

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

Requested Action

Public hearing regarding file CPAFY2024-0006/ Ordinance 1056-25 an amendment to Planned Unit Development and related provisions. Staff request that the hearing is held open until June 23, 2025.

A secondary action, for the first reading of Ordinance 1056-25 by title only, is also requested.

Objective

The proposed amendment's objective is to update the zoning code to refine the standards for 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 or adjustment of code to provide better development. 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.

The regulations that are frequently requested to be waived include allowing for 0' interior lot lines for the purpose of constructing townhomes, allowing for more than four units on a common drive, open space provisions, and previously the required number of parking spaces.

A secondary imperfection is with the PUD specific standards. They lack clarity regarding which standards for which waivers or adjustments are appropriate. The thresholds of regulatory size do not make sense when applied to the size of the properties that are likely to redevelop in Garden City. Finally, the application of the requirement for different housing types has been a source of uncertainty for decision makers.

The Intent of the Suggested Changes

After considerable research, a public meeting, consideration by 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 an adjustment to or waiver of code.
2. Refine the PUD process to better align requirements with Garden City realities.
3. Create a realistic tool to achieve desirable outcomes through the use of the PUD process.

A summary of the recommended 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 standards were 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 under review.
4. Provisions for dwellings found in 8-2C are relocated 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 apply to all housing in every zoning district.
9. The PUD provisions have been modified to provide parameters of which code sections are appropriate for waivers, and what must be achieved to request waivers.
10. In order to request a waiver through the use of a PUD, the application shall propose a proportionate improvement, referred to as a PUD Enhanced Improvement. The PUD Enhanced Improvements provide variety of example categories that an applicant can choose from in exchange for strict adherence to code.
11. There is an acknowledgement that the PUD process contains inherent subjectivity as the waivers and improvements and their proportionality are requested by an applicant. The alternative is to adhere to all code standards.
12. The PUD Findings have been updated.
13. The Minor PUD process is repealed.

Discussion

On April 16, 2025, the Planning and Zoning Commission provided a recommendation to amend the Planned Unit Development Ordinance as drafted in this memorandum.

On April 29, 2025, the City Council held a work session to review the recommended ordinance. Minor changes have been made based on this discussion.

Recommended PUD Specific Ordinance

The section specific to the processing of a Planned Unit Development (PUD) applications is intended to be repealed and replaced in its entirety. The proposed section specific to PUD applications is below.

How to read the proposed changes

Please note the following formatting conventions.

- Revisions since the April 29, 2025, work session are **highlighted in yellow**.
- Additions are in underlined text.
- Deletions are shown in ~~striketrough text~~.

A. Purpose: The purpose of the Planned Unit Development (PUD) code is to accommodate developments that are in alignment with the City's adopted Comprehensive Plan. The PUD establishes a flexible, incentive-based framework intended to encourage land use planning that results in high-quality developments. The developments shall conform to this Planned Unit Development section but may deviate in certain respects from the zoning regulations by providing proportionate Required PUD Enhanced Improvements.

Note to Reader: Legal has suggested that the revised language is more objective.

This provision previously stated:

Purpose: The intent of a Planned Unit Development (PUD) is to accommodate exemplary site developments that promote and improve health, safety, general welfare in alignment with the City's adopted Comprehensive Plan. 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 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.

B Objectives of the Planned Unit Development ordinance includes, but are not limited to:

1. Providing a maximum choice of living environments for all citizens.
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. Utilize land more efficiently.
5. Create a desirable community to live, work, recreate, and visit.
6. Improve the community's economic stability.
7. Develop a land use pattern compatible with future land use designation and the identified goals and objectives of the comprehensive plan.

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

D. Administration:

1. By virtue of utilizing the PUD process which relies on an applicant's proposed alternative to code standards, the applicant is choosing to participate in a process that inherently contains a degree of subjectivity. The alternative to this process is to adhere to all code standards.
2. A PUD may be utilized to include a review and determination of a conditional use and may be used *in lieu* 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.
3. A PUD shall include the review and determination of applicable design standards and shall take the place of a separate design review application. These determinations will be made by the decision maker for the PUD as established in 8-6C.
4. When a PUD proposal includes the subdivision of property, the processing of the PUD and subdivision application shall occur concurrently.
5. 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:
 - 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 the third-party is creditable.

E. Required PUD Enhanced Improvements: Each application shall provide PUD Enhanced Improvements.

1. The PUD process shall not be used solely for obtaining Variances.

Note to Reader: This language was relocated from the purpose statement.

2. The applicant must provide documentation to guarantee successful implementation of and maintenance of demonstrate that each proposed PUD enhanced improvement can be successfully implemented and maintained.

Note to Reader: This change is to address the word "guarantee" which was discussed on April 29, 2025, as being constraining.

3. The enhanced improvements shall be proportionate to each adjustment or waiver that is requested. The decision makers will consider the following factors in determining if the adjustments are proportionate to the proposed PUD Enhanced Improvements:
 - a. The PUD Enhanced Improvement(s) provides an equal or greater gain for the public than the regulation compels.
 - b. There is a logical connection between the PUD Enhanced Improvement(s) and the benefit(s) to the community.

- c. The economic burden of providing the PUD Enhanced Improvement(s) are reasonable when compared to the economic gain of the code adjustment or waiver(s).
4. The following are categories of PUD Enhanced Improvements. Each category contains examples of PUD enhanced improvements:
 - a. Outdoor Space: The intent of the outdoor space category is to increase the quantity or quality, or both 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.
 - Increasing 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.
 - b. 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 natural habitat.
 - An open, landscaped canal or drain through the site.
 - Provide for apiculture, including 20,000 square feet (including both horizontal and vertical square footage) or more of pesticide free; blooming perennial plants or trees that are appropriate for apiculture; a continual water source; a beehive or nest; 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.
 - c. Housing Affordability: The intent of the housing affordability category is to provide affordable housing 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.

d. Neighborhood Activation: The intent of the neighborhood activation category is to provide enhanced placemaking. This is the creation or highlight of 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 items of public interest or things to do such as artwork, pocket parks, seating, play equipment, etc. within 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.

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

- Gain efficiencies through reduced costs in maintenance and operations.
- Be prepared for threats and hazards.
- Be adaptable to changing conditions.
- Withstand and rapidly recover from disruptions.

Example Sustainable Design and Practices enhanced improvements include, but are not limited to:

- Construct to LEED or other third-party green building certified standards.
- Enhanced **utility** services 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 more sunlight and absorb less heat than traditional

roofs.

- 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.
- 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.
- Off-site undergrounding of power services.
- Providing structures on site are anticipated to be fifty percent (50%) more energy efficient than that which is required by the building code regulations.
- 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.

F. Areas of Adjustment

1. Standards required through this section, 8-6B-6, shall not be waived or adjusted.

2. Each PUD application may only request waivers or adjustments to the following standards:

Note to Reader: During initial work sessions on April 29, 2025, there was the desire to ensure that applicants cannot pick and choose the code that is applied. This subsection intends to provide the limitations.

- a. Densities that are identified in 8-2B-1. The maximum allowable adjustment is up to 150% of the permitted density of the zoning district.
- b. Table 8-2B-1 Allowed Uses in All Base Zoning Districts. The maximum allowable adjustment is up to 20% of the gross land area to be dedicated to nonresidential uses that are not designated as permitted or conditionally permitted within the zoning district.
- c. 8-2B-3 Form Standards.
- d. Land use provisions prescribed in 8-2C.
- e. Design provisions prescribed in 8-4.

G. Required Findings: In order to grant approval of a Planned Unit Development, the decision maker shall make the following findings:

1. The proposal adheres to at least one of the Objectives of the Garden City Planned Unit Development code.

2. Each requested adjustment in the proposal is allowed pursuant to the Garden City Planned Unit Development code and is also offset by a proportionate PUD Enhanced Improvement(s).

3. The proposal, including the design and proposed uses, is not in conflict with the Garden City Comprehensive Plan.

4. The proposal is consistent with public health and safety concerns.

5. The proposal adheres to the required findings found in the Garden City Design Review code.

Note to Reader: The required findings have been rereviewed for subjectivity.

This provision previously stated:

1. The proposal adheres to the purpose and objectives of this section.

2. Each requested adjustment or waiver is permissible as outlined by this section, 8-6B-6, and is also offset by a proportionate or greater PUD enhanced improvement(s).

3. The proposed development, including the design and proposed uses, is not in conflict with surrounding neighborhood as articulated by the Comprehensive Plan.

4. The proposal will not unreasonably diminish public health and safety.

5. The required findings found in 8-6B-3.E for Design Review are met.

8-6B-8: Minor PUD: Repeal

Changes not specific to PUD

The changes below may be applied to multiple application types including but not limited to the Planned Unit Development.

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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: 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: DWELLING UNITS, GENERAL PROVISIONS:

A Architectural design: All residential developments of greater than two units shall provide unified and integrated architectural variety. Dwellings that are in a mixed-use development must adhere to both residential and non- residential standards:

1. Architectural variety shall be provided so that the units within the development are distinct from one another as described below:
 - a. Individual units within the same structure that have exterior access shall have unique entrances from one another distinguished by paint, architectural design, or materials.
 - b. In instances where there are multiple units accessed from a single point, the interior residential access(es) shall be identifiable and easily accessed.
 - c. Each structure shall be visually unique using materials, massing, or architectural elements or a combination thereof that are incorporated into the structure.

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

1. There are a variety of floor plans and bedroom counts that facilitate different user needs by having no more than twenty-five percent (25%) of the site dedicated to a

particular floor plan and no more than seventy-five percent (75%) of the units with the same number of bedrooms; or

2. At least twenty-five percent (25%) of the units meet affordable housing criteria as defined by the U.S. Department of Housing and Urban Development (HUD) or are designed and constructed to be accessible for people with disabilities or a combination thereof.

C. Amenities: All residential developments of three (3) or more units shall provide amenities.

1. The three (3) categories of amenities are:
 - a. Quality of Life - a physical improvement intended to bolster the health, comfort, or happiness of those who utilize the improvement.
 - b. Open Space - a space which improves livability, connects the community, or preserves and protects existing natural features.
 - c. Recreation - improvement or improvements intended to facilitate an activity done for enjoyment.
2. Each category of amenities is divided into class A, B and C amenities.

TABLE 8-4D-1 RESIDENTIAL AMENITY CATEGORIES AND AMENITIES			
Category	Class A	Class B	Class C
Quality of Life	<ul style="list-style-type: none"> communal dog washing facilities smart locks and smart thermostats for all units reservable business center or office space green/living walls secure package lockers secure bicycle storage (for multi-family or mixed-use developments) 	<ul style="list-style-type: none"> the inclusion of a non-residential use such as a gym, daycare, or pharmacy structures and facilities designed to be physically accessible to people with disabilities outdoor living room or lounge 	<ul style="list-style-type: none"> clubhouse the inclusion of a use that provides access to food or drink such as a restaurant, cafeteria, coffee shop, grocery, or bodega store
Open Space	<ul style="list-style-type: none"> open grassy area of at least fifty feet by one hundred feet (50' x 	<ul style="list-style-type: none"> community garden ponds or water features plaza 	<ul style="list-style-type: none"> open grassy area of at least fifty feet by one hundred feet (50' x 100') in

	<p>100') in size dedicated to users of the development</p> <ul style="list-style-type: none"> • open landscaped waterway such as a canal less than 50' in length 	<ul style="list-style-type: none"> • greenhouse • gazebo, veranda, or terrace • public art • open landscaped waterway such as a canal 50' or greater in length 	<p>size dedicated for the use of the public</p> <ul style="list-style-type: none"> • the installation of eight (8) Class II or four (4) Class III trees at intervals averaging fifty lineal feet (50') between the vehicular travel way and the sidewalk within a public road not adjacent to the development.
Recreation	<ul style="list-style-type: none"> • walking trail(s) for the benefit of the development 	<ul style="list-style-type: none"> • fitness facilities • swimming pool • children's play structure • game room • sports courts 	<ul style="list-style-type: none"> • A recreational space such as trails, picnic area, playground, pavilion, or other recreational space dedicated to the public • A public bicycle path of at least 100' that is separated and buffered from a motor vehicle travel way by vegetation, curbing, bollards, or the like.

1. The number of required amenities depends on the size of development as follows:

- a. Developments with three (3) to fifteen (15) dwelling units shall provide at least four class A amenities, two class B amenities, two class A and one class B amenities, or one class C amenity.

- b. For each additional fifteen (15) dwelling units, two (2) class A amenities or one (1) class B or one (1) class **C** amenity shall be provided.
 - c. If more than three amenities are provided, amenities shall be selected from at least two (2) categories of amenities.
 - d. If more than five (5) amenities are provided, amenities shall be selected from each of the three (3) categories of amenities.
2. Amenities that are not identified in the table may be allowed as approved by the decision maker.
3. Improvements that are proposed to satisfy Required PUD Enhanced Improvements shall not be utilized to fulfill the requirements of this section.

8-4B-4: 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.

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

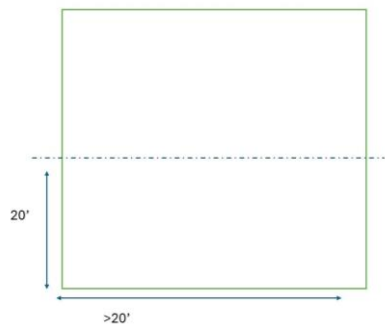
1. Not more than one (1) accessory dwelling unit shall be allowed per property.
2. Direct ingress and egress to accessory dwelling unit shall be provided.
3. Accessory dwelling unit may be up to eight hundred (800) square feet or up to fifty percent (50%) of the size of the principal dwelling unit, whichever 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 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.
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, roof overhang, and landscaping. Examples of ways to address the public right-of-way are below and also found in 8-4C-3.A.



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 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

(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 DWELLING UNITS AND MIXED-USE DEVELOPMENTS:

Note to Reader: "mixed-use" was added to clarify that mixed-use developments are required to adhere to multi-family and nonresidential standards.

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

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. Flat roofs should include distinctive cornice treatments.
6. Exterior building materials and finishes shall convey an impression of permanence and durability. Materials such as metal, 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 including where there are pedestrian access elements.

8. All roof and wall mounted mechanical, electrical, communications, and service equipment should be screened from public view from public streets and the Greenbelt or Nature Path, by the use of parapets, walls, fences, enclosures, or by other suitable means.
9. The design of all structures that are adjacent to a single-family dwelling shall consider measures to include visual privacy. Examples of ways to achieve this include, but are not limited to, adding a smaller scale structure, or placing trees between the existing dwelling and the development to prevent views into neighboring rear yards, stepping back the structure, increased setbacks, or strategic window placement.
10. The first-floor façade fronting the Greenbelt or public right-of-way shall include 50% of the first-floor façade dedicated to pedestrian elements such as, but not limited to windows, decks, balconies, showcases, plazas, etc.
11. The scale, arrangement, and texture of buildings and open space shall vary through the development to reflect function, interest, and significance.
12. Buildings adjacent to the Greenbelt or Nature Path should not be constructed to be a flat wall plane so that a large expanse of a building does not dominate the Greenbelt or Nature Path. This can be accomplished through the use of form changes with setbacks and building step backs. Additional building design components that contribute to the undulation are balconies, canopies, awnings, porches, change of materials, and outdoor spaces.
13. Housing along arterial roadways shall pay careful attention to safety and livability is provided. The considerations shall include but are not limited to:
 - a. A sidewalk system that connects to a safe and convenient pedestrian crossing of the arterial;
 - b. Vehicular ingress/egress access are to be connected to a stoplight or other equally safe location or measures must be provided for vehicular ingress/egress into the arterial; and
 - c. Open space shall be buffered from the arterial so that it remains comfortable and usable.
14. 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.
15. Developments with fifteen (15) units or more shall provide the following:

Note to Reader: During initial work sessions, the City Council had discussions that housing may not be appropriate adjacent to arterial roads. This provision was added. Mr. Bob Taunton's review of the "Buffer" ordinance suggested that this provision requiring ingress/egress to be at a stoplight be determined by ACHD. Staff has had discussions this with ACHD's Justin Lucas and he has indicated that they believe this to be the city's responsibility.

- 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-3.A: OBJECTIVE 1 GENERAL PROVISIONS FOR NONRESIDENTIAL DEVELOPMENT:

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

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: Frequent changes in material should be avoided.
 - 6. Matched Colors: The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps should blend with the roof colors.

7. All structures visible from the right-of-way shall be compatible within the development.

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

A. Large Scale Nonresidential Structures:

2. 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 system or alternative shall be subject to review and approval by the Garden City Police Department.

8-4L-4: COMMON OPEN SPACE STANDARDS FOR RESIDENTIAL DEVELOPMENTS:

A. Minimum Requirement: For any new residential or mixed-use development; subdivision; planned unit development; or conditional use of more than two (2) units in size: A minimum of two hundred fifty (250) square feet of common open space shall be provided for each unit.

B. Qualified Open Space: The following may qualify to meet the common open space requirements:

1. Any open space, that is active or passive in its intended use, that is not less than four hundred (400) square feet in area with a minimum length and width dimension of twenty feet (20'). This dimension can be adjusted by the decision maker so as long as the intended use is not diminished. Open space includes but is not limited to:

- a. Recreation area;
- b. Community garden;
- c. Ponds or water features;
- d. Plaza.

2. Additions to a public park, greenbelt, or other public open space area;

Note to Reader: This provision was amended to reflect the multi-family standards rather than the single-family standards. For ease of applying the requirements the standard that is most typically applied to multi-family has been chosen. This is a smaller amount of open space than what is currently required of single-family developments. The reason for utilizing the multifamily standard is that single family will now need to add amenities as well.

Note to Reader: This is intended to allow for flexibility in size so as long as the intent is met. A reference example application was River Villas Subdivision located at 606 E. 43rd, reviewed by City Council on April 14, 2025, that requested a planned unit development partially because the application's common open space did not meet the size requirement. City Council determined that the open space provided amenities such as a barbecue and fire pit rendering the open space as sufficiently useable. This provision previously stated:

Any open space, not less than four hundred (400) square feet in area with a minimum length and width dimension of twenty feet (20'). and that is active or passive in its intended use, and accessible by all residents of the development, including, but not limited to:

- a. Open grassy area of at least forty feet by ten feet (40' x 10') in area*
- b. Community garden;*
- c. Ponds or water features;*
- d. Plaza*

3. A minimum of eight feet (8') between the street and sidewalk and seventy-eight feet (78') in linear distance with required street trees and seating.

Note to Reader: The 5' space requirement conflicts with ACHD standards. A curb cut is now allowed to be 22' rather than 20'. A standard 100' lot would then be 78' instead of 80'. The addition of seating is to ensure usability.

This provision previously stated: *A landscape buffer with a minimum of five feet (5') between the street and sidewalk and eighty feet (80') in linear distance; and*

4. Stormwater detention facilities when designed in accord with article A, "General Provisions", of this chapter: and

5. Pedestrian pathways of at least five feet (5') in width and eighty feet (80') in length along canals, watercourses, or similar channels; or through the middle of long blocks. Required sidewalks adjacent to public right of way do not qualify as common open space unless designed as a multi-use path that is physically buffered from the motor vehicular travel lane.

Note to Reader: This addition addresses a comment found in Bob Taunton's review of the Buffer ordinance.

B. Qualified Open Space Limitations and Allowances: The following limitations and allowances apply to common open space requirements:

Note to Reader: This is added as a subsection for clarity of implementation.

1. 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.
2. Common open space areas shall not be adjacent to collector or arterial streets unless separated from the street by a constructed barrier at least four feet (4') in height.
3. Vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space.

4. Up to one hundred twenty-five (125) square feet of the required common open space per single-family dwelling unit may be substituted to be private open space for space for that unit.

Note to Reader: Provision added. Development Services staff has suggested that there may be a benefit to allow for single family homes, which are more likely to be owner occupied to substitute common open space for private

C. Location Requirements

1. Common open space must be accessible from the dwelling units.

Note to Reader: this is relocated from above Qualified Open Space.

2. Common open space may be achieved on site or by enhancing other public or semi-public spaces.

a. Common open space that creates a usable open space, with an adjacent development, will be allowed a ten percent (10%) reduction of the required open space.

- i. To receive the ten percent (10%) reduction, the open space shall be unrestricted and contiguous to the adjacent development. The reduction will only be applied to the area that is unrestricted and contiguous to the adjacent development.

b. Common open space that creates or improves a public open space, will be allowed a twenty-five percent (25%) reduction of the required open space.

4. The space must be within $\frac{1}{4}$ mile of the development and there must be a continuous sidewalk, dedicated bicycle path, or multi-use path that connects the development to the open space.
5. The reduction will only be applied to the area provided to the public. For example, if a site requires one hundred (100) square feet of open space, with eighty (80) square feet not dedicated to the public, and twenty (20) square feet dedicated to the public, the twenty five percent (25%) reduction will only be applied to the twenty (20) square feet that is dedicated to the public.

D. Maintenance:

1. All common open space shall be the responsibility of an owners' association for the purpose of maintaining the common area and improvements thereon; or
2. Land designated as common open space may be conveyed to the city, where the city agrees to accept conveyance and maintenance.

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

A. Private Open Space Requirements: For any new 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 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 each direction.
3. Landscaping, entryway and other accessways shall not count toward this requirement.

B. Location Requirements

1. Private open space must be achieved within the development.

8-5A-5 [SUBDIVISION] DESIGN STANDARDS

D. Driveways:

2. Common Driveways:

a. Common driveways serving more than one principle dwelling or nonresidential structure shall not be permitted unless approved 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

Note to Reader: A new definition for Planned Unit Development Adjustment has been added. The term adjustment includes the term waiver. Following, reference to waivers has been eliminated in the PUD text.

PLANNED UNIT DEVELOPMENT: 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 and infrastructure improvements, and accommodate environmental and scenic attributes.

PLANNED UNIT DEVELOPMENT (PUD) ADJUSTMENT	<u>Modifications, changes, or waivers to zoning regulations, such as setbacks, lot sizes, land uses, or other development standards, allowed within a Planned Unit Development (PUD) process without meeting standard variance criteria. Such adjustments must be offset by proportionate planned unit development enhanced improvements that facilitate innovative and efficient land use.</u>
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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.
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PRIVATE OPEN SPACE	Open space that is reserved for a specific dwelling unit.
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COMMON OPEN SPACE	Open space that is intended for users of the development or for the public that is not private open space.
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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: 4/16/2025	City Council hearing dates: 5/27/2025 and 6/23/2025

DECISION:

After hearing the evidence and considering the application, the decision maker shall make their decision. The decision shall report whether the application is granted, granted with conditions, or denied. The decision also needs to include the facts upon which it is based, the ordinance and standards used in evaluating the application, reasoned statements that specifically address all required findings and all disputed facts, and a conclusion of law. It is important that the decision maker carefully reviews the reasoned statements to ensure that the disputed facts brought up during the hearing are addressed. Finally, if there is a decision or recommendation to deny the application, the decision needs to include the actions, if any, that the applicant could take to obtain approval.

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the Planning and Zoning Commission is a recommending authority to the City Council, the final decision maker for this application.

The recommendation of the Planning and Zoning Commission does not constitute a final decision on the application. Their recommendations cannot be appealed, as they will be heard by the City Council for a final decision.

City Council 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;
3. Reject the recommendation; or
4. Remand the application to the recommending body for additional proceedings and findings.

Motion

A motion should include a clear statement of the recommendation, for example:

1. Action: "I move to approve/deny/continue the application to the date certain of..."
2. File number
3. Note findings of fact, conclusion of law, and decision: "As recommended by the Planning and Zoning Commission," or "as amended to remove, amend, or add conditions."

The City Council may wait to formalize the written decision at the next meeting to ensure that written decision correctly reflects the proceedings and decision maker's findings of the disputed facts. However, the City Council is required to formalize its decision no later than by the next regular scheduled meeting after the conclusion of the hearing.

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.

The [Planning and Zoning Commission Recommendation](#) is linked. The corresponding Draft Decision Document is attached to this packet.

Dispute 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. Their recommendation cannot be appealed.

The City Council is the final decision maker. 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

There have been no formal agency comments received. Development Services has had a number of meetings and received email correspondence from the Garden City Legal Department assisting in the drafting of the ordinance.

Formal comments from the Garden City Legal Department, dated [March 26, 2025 are linked](#).

Public Comment

The city has received the following written comments:

Bob Taunton, in favor- [full comments linked](#).

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	Compliant	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	Compliant	A Compliance Statement is incorporated into this staff report.
8-6A-7 Public Hearing Process	PZ/DRC/CC	Compliant	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 67-6515		The proposed changes have been reviewed to be compliant with the Planned Unit Development provisions.	
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.	