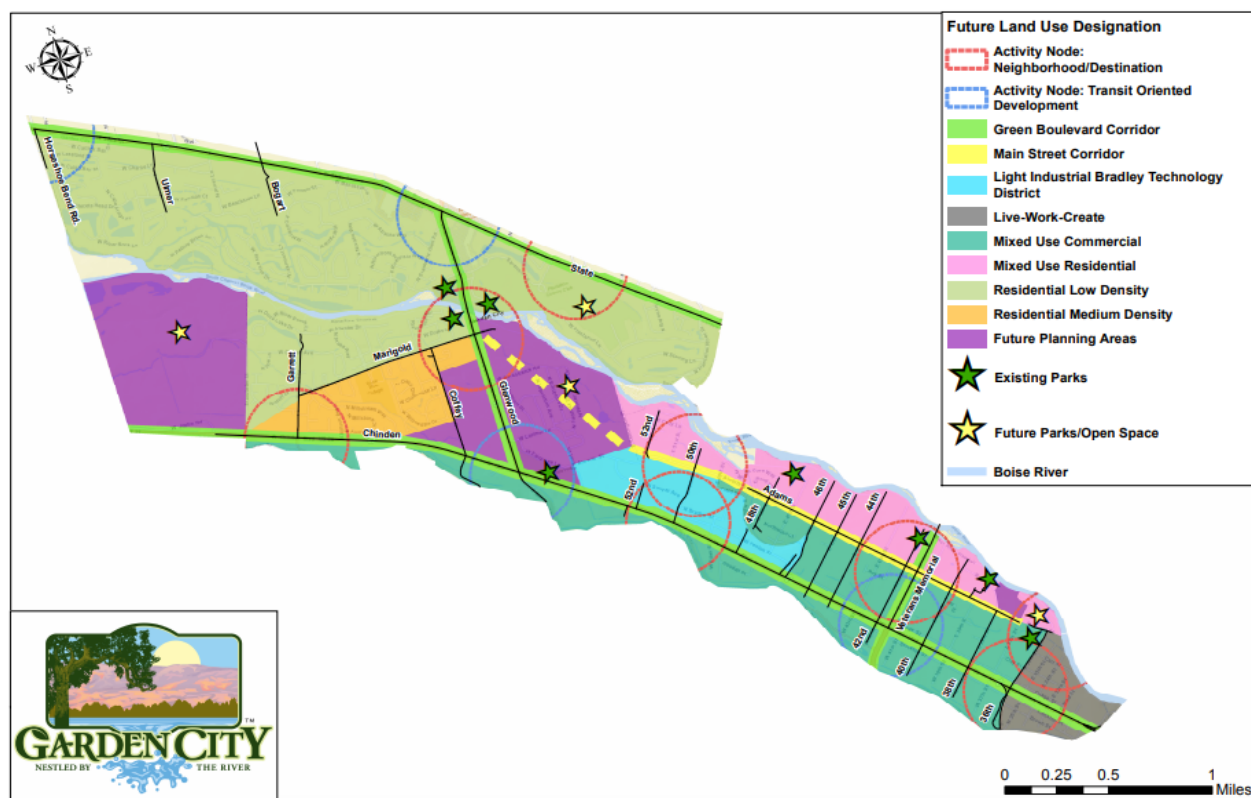




## CITY OF GARDEN CITY

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**File Number:** CPAFY2024-0006  
**For:** Development Code Text Amendment: **Planned Unit Development**  
**Applicant:** City of Garden City  
**Report Date:** 2/19/2025  
**Report Number:** 6 –Planning and Zoning Commission



*Staff Report*  
*Report prepared by Jenah Thornborrow*

## **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.

### **Intent of 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. Clarification of which codes may be deviated when the PUD process is utilized.
11. Findings have been updated.
12. Repeal the Minor PUD process.

## **Discussion**

1. Should the PUD adjustments be limited to 20% use, height, densities?
2. Are there areas of subjectivity?
3. Is the code easy to understand?

## **Potential Changes Specific to PUD Applications**

The changes below are only pertinent to Planned Unit Development Applications.

### **How to read the proposed changes**

The code that is currently in effect and proposed to is on the left in grey font. The proposed new code is on the right. The changes are not in strikethrough format.

#### **8-6B-7: PLANNED UNIT DEVELOPMENT**

<b>Existing, Proposed to be Repealed</b>	<b>Proposed New Ordinance</b>
<p>A. Purpose: The intent of this section is to provide for well planned developments which conform to the objectives of this title, but may deviate in certain respects from the zoning map and the district regulations. It is not the intent that the planned unit development process be used solely for the purposes of deviation from the dimensional standards in the district unless the following objectives are also achieved:</p> <ol style="list-style-type: none"><li>1. Provide a maximum choice of living environments by allowing a variety of housing and building types, and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements;</li><li>2. Create a more useful pattern of open space and recreation areas; and, if permitted as part of the project, more convenience in the location of accessory commercial uses, industrial uses and services;</li><li>3. Establish a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;</li><li>4. Use land more efficiently than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and</li></ol>	<p>A. Purpose: The intent of a Planned Unit Development (PUD) is to accommodate 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 as identified in 8-6B-7.F.b by providing proportionate or greater improvement(s). It is not the intent that the planned unit development process be used as a <i>de facto</i> rezone, solely for the purposes of adjustment or waivers from the standards of this title that the applicant does not wish to apply, or as a substitute for obtaining Variances pursuant to 8-6B-9.</p>

5. Develop a land pattern in harmony with land use density, transportation, and community facilities objectives of the comprehensive plan.	
	<p>B Objectives of the Planned Unit Development include but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Providing a maximum choice of living environments for all citizens.</li> <li>2. Creating a more usable pattern of open space and recreation areas.</li> <li>3. Preserve and promote natural systems such as wetlands, habitat; ecosystems, etc.</li> <li>4. Utilizing land more efficiently.</li> <li>5. Create a desirable community to live, work, recreate, and visit.</li> <li>6. Improve the community's economic stability.</li> <li>7. Developing a land pattern compatible with future land use designation and the identified goals and objectives of the comprehensive plan.</li> </ol>
B. Applicability: The planned unit development process may be used in any district.	<p>C. Applicability: The planned unit development process may be used in any zoning district.</p> <p><b>a.</b></p>
<p>C. General Provisions:</p> <ol style="list-style-type: none"> <li>1. Uses Permitted: All uses that are allowed within the land use district are permitted within a PUD. Also, up to ten percent (10%) of the gross land area may be applied to other uses that are not allowed within the land use district upon findings by the commission, as set forth in subsection E of this section.</li> <li>2. Arrangement Of Uses: <ol style="list-style-type: none"> <li>a. Open Space: Every property developed under the PUD approach should be designed to abut upon common open space or similar areas.</li> <li>b. Commercial: Commercial uses and buildings shall be planned as groups having common parking areas, and common ingress and egress points in order to reduce</li> </ol> </li> </ol>	

the number of potential accident locations at intersections.

c. Industrial: Industrial uses shall provide for an efficient use of land and services by grouping buildings in parklike surroundings, utilizing landscaping and existing trees as buffers to screen lighting, parking areas, loading areas or docks and/or outdoor storage of raw materials or products.

d. Residential:

(1) With ten (10) or more dwelling units, a variety of housing types shall be included including attached units (townhouses, duplexes), detached units (patio homes), single-family and multi-family units; provided, that the overall density limit of the district is maintained.

(2) A clustering of dwellings is encouraged.

(3) For townhouses, no more than eight (8) townhouse units shall be located in any contiguous group.

3. Minimum Size: Minimum size of a planned unit development shall be as follows:

a. Fourteen thousand five hundred (14,500) square feet for residential development;

b. One (1) acre for mixed use;

c. One (1) acre for commercial use; and

d. Five (5) acres for industrial use.

4. Setbacks: All applications which propose reduced or zero setbacks from what was set forth in section 8-2B-3, "Form Standards", of this title shall comply with the following development standards:

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

b. The PUD plat shall indicate the reduced or zero setback lines and

<p>all easements shall be shown on the plat and incorporated into each deed transferring the title of the property.</p> <p>c. In no case shall a property with a reduced or zero lot line be allowed adjacent to a property that is not part of the PUD.</p> <p>d. The minimum separation between detached structures shall be ten feet (10') unless greater separation is required by fire or building codes.</p> <p>e. All development located on a parcel with a reduced or zero lot line shall comply with all applicable building and fire codes.</p> <p>5. 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.</p>	
	<p>D. Administration:</p> <ol style="list-style-type: none"> <li>1. A PUD may be utilized to include a review and determination of a conditional use and be <i>in lieu</i> of a separate conditional use permit review and determination when a use or uses are proposed that require a conditional use permit in the base zoning district.</li> <li>2. A PUD shall include the review and determination of applicable design standards and shall take the place of a separate design review application.</li> <li>3. When a PUD also qualifies as a subdivision, the processing of the PUD permit and subdivision application shall occur at the same time.</li> <li>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 shall contain the following:</li> </ol>

	<p>b. Proposed schedule for the development of the site.</p> <p>c. 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.</p>
<p>D. Procedures:</p> <p>1. An application for a PUD may be filed by a property owner or a person having an existing interest in the property to be included in the PUD. The PUD application shall be filed in the name or names of the recorded owner or owners of property included in the development. However, the application may be filed by the holder(s) of an equitable interest in such property.</p> <p>2. A planned unit development (PUD) shall be processed as a conditional use permit with the submission of a preliminary development plan and approval of a final development plan as set forth below. A planned unit development application shall take the place of a preliminary plat application in cases where utilized for subdivision purposes.</p> <p>a. 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:</p> <p>(1) Proposed schedule for the development of the site; and</p> <p>(2) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two (2) years.</p> <p>b. The commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this title;</p>	



<p>whether the proposed development advances the general welfare of the community and neighborhood and the surrounding area to justify the deviation from standard district regulations.</p> <p>c. The commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels or engineering feasibility.</p> <p>d. Upon approval of a preliminary development plan, an application for a final development plan may be filed.</p> <p>e. The commission shall recommend to the council approval or denial of a PUD. Such action shall be in the form of written findings of fact, conclusions of law and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held.</p> <p>3. When a PUD also qualifies as a subdivision, the processing of the PUD permit and subdivision application shall occur at the same time.</p> <p>4. Before approval is granted to the final development plan, the entire project shall be under single ownership or control and legal title must be presented with the final development plan.</p>	
	<p><b>E. Required PUD Enhanced Improvements:</b> Each application shall provide PUD Enhanced Improvements that implement the vision of the Comprehensive Plan at a higher level of performance than otherwise required by this title. The enhanced improvements shall be proportionate to each adjustment that is requested.</p> <p>The following are categories PUD Enhanced</p>

Improvements. Each category contains examples of PUD enhanced improvements:

1. Outdoor Space: The intent of the outdoor space category is to provide for outdoor space that increases the quantity and quality of usable outdoor space. Example PUD enhanced improvements include, but are not limited to:

- No less than twice the required gross site area shall be dedicated to usable outdoor common space.
- 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 the project to off-site improvements. These improvements may include but are not limited to public pedestrian and bicycle trails, paths, sidewalks, and walkways.

2. Natural systems: The intent of the natural systems category is to permanently protect and manage natural systems and resources. Example enhanced improvements include, but are not limited to:

- Maintaining a minimum of ten percent (10%) more site area than what is otherwise required by any regulation dedicated to wetlands or habitat.
- An open, landscaped canal through the site.
- Provide for apiculture, including 20,000 square feet (including both horizontal and vertical square footage) or

more pesticide free; blooming perennial plants or trees that are appropriate for apiculture; a continual water source; a beehive; and maintenance thereof.

- Providing tree canopy equal to 50% of the site. As long as canopy is provided, the space is not required to be exclusive to trees and may also be open space, parking, etc. At least 50% of the canopy 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.

3. Housing Affordability: The intent of the housing affordability category is to provide for affordable housing stock as defined by Housing and Urban Development (HUD). Example enhanced improvements include, but are not limited to:

- Commitments to restrict at least 10% (ten percent) of the dwelling units to households earning not more than 60 percent of the Area Median Income for the Boise area for a period of at least 20 years.
- Commitments to restrict at least 15% (fifteen percent) of the dwelling units to households earning not more than 120% (120 percent) of the Area Median Income for the Boise area for a period of at least 20 years; and provide a range of price points that are divergent from one another by 30% or more.

4. Neighborhood Activation: The intent of the neighborhood activation category is 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. Example enhanced improvements include, but are not limited to:

- Ground floor activation: If the proposal includes residential development, commitments that (60%) sixty percent of the ground floor areas adjacent to the public realm, including right-of-way, the 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. The building shall incorporate designs that help activate the public realm to encourage pedestrian use. This requirement is not met by ground floor parking areas, storage areas, utility facilities, or stairwells.
- Provide ten points of public interest or things to do such as artwork, pocket parks, seating, play equipment, etc. within one hundred feet (100') of the development.
- Provide off-site street improvements that include street trees, curb, gutter, sidewalk, and if applicable bicycle improvements that complete a streetscape for one block or more.

5. Sustainable Design and Practices: The intent of the sustainable building design and practices category is to enhance the community's capacity to of individuals, communities, businesses, institutions, and governments to adapt, withstand, and recover from changes and hazards. The design or practices facilitate:

- Efficiencies gained through reduced costs in maintenance and operations.
- The ability to prepare for threats and hazards.
- Adaptation to changing conditions, and
- Withstanding and rapidly recovering from disruptions.

Example enhanced improvements include, but are not limited to:

- Construct to LEED or other third-party green building certified standards.
- Enhanced service of utilities such as 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.
- Provide each dwelling with a local annual transit pass annually for at least ten years to assist in building congregated ridership and a dedicated funding stream for the bus route.
- Installation of a roof that is made of materials, such as an acrylic coating or tiles with high solar reflectance that reflect

	<p>more sunlight and absorb less heat than traditional roofs.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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</li> <li>• Off site undergrounding of power services.</li> <li>• Providing structures on site are anticipated to be fifty percent (50%) more energy efficient than that which is required by the building code regulations.</li> <li>• Constructing the site to balance 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.</li> </ul>
	<p>F. Areas of Adjustment</p> <p>A. Standards required through this section, 8-6B-6, shall not be waived or adjusted.</p> <p>B. Each PUD application may only request adjustments to the following standards:</p> <ol style="list-style-type: none"> <li>1. Densities that are identified in 8-2B-1;</li> <li>2. Table 8-2B-1 Allowed Uses in All Base Zoning Districts;</li> <li>3. 8-2B-3 Form Standards</li> </ol>

	<ol style="list-style-type: none"> <li>4. Land use provisions prescribed in 8-2C; and</li> <li>5. Design provisions prescribed in 8-4.</li> </ol>
<p>E. Required Findings:</p> <ol style="list-style-type: none"> <li>1. In order to grant approval of a planned unit development, the commission and council shall make the findings for a conditional use permit as set forth in section 8-6B-2 of this chapter and the following: <ol style="list-style-type: none"> <li>a. The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;</li> <li>b. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations;</li> <li>c. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;</li> <li>d. Any proposed commercial development can be justified at the locations proposed;</li> <li>e. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the council;</li> <li>f. The area surrounding said development can be planned and zoned in coordination and</li> </ol> </li> </ol>	<p>G. Required Findings: In order to grant approval of a planned unit development, the decision maker shall make the following findings:</p> <ol style="list-style-type: none"> <li>a. The proposal executes the purpose and objectives of this section.</li> <li>b. The proposed development, including the design and proposed uses, is appropriate to the location, subject property, and preserves compatibility with the surrounding neighborhood as articulated by the Comprehensive Plan land use designations, goals, and objectives.</li> <li>c. Each requested adjustment to this title is offset by a proportionate or greater PUD enhanced improvement.</li> <li>d. Adequate documentation has been provided to ensure the successful implementation of and maintenance of each proposed PUD enhanced improvement.</li> <li>e. The proposal secures public health and safety.</li> <li>f. The development will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts.</li> <li>g. All findings found in 8-6B-3.E for Design Review are met;</li> <li>h. Not be more than twenty percent (20%) of the gross land area that is applied to uses that are not permitted within the zoning district.</li> </ol>

substantial compatibility with the proposed development;  
g. The PUD is in general conformance with the comprehensive plan; and  
h. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

2. In allowing for uses not otherwise permitted in the district, the commission shall make the additional findings:

- a. The uses are appropriate with the residential uses;
- b. The uses are intended to principally serve the residents of the PUD;
- c. The uses are planned as an integral part of the PUD;
- d. The uses be located and so designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards; and
- e. A minimum of fifty percent (50%) of the residential development occurs prior to the development of the related commercial or industrial land uses.

#### **8-6B-8: Minor PUD: Repeal**



## **Changes not specific to PUD**

The changes below are regardless of the use of the Planned Unit Development or other redevelopment regulation.

### **How to read the proposed changes**

The below shows potential additions to code in underlined text and potential deletions from code in ~~strike through~~. Where code is suggested to be relocated, the existing text that is being relocated is in green font. The code that is neither underlined nor stricken 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.

This is currently in the Planned Unit Development Section. It is better placed in provisions for property maintenance.

#### **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**

There are provisions to guide residential development located in 8-2C-14 and 8-2C-15 as well as 8-4D. It is suggested that having them located in one location will simplify users' experience.

#### **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. Dwellings that are in a mixed use development must adhere to both residential and non residential standards.

Currently, the Planned Unit Development regulations require a variety of housing. It has been suggested that a variety of housing is desirable throughout the city regardless of the process utilized. This is a relocation of the requirement and standards set forth to implement the requirement.

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 than 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 three (3) or more units shall provide for desirable or useful features to meet the particular needs of the residents.

1. The categories of amenities are further described as:

a. Quality of Life - a physical improvement intended to bolster the health, comfort, or happiness of those who utilize the improvement. Quality of life amenities including but not limited to:

- i. clubhouse-15 points.
- ii. open landscaped waterway such as a canal-5 points.
- iii. communal dog washing facilities-5 points.
- iv. the inclusion of a commercial use or a use dedicated to the residents that provides access to food such as a restaurant, cafeteria, coffee shop, grocery, or bodega store -15 points.
- v. the inclusion of a non-residential use or uses that are complementary of residential uses such as a gym or daycare-10 points.
- vi. smart locks and smart thermostats for all units-5 points.
- vii. reservable business center or office space-10 points.
- viii. structures and facilities designed to be physically accessible to people with disabilities -10 points.
- ix. green/living walls-5 points.
- x. secure package lockers-5 points.
- xi. secure bicycle storage for multi-family or mixed-use developments-5 points.
- xii. outdoor living room or lounge-10 points.

b. Open Space - a space which improves livability, connects the community, or preserves and protects existing natural features. Open space amenities including but not limited to:

- i. open grassy area of at least fifty feet by one hundred feet (50' x 100') in size-5 points.
- ii. community garden-10 points.
- iii. ponds or water features-10 points.

Currently, only multi-family developments are required to provide amenities. It has been suggested that all residential developments with more than five dwellings should provide amenities to their residence.

The amenities in green have been relocated from 8-2C-15, Multifamily Dwellings. The amenities in black are new amenities that are not currently in code.

- iv. plaza-10 points.
- v. greenhouse-10 points.
- vi. gazebo, veranda, or terrace-10 points.
- vii. public art-10 points.

c. Recreation - improvement or improvements intended to facilitate an activity done for enjoyment. Recreation amenities including but not limited to:

- i. fitness facilities-10 points.
- ii. swimming pool-10 points.
- iii. walking trails-10 points.
- iv. children's play structure -10 points.
- v. game room-10 points.
- vi. sports courts-10 points.

2. The number of amenities shall depend on the size of development as follows:

- a. For developments with three (3) more than but fewer than fifteen (15) dwelling units, at least two (2) amenities shall be provided from two (2) separate categories totaling at least 20 points.
- b. For each additional fifteen dwelling units (15) an additional amenity or amenities totaling at least 10 points shall be provided. Amenities shall be provided, with at least one amenity from each category.

#### **8-4B-4: MULTI-FAMILY RESIDENTIAL ACCESSORY DWELLING UNITS:**

##### 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.

Relocated from 8-2C-14

##### 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.

#### **8-4B-5: SINGLE-FAMILY AND TWO-FAMILY ATTACHED AND DETACHED RESIDENTIAL DWELLING UNITS**

##### A. Building Design:

1. Materials used on the street facade of a residential structure shall wrap a minimum of two feet (2') around the facades not facing the street, or terminate at a perpendicular building element.
2. All dwellings shall contain a front elevation that is clearly defined and identifiable through:
  - a. A direct and permanent pathway that connects to the public sidewalk; and
  - b. A front door that is clearly visible in the front elevation of the structure; and
    - (1) The front entry includes a covered porch, dormer, stoop, decorative posts, or roof; or
    - (2) The front entry door may not be located flush with garage doors but may be located in the portion of the building closer to the front property line with the garage setback a greater distance from the front property line.
3. All dwellings adjacent to a public street shall have the front elevation of the structure facing a public street.

Relocated entire section from 8-4B-3

4. All elevations adjacent to public streets that are greater than twenty feet (20') in length must contain:

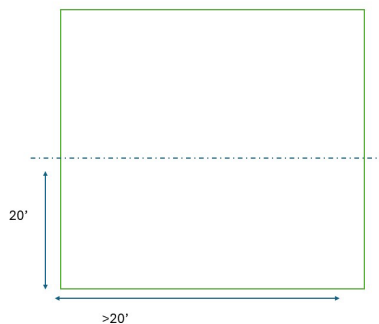
a. Thirty percent (30%) or more of the structure measured from the adjacent grade to a height of twenty feet (20') in height dedicated to windows; and

b. Fifteen percent (15%) or more of each additional building story shall be dedicated to windows; and

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

d. In addition to the required windows, elevations shall address the public right of way through additional windows, building material changes in type, texture, size, or color, setbacks, wall plane offsets, or roof overhang, and landscaping. Examples of ways to address the public right-of-way are below and also found in 8-4C-3.A.

Code requires "windows" and "modulation." This criterion is more specific with regards to the amount of windows that are required. The suggested code gives more options as to how to address the street.



Example wall offset



Example material change

Example window

#### 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.

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
    - (2) The garage or carport is recessed at least six feet (6') behind the front building line of the residential structure and entrance door; or
    - (3) 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 UNITS:**

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

8-4B-4 and 8-2C-15 have been combined. Amenities requirements have been relocated to the proposed 8-4B3 General Provisions.

#### B. Building Design:

1. The design of the site and structures shall comply with the provisions of 8-4C-3 general Provisions for Nonresidential Development and 8-4C-4 Special Provisions for Special nonresidential Development unless in conflict with this section.
2. 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.
3. 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.

4. Entrances shall be adequately covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.
5. 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.
6. 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.
7. Windows are required to allow views to exterior activity areas or vistas. Windows shall be provided on any building facing any common area.
8. 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.
9. 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 such as a *Knox Box*, or alternative shall be subject to review and approval by the Garden City Police Department.
10. Developments with fifteen (15) 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 principal 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, such as a *Knox Box*, or suitable alternative, to provide police access to the common corridors under exigent circumstances. The keyless entry

Requested by the Police Department



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.

It has been suggested that the open space requirements be applied to all residential dwellings rather than just multi-family. Multi-family is 3 or more.

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, or Type A perimeter landscaping 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 semi-public spaces.
  - a. Common open space that is provided to create an enhanced usable open space with an adjacent development shall be permitted to provide ninety percent (90%) of the required open space. Only the space that directly connects to the open space and is usable by the adjacent development shall receive the reduction.
  - 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 seventy-five percent (75%) of the required open space provided that the space is within ¼ mile and there is continuous sidewalk, dedicated bicycle path, or multi-use path that connects the development to the 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, with 80 square feet provided on site, the remainder 20 square feet is required at 75%, necessitating 15 square feet of open space that enhances a public open space.

#### **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.

## **8-7A-2 B Definition of Terms**

PLANNED UNIT DEVELOPMENT: ~~Property planned as a whole that demonstrates innovation in design to protect natural features or create public amenities through more flexible standards, such as lot sizes, densities and setbacks, than those restrictions that would normally apply under these regulations.~~ A planned unit development (PUD) is an integrated development that is under single ownership or control. A PUD can offer a degree of flexibility that allows creativity in land planning, site design not possible with conventional subdivision and land development practices. Moreover, a PUD is capable of mixing residential and nonresidential land uses, providing broader housing choices, allowing more compact development, permanently preserving common open space or sensitive lands, and providing a more efficient design. In exchange for design flexibility, developers are better able to provide amenities, infrastructure improvements, and accommodate affordable housing and environmental or scenic attributes.

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.  Planning and Zoning Commission hearing date: 3/19/2025	City Council hearing date: 4/14/2025

### **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.

<b><u>Garden City Title 8 Code Sections</u></b>			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
<b>Title 8, Chapter 1: General Regulations</b>			

Title 8, Chapter 6, Article A: Administration			
<a href="#">8-6A-3 General Application Process</a>	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.
<a href="#">8-6A-4 Required Application Information</a>	PZ/ CC	Not Determined	A Compliance Statement is incorporated into this staff report.
<a href="#">8-6A-7 Public Hearing Process</a>	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.
<b>Other Items Reviewed</b>			
Plan/Policy		Discussion/ Analysis	
<a href="#">Idaho Code 67-6511</a>		The Local Land Use Planning Act requires that code amendments be compliant with the Comprehensive Plan.	
<a href="#">Idaho Code 67-6519</a>		Garden City Code and procedures are consistent with The Local Land Use Planning Act Application Granting Process.	
<a href="#">Garden City Comprehensive Plan</a>		<p>This proposal applies to all land use designations in the Comprehensive Plan.</p> <p>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.</p>	