and ran a 2"X 4" legal notice in the Idaho Statesman, at least 15 days prior to the first hearing, conspicuously posted notice at the Garden City Library, Garden City Hall, online, and Garden City Police Department, and provided notice to radio, newspaper, and television.
<u>Other Items Reviewed</u>			
Plan/Policy		Discussion/ Analysis	
Idaho Code 67-6511		The Local Land Use Planning Act requires that code amendments be compliant with the Comprehensive Plan.	
Idaho Code 67-6519		Garden City Code and procedures are consistent with The Local Land Use Planning Act Application Granting Process.	
Garden City Comprehensive Plan		This proposal applies to all land use designations in the Comprehensive Plan. The text amendment is supported by the Goals and Objectives 1.3 Consider the needs of all citizens, 1.4 Create a premier destination to live work and recreate, 2.1 Encourage distinct neighborhoods, 6 Diversity in Housing; 9 Sustainable City, 12 Evolve as a Destination support the changes to the ordinance.	