

**BY THE COUNCIL: CARVER-HERBERT, JORGENSEN, PAGE, AND RASMUSSEN**

**AN ORDINANCE ESTABLISHING TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 8 (“ADOPTED SPECIFIC AREA PLAN PROJECT ORDINANCES”) ARTICLE B. “HERON COMMONS” SETTING FORTH GENERAL PROVISIONS, ILLUSTRATIVE MASTER PLAN, FORM STANDARDS, SUB-DISTRICTS, USE STANDARDS, PROCEDURES, FLOOD PROTECTION, DEFINITIONS OF USES AND TERMS, AND ADMINISTRATION; AMENDING PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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

**WHEREAS**, local government units have the primary responsibility for application oversight actions affecting the processing of the subject project’s review; and

**WHEREAS**, the City Council for the City of Garden City intends to adopt the changes herein; and

**NOW, THEREFORE**, in order to provide clearer standards and more efficient processes for processing development applications in the City of Garden City.

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

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

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2.** That all other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

**SECTION 3.** That the fact that some provisions of the official municipal code for the City of Garden City have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said official Code. All other ordinances shall continue in full force and effect unless specifically repealed or amended.

**SECTION 4.** That Title 8, Chapter 8, Article B (“Heron Commons”), Garden City Code, be added to read as follows:

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## **8-8B-1 GENERAL PROVISIONS**

### **A. TITLE**

1. The Heron Commons Specific Area Plan (SAP) District is designated as SAPD-02 on the official zoning map of the City of Garden City.
2. The provisions of this Article apply to all property identified as the Heron Commons SAP District on the official zoning map of the City.
3. Upon adoption by the City Council, Garden City Code, Chapter 8-8, Article B, shall constitute the official zoning ordinance for the Heron Commons SAP District.
4. Unless otherwise expressly modified herein, the provisions of Garden City Code, Title 8, Chapters 1, 2, 4, 5, 6, and 7, as amended from time to time, are incorporated by reference and shall apply to development within the Heron Commons SAP District.

### **B. PURPOSE AND INTENT**

#### 1. Purpose

The Heron Commons SAP District is established to facilitate the transformation of a former public operations yard and surrounding properties into a high-quality mixed-use urban neighborhood through zoning regulations that implement the Comprehensive Plan Future Land Use designation of Future Planning Area, ACHD Site. The district also accommodates development consistent with the Mixed Use and Main Street Corridor future land use designations of the Comprehensive Plan.

#### 2. Intent

A. The Heron Commons SAP District is intended to support a regionally attractive destination that:

1. Provides a heart, or public gathering place for the city, as envisioned by the Comprehensive Plan.
2. Engages the Boise River and Boise River Greenbelt through direct interface, reclaimed riverfront land, and enhanced public access.
3. Leverages the vibrancy of the river corridor to draw energy into and infuse the surrounding neighborhood.
4. Supports walkable, integrated mixed-use development.

5. Promotes compact, human-scaled urban form with quality design.
  6. Create and sustain public open space that is functional, meaningful, and suitable for everyday use.
  7. Require a minimum density and intensity of development and diversity of uses, as established in the Regulatory Master Plan to support feasible development in the near term while achieving densities that produce long-term fiscal sustainability, including a net positive return on public services. The development shall foster a vibrant, active, and economically resilient neighborhood that remains a regionally significant destination throughout all phases of its life.
  8. The district shall create vibrancy through an integrated combination of diverse land uses, active frontage elements, high-quality design, meaningful public open spaces, and public art.
- B. This development code for the Heron Commons SAP District is intended to set parameters that will result in a high-amenity, integrated neighborhood that:
1. Provides residential and non-residential uses.
  2. Augments and enhances high-quality public spaces.
  3. Preserves and expands public access to, and enjoyment of, the Boise River and Boise River Greenbelt.
  4. Integrates flood protection with citywide systems.
  5. Provides transitions that are compatible with adjacent residential neighborhoods.
  6. Delivers a walkable environment with active ground-floor uses and human-scale massing.
  7. Provides a robust system of publicly accessible multimodal connections throughout the district and to adjacent areas.

### **C. APPLICABILITY**

1. This Article shall apply to all structures and lands within the Heron Commons SAP District.

#### **D. INTERPRETATION**

1. Except as expressly modified or superseded by this Article, the provisions, definitions, rules of construction, and interpretation standards of Garden City Code shall apply to the interpretation and administration of this Article.
2. Where conflicts arise between the provisions of this Article and other sections of Title 8, the provisions of this Article shall control.
3. Terms not expressly defined in this Article or in Garden City Code Title 8 shall be interpreted according to their common and ordinary meaning. Where ambiguity remains, the decision maker shall make an interpretation consistent with the purpose and intent of this Article.

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## **8-8B-2 ILLUSTRATIVE MASTER PLAN**

### **A. PURPOSE AND INTENT**

#### 1. Purpose

The Illustrative Master Plan establishes a conceptual framework for development within the Heron Commons Specific Area Plan (SAP) District. The Illustrative Master Plan is intended to illustrate open space, public infrastructure, streets, pathways, and flood protection measures required.

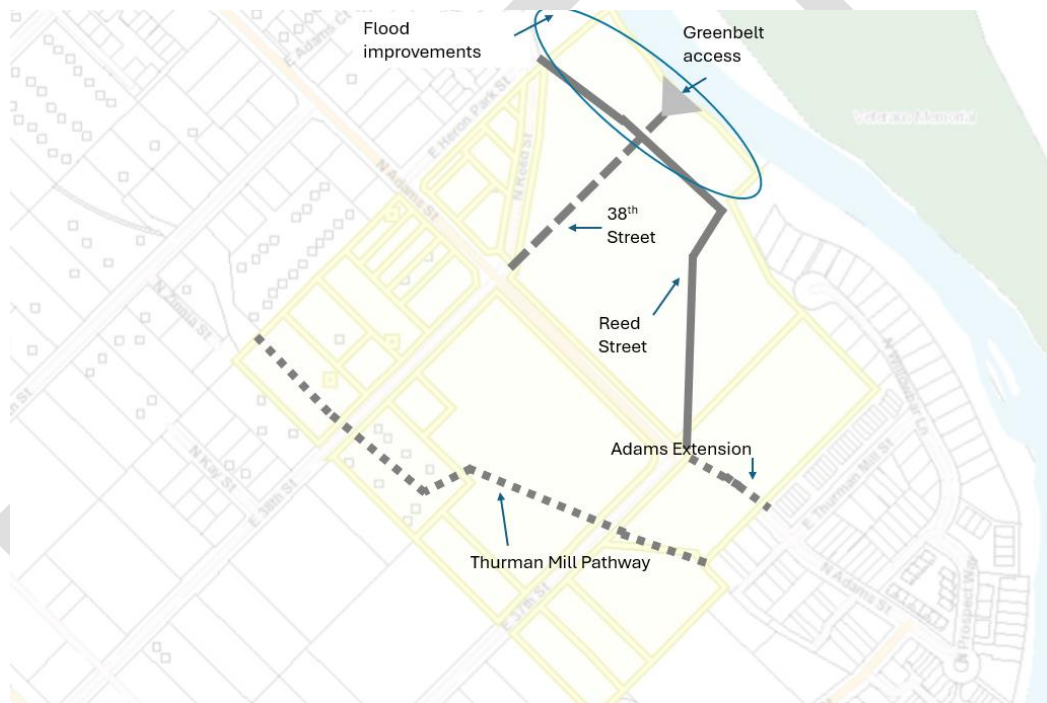
#### 2. Intent

The Illustrative Master Plan is a conceptual document. It is not a regulatory site plan, is not drawn to scale, and is not intended to depict exact locations of the improvements. The Illustrative Master Plan is intended solely to show general concepts for required connections and public improvements, while explicitly allowing flexibility in for future improvements. Final alignment, configuration, and design of all improvements are intentionally flexible and shall be subject to Design Review approval(s) and applicable Garden City standards. Streets intended for public motor-vehicular use shall also be subject to Ada County Highway District (ACHD) review and approval.

#### 3. While the Illustrative Master Plan is not binding as to exact alignment or configuration, development within the Heron Commons Specific Area Plan (SAP) District shall achieve the functional outcomes as required by **8-8B-3 REQUIRED IMPROVEMENTS.**

## B. POLICY EXHIBIT

1. Illustrative Master Plan: The Illustrative Master Plan **Figure 8-8B-2.1** identifies, at a conceptual level:
  - A. Conceptual layout of the required public streets and connections, subject to different alignments.
  - B. Conceptual layout of the required public accessways and pathways.
  - C. Flood control improvements.
  - D. Conceptual Location of a Boise River Greenbelt location.
  - E. While required, this Illustrative Master Plan does not provided a conceptual location for the required future park/ open-space.



**Figure 8-8B-2.1 Illustrative Master Plan**

## **8-8B-3 REQUIRED IMPROVEMENTS**

### **A. APPLICABILITY**

All development within the Heron Commons SAP District shall provide the public infrastructure and improvements identified in this section, proportionate to the scope and location of development, as further provided in **8-8B-4 PHASING AND IMPLEMENTATION**.

### **B. FLOOD PROTECTION MEASURES**

#### 1. Purpose and Intent

Flood protection measures are intended to address existing flood conditions and ensure that floodwaters associated with the FEMA-designated 100-year flood event are contained within district boundaries and do not adversely impact adjacent properties.

#### 2. Requirement

Flood protection measures are required and may be provided through earthwork, increased flood conveyance capacity, engineered facilities, or other functionally equivalent methods. The measures shall be designed to preclude floodwaters associated with the FEMA-designated 100-year flood event from leaving the Heron Commons SAP District property that is situated between Adams Street and the Boise River.

#### 2. System Tie-In

Flood protection improvements shall be designed and constructed to provide continuous tie-ins with existing or planned flood protection features at the east and west property boundaries.

#### 3. Compliance and Certification

All flood protection improvements required by this section shall be designed, constructed, and certified in compliance with applicable FEMA requirements.

### **C. PUBLIC STREETS, PUBLIC PATHWAYS, AND PUBLIC CONNECTIONS**

#### 1. Purpose and Intent

##### A. Purpose

The purpose of the public streets and pathways within the Heron Commons SAP District is to establish a public circulation system that functions as essential public infrastructure.

#### B. Intent

These facilities are intended to be open, visible, and are active elements of the public realm that provide clear, continuous public connections throughout the Heron Commons SAP District, including a primary connection to the Boise River and Boise River Greenbelt along the north side of the site, linking public gathering areas and extending river-oriented activity into the city.

Public streets and pathways shall be designed and developed to:

1. Provide public access to the Boise River and Boise River Greenbelt.
2. Connect public spaces and areas within the site and to adjacent properties.
3. Prioritize safe, convenient, and inviting access for pedestrians and bicyclists through design that emphasizes visibility, comfort, safety, and active public use.
4. Accommodate necessary vehicular access circulation, in a manner that is compatible with the Heron Commons SAP District's pedestrian-oriented character and overall design objectives.

### 2. Boise River Greenbelt Standards

#### A. Boise River Greenbelt Improvements

1. Required Facility: Where any portion of the Boise River Greenbelt within the SAP District is redeveloped, reconstructed, or modified in connection with development activity, such improvements shall remain permanently open and accessible to the public.
2. Purpose: The purpose of the Boise River Greenbelt Standards is to protect, enhance, and ensure the long-term public benefit of the Boise River and Boise River Greenbelt as a premier community amenity. These standards are intended to prioritize public access, visibility, and enjoyment of the river corridor while preserving its environmental and recreational value.

3. Adjacent Development: Development adjacent to the Boise River and Boise River Greenbelt shall be designed to support an active, publicly oriented riverfront environment.
  - a. Ground floor residential uses located adjacent to the Boise River Greenbelt shall be precluded.
  - b. Buildings, structures, and site features adjacent to the Greenbelt shall be designed and placed to avoid creating a domineering or oppressive condition for users of the Greenbelt. Height, massing, and scale shall be managed through setbacks, stepbacks, and thoughtful design to maintain an open, human-scaled experience along the corridor. Fencing and other barriers shall likewise be limited.
4. Width
  - a. The overall width of the existing Boise River Greenbelt corridor shall not be reduced.
  - b. Where the Boise River Greenbelt pathway is reconstructed, the paved pathway shall be restored to its pre-existing width or a minimum width of twelve feet (12'), whichever is greater.
5. Surface Material

Reconstructed Boise River Greenbelt pathways shall be constructed of concrete and meet adopted Boise River Greenbelt construction and durability standards.
6. Continuity of Access During Construction
  - a. Public access along the Boise River Greenbelt shall be maintained during construction to the maximum extent practicable.
  - b. If temporary closure is unavoidable, an ADA-compliant, clearly marked detour shall be provided and approved by the City prior to closure.
7. Lighting

Where lighting is installed adjacent to the Boise River Greenbelt:

  - a. Fixtures shall be full cut-off and downward directed;
  - b. Lighting shall minimize spillover toward the river; and
  - c. Lighting shall comply with applicable dark-sky standards.

## B. Boise River Greenbelt Accessways Standards

### 1. Required Facilities

Publicly accessible pedestrian and bicycle accessways shall be provided from public streets through the site to the Boise River Greenbelt.

### 2. Spacing

Required public accessways shall be provided at linear intervals not exceeding than three hundred feet (300'), measured along the centerline Boise River Greenbelt, from centerline of one accessway to the next.

### 3. Design: Boise River Greenbelt accessways shall be designed and constructed to:

- a. **Accessibility:** All Boise River Greenbelt accessways shall comply with ADA accessibility requirements, including slope, cross-slope, clear width, and transitions.
- b. **Configuration:** Accessways shall provide a direct and clearly identifiable connection between the Boise River Greenbelt and on-site public areas. Accessways shall not terminate in private or restricted areas.
- c. **User Accommodation:** Accessways shall safely accommodate pedestrian and bicycle movement and shall include, as applicable:
  - i. Turning radii suitable for bicycle movements as supported by engineering guidance.
  - ii. Adequate sight distance and visibility; and
  - iii. Alignment, surface treatments, or signage sufficient to clarify circulation and reduce user conflict.
- d. **Public Function:** Boise River Greenbelt accessways shall function as public access routes and shall not be designed or used as private drive aisles, service corridors, or loading areas.

## 2. Pedestrian Spine

### A. Required Facility

1. A primary pedestrian spine that is permanently open to the public shall be provided as a public accessway connecting the Boise River Greenbelt to

Adams Street and may extend further south as part of the overall site circulation network.



**Figure 8-8B-3.1 AI Generated Example of a shared road**

#### B. Purpose

The purpose of the Pedestrian Spine is to serve as an accessway that is permanently open to the public, and a defining organizing element of the Heron Commons Specific Area Plan (SAP) District. The spine establishes a continuous and inviting pedestrian connection between Adams Street, or beyond, and the Boise River Greenbelt and functions as the heart, or one of the primary civic spaces, of the City.

#### C. Intent: The spine is intended to:

1. Operate as an experiential walking corridor, emphasizing pedestrian comfort, activity, and visual interest through high-quality design, landscaping, and adjacent building frontage.
2. Support active ground-floor uses and building frontage along its length, encouraging patios, porches, displays, and entrances that directly engage the public realm and contribute to a vibrant, walkable environment.

3. The Pedestrian Spine is further intended to act as a central organizing framework that harnesses the amenity and energy of the Boise River Greenbelt and draw it through the site into the city towards Chinden Boulevard.
  4. Motor vehicle access may be permitted along the Pedestrian Spine, provided it is designed as a Shared Space Street where pedestrian movement and comfort are prioritized and motor vehicle speed, volume, and design are clearly subordinate.
- D. The Pedestrian Spine shall be designed as a public space, not as private drive aisles or service corridor.
3. Thurman Mill Canal Multi-Use Pathway
- A. Purpose: The Thurman Mill Canal Multiuse Pathway establishes a continuous, publicly accessible multi-use corridor that supports safe and convenient pedestrian and bicycle movement within the district. The pathway contributes to non-motorized transportation, recreation, and local and regional connectivity while reinforcing public access along the canal corridor.
  - B. Intent: The intent of the Thurman Mill Canal Multi-Use Pathway is to:
    1. Function as a clear, welcoming route for pedestrians and bicyclists.
    2. Provide connections between on-site circulation systems, public streets, adjacent properties, and the canal corridor, while complementing the district's broader pedestrian and bicycle network.
    3. Support long-term connectivity through extension of the pathway to the district boundary, preservation of visibility and access through appropriate setbacks and landscaping, and provision of a safe and comfortable user environment through minimum width, buffer, and height standards appropriate for shared pedestrian and bicycle use.
    4. Be an open, untiled water feature that contributes to community enjoyment and ecological habitat.
- C. Required Facility

1. A continuous pedestrian and bicycle multiuse pathway shall be provided along the Thurman Mill Canal for the entire length of the district boundary adjacent to the canal.

#### D. Public Orientation:

1. The Thurman Mill Canal Multiuse Pathway shall be designed as a public space, not as private drive aisles or a service corridor.
2. The Thurman Mill Canal Multiuse Pathway shall remain ungated, un

#### E. Connectivity

1. The pathway shall connect to the surrounding circulation network, including:
  - a. On-site pedestrian and bicycle circulation systems; and
  - b. Adjacent public streets, pathways, or access points where available.
2. All connections shall be designed and constructed in a clear, visible, and continuous manner that indicates public access.
3. The pathway shall be constructed to the edge of the district boundary to allow for future connections to adjacent properties.

#### F. Dimensions and Clear Zones

1. The multiuse pathway shall meet the following minimum dimensional standards:
  - a. Have a minimum paved width of ten feet (10').
  - b. Have a minimum unobstructed buffer zone of two feet (2') on each side of the paved pathway.
2. The required buffer zones shall be maintained as clear zones for the full length of the pathway and shall be free of all structures, including fences, walls, buildings, utility cabinets, and poles.

#### G. Landscaping and Visibility

1. Landscaping adjacent to the pathway shall be designed, installed, and maintained to preserve safety, visibility, and access. Landscaping shall not obstruct sight lines, pedestrian or bicycle travel, or access along the pathway.
2. Landscaping shall not be planted within the required buffer zone.

3. Landscaping provided adjacent to the Thurman Mill Canal pathway shall be selected and maintained to prevent encroachment onto the pathway as well as to maintain clear visibility along the pathway.
- H. Open Waterway
1. The Thurman Mill Canal shall remain an open, untiled water feature and shall not be piped, tiled, covered, or enclosed, regardless of property ownership or adjacent private development.
4. Adams Street – 37<sup>th</sup> Street Existing Segments
- A. Purpose: Adams Street and 37<sup>th</sup> Street is that they are existing collector roadways within the Heron Commons SAP District. The purpose of the corridors is to provide vehicular access, circulation, and connectivity within and adjacent to the district while supporting safe and efficient movement for all users. Within the district, Adams Street functions as a local street and shall be enhanced through streetscape improvements that create a comfortable and inviting experience for pedestrians, cyclists, and drivers, befitting the gateway character of one of Garden City’s finest urban neighborhoods.
- B. Intent: The intent of the Adams Street- 37<sup>th</sup> Street Segment is to:
1. Maintain continuity with the existing street network and surrounding development patterns.
  2. Accommodate motor vehicle traffic as a primary function of the roadway.
  3. Support access to adjacent properties, on-site parking, service areas, and development.
  4. Balance vehicular movement with pedestrian, bicycle, and streetscape features where feasible, consistent with the street’s function and context.
- C. Required Improvements: The following minimum design standards shall apply to the existing portions of Adams Street, located within the Heron Commons SAP District.
1. Sidewalks
    - a. A detached concrete sidewalk shall be provided along both sides of Adams Street.

- b. Sidewalks shall have a minimum clear pedestrian travel width of seven feet (7') exclusive of obstructions such as light poles, signs, benches, or utility appurtenances. All sidewalks shall be designed and constructed in compliance with applicable Ada County Highway District standards and ADA accessibility requirements.
- c. Where sidewalks cross driveways or alleys, sidewalk materials and grades shall remain consistent to reinforce pedestrian priority.

2. Landscape and Furniture Zone

- a. A continuous landscape or street furniture zone shall be provided between vehicular travelway and the sidewalk on both sides of Adams Street.
- b. The landscape or street furniture zone shall:
  - i. Be a minimum width of eight feet (8'), exclusive of curb and sidewalk.
  - ii. Include a minimum of thirty percent (30%) living landscaping. The remaining area may include hardscape, such as concrete, to accommodate furnishings and pedestrian use, provided that landscaping is integrated throughout the zone.
- c. The landscape or street furniture zone shall be designed to:
  - i. Physically separate pedestrians from vehicular traffic;
  - ii. Provide shade, comfort, and visual interest;
  - iii. Maintain clear vision triangle(s) at intersections, driveways, and crossings.
  - iv. Street trees shall be provided within the landscape or street furniture zone at intervals of fifty feet (50') or less, measured along the street frontage
  - v. Street trees shall:
    - a) Be non-columnar in form.

- b) Be species reasonably expected to reach a minimum mature height of forty-five feet (45'), subject to sight-distance, and public safety considerations.
  - c) Be installed with adequate soil volume and root protection to support long-term tree health.
- vi. Street furniture, where provided, shall:
- a) Be permanently installed and affixed to the ground;
  - b) Be constructed of durable, weather-resistant materials; and
  - c) Be located so as not to obstruct the required sidewalk clear width.

#### Sidewalk

### 4. Adams Street Connection

A. Purpose: The Adams Street Connection is a distinct circulation facility within the Heron Commons SAP District that differs in function, character, and design intent from the existing segment of Adams Street. Although it shares a name and general alignment with Adams Street, the Adams Street Connection is intended to serve a separate and specialized role and is governed by independent standards as set forth in this section.

The purpose of the Adams Street Connection is to establish a continuous, publicly accessible linkage between the existing Adams Street terminus and the Waterfront Subdivision, with a primary emphasis on bicycle and pedestrian connectivity.

As part of development within the Heron Commons SAP District, the Adams Street Connection shall extend from the existing Adams Street dead-end at the Waterfront Subdivision. The connection shall not function as a conventional through street. Instead, it shall be designed as a pedestrian- and bicycle-priority corridor in which any motor vehicle access is physically subordinated through deliberate traffic-calming design and constrained roadway geometry.

B. Intent The intent of the Adams Street connection is to:

1. Function primarily as a regional bicycle and pedestrian connection, closing a critical gap in the local and regional non-motorized network.

2. Prioritize pedestrian and bicycle movement through design that provides a safe, direct, legible, and clearly public route.
3. If motor vehicle traffic is allowed, or required by ACHD, accommodate motor vehicle access only at low speeds and low volumes, with physical and visual cues that communicate the facility is not intended for through traffic.
4. Reflect a character, scale, and design intent that is fundamentally different from Adams Street, reinforcing its role as a multimodal connector rather than a conventional roadway.

#### C. Connection

##### 1. Pedestrian and Bicycle Connection

- a. A required connection shall be provided that is designed and constructed as a permanent public pedestrian and bicycle connection.
- b. The connection shall be clear, visible, and continuous and shall include design elements indicating that the connection is intended for public access.
- c. The connection shall include:
  - i. A minimum ten-foot (10') wide concrete path;
  - ii. A minimum unobstructed buffer of two feet (2') on each side of the paved path.

##### 2. Emergency Access

- a. The Adams Street connection may accommodate emergency and fire access but is not required to.
- b. The connection may be widened or structurally reinforced as required to meet applicable fire code standards, provided pedestrian and bicycle continuity is maintained.

#### D. Motor Vehicle Use

- A. Through motor vehicle access shall be prohibited or limited.
- B. If a motor vehicle connection is proposed, or required by ACHD, it shall be designed to:
  - a. Minimize and discourage non-local motor vehicle traffic;
  - b. Limit use to local access and emergency vehicles.

- C. The Adams Street Connection shall be designed for a maximum vehicular operating speed of fifteen miles per hour (15 mph), or less.
  - a. All design elements shall be selected and configured to achieve this operating speed for the full length of the connection.
  - b. Traffic calming measures such as chicanes or lane shifts, speed tables or raised crossings, medians or refuge islands, or mini roundabouts, , signage, or other approved control methods shall be incorporated to limit vehicle speed and discourage through traffic.
- D. Approval Authority: The traffic calming plan shall be subject to Design Review approval. The traffic calming plan shall demonstrate compliance with the fifteen mile per hour (15 mph) or less design speed and full accommodation of emergency vehicle access, if requested. The City may require independent peer review by a qualified traffic engineer at the applicant's expense.

#### 5. Reed Street

- A. Purpose: The purpose of the Reed Street Extension is to establish a primary public street within the Heron Commons SAP District. Reed Street is intended to accommodate motor vehicle traffic, emergency services, and service access in a safe and efficient manner, providing the foundational circulation framework that enables the broader district to prioritize pedestrian activity, bicycle connectivity, and high-quality public open space.

As a primary street within the district, Reed Street is designed to support parking, facilitate access to adjacent development, and provide convenient public access to key destinations, including public open spaces. In this role, Reed Street frames and reinforces the visibility, accessibility, and civic presence of the district's most significant public spaces while maintaining a balanced and integrated urban street environment.

- B. Intent: The intent of the Reed Street Extension is to:

1. Function as a main public roadway the district, accommodating necessary public vehicular access, including emergency and service vehicles, while supporting efficient internal circulation and access to parking.
2. Provide public parking.
3. Serve as the primary access street for the public open space, enabling convenient arrival, visibility, and activity without diminishing the primacy of the public realm.
4. Balance its role as a vehicular street with a high-quality pedestrian environment, using streetscape design, building frontage standards, and traffic-calming features to ensure comfort, safety, and visual interest at the human scale.
5. Establish a clear, legible public connection through the district that reinforces Reed Street's role as a civic street consistent with the pedestrian-oriented character and design expectations of the Heron Commons SAP District.

#### C. Required Extension and Alignment

1. Reed Street shall be generally extended eastward from its current terminus to 37th Street, generally parallel to Adams Street. The specific alignment is to be determined through design.
2. The Reed Street connection shall connect, at a minimum, to Adams Street, 38th Street, or 37th Street in order to ensure integration with the existing street network, and may connect to more than one such street.
3. Reed Street may be extended further as necessary to accommodate site conditions, future development patterns, or planned connectivity.
4. Any extension or modification of Reed Street shall be subject to applicable Ada County Highway District roadway, right-of-way, and design standards, and any required approvals.

#### D. Street Design

1. Reed Street shall be designed as a local urban street consistent with Garden City design objectives and ACHD roadway, right-of-way, and

streetscape standards The following minimum design standards shall apply to Reed Street located within the Heron Commons SAP District:

- a. Travelway: A one-way travelway (one lane) configuration may be permitted where review by Ada County Highway District (ACHD) and emergency service providers confirm that such configuration meets access, safety, and operational requirements.
- b. Landscape / Furniture Zone.
  - i. A landscape and street furniture zone shall be provided between vehicular travel areas and the sidewalk.
  - ii. The landscape and street furniture zone shall have a minimum width of eight feet (8').
  - iii. Street trees shall be provided within the landscape and street furniture zone at intervals of fifty feet (50') or less, measured along the street frontage.
  - iv. Street trees shall:
    - a) Be non-columnar in form;
    - b) Be species reasonably expected to reach a minimum mature height of forty-five feet (45');
    - c) Be subject to utility location, sight-distance, and safety constraints.
- c. Sidewalk
  - i. A detached concrete sidewalk shall be provided on both sides of the street.
  - ii. The sidewalks shall have a minimum clear width of seven feet (7').
  - iii. All sidewalks shall be designed and constructed in compliance with applicable ACHD and ADA standards.
- d. Parking
  - i. A minimum of fifty (50) public parking spaces shall be provided within the Reed Street corridor.
  - ii. Required parking may be provided:

- a) On street; or
- b) Within adjacent parking bays located along the corridor.
- iii. Angled parking and back-in angled parking are permitted, subject to Ada County Highway District approval.
- iv. All parking design and circulation shall comply with applicable Ada County Highway District safety and access standards.

E. Approval Authority: The alignment and design of the street is subject to Design Review approval.

## 6. 38th Street Extension

A. Purpose: The 38th Street extension is established to enhance public connectivity between the Heron Commons SAP District and the City, providing a continuous corridor that prioritizes bicycle and pedestrian travel while also supporting necessary vehicle and emergency access. As an extension of the existing 38th Street public roadway and primary bicycle route, it is intended to strengthen movement between the district and Chinden Boulevard and to serve the public interest through improved multimodal access.

### B. Intent

1. 38<sup>th</sup> Street may remain a road that is a traditional local road or may become the required Pedestrian Spine.
2. Extend the function of 38th Street within and through the district.
3. Allow for motor vehicle and emergency access where necessary, while ensuring that bicycle and pedestrian movement remains safe, direct, comfortable, and clearly prioritized.
4. Require a continuous and legible bicycle and pedestrian connection from the district to the Boise River Greenbelt, even if a full motor-vehicle street extension is not required.

### C. Extension and Connection

1. 38th Street shall be extended through the district to the Boise River Greenbelt. An alternative public bicycle connection may be permitted in place of the extension only if it demonstrates an equal or greater level of

directness, safety, and public accessibility between existing 38th Street and the Boise River Greenbelt.

#### D. Street Design and Construction

1. The design and construction of 38th Street shall comply with applicable Garden City street standards.
2. The design and construction of 38th Street shall comply with all applicable Ada County Highway District requirements, including roadway geometry, right-of-way, drainage, and safety standards.

#### D. UTILITIES

All new utilities, including those located within adjacent public rights-of-way, shall be installed underground in conjunction with development.

#### E. PUBLIC OPEN SPACE- FUTURE PARK

##### 1. Purpose and Intent

###### A. Purpose

1. The purpose of the Public Open Space- Future Park is to ensure the provisions of publicly accessible open space in accordance with the Comprehensive Plan is provided. The space will enhance community livability, support environmental functions, and contribute to the identity, quality, and functioning of the district.

###### B. Intent

1. Implement the Comprehensive Plan's vision for a park or open space within this area by ensuring land is reserved and developed for public or publicly accessible use.
2. Provide open space that is enduring, meaningful, functional, and designed to support the public's everyday use, recreation, and community gathering.
3. Prioritize the location of open space adjacent to the Boise River and Boise River Greenbelt where feasible, reinforcing the community's connection to the river corridor and expanding access to this key regional amenity.

4. Support the preservation and enhancement of lands along the Boise River that are appropriate for open space due to environmental considerations, including floodplain constraints and habitat value.
5. Integrate open space with the Greenbelt system to establish the Boise River Greenbelt as a park system rather than a limited corridor.
6. Allow flexibility in the configuration and development of required open space to accommodate alternative approaches that achieve the Comprehensive Plan's intent, while ensuring the space remains publicly accessible and of high quality.
7. Ensure that open space contributes to the overall character, usability, and long-term sustainability of the district.

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## **8-8B-4 PHASING AND IMPLEMENTATION**

### **A. PURPOSE**

The purpose of this section is to ensure that required public infrastructure, accessways, flood protection, and circulation improvements are provided in a timely manner and proportionate manner relative to the impacts of development within the Heron Commons SAP district. These provisions are intended to protect the public interest by ensuring that the connectivity, safety, and public access improvements that define the vision of this district are delivered alongside the private development they are intended to serve.

### **B. PHASING OF REQUIRED IMPROVEMENTS**

#### **A. Minimum Required Improvements**

1. Public accessways, Boise River Greenbelt connections, the Thurman Mill Canal Multiuse Pathway, extensions and installment of public streets and pathways, flood protection tie-ins, open space, and required replacement of public parking that are adjacent to or that directly serve a proposed development shall be constructed or otherwise secured through a financial surety acceptable to the City, prior to the issuance of the first building permit for that development within the SAP District.
2. Each phase of development shall:
  - a. Maintain continuity of circulation, public access, and infrastructure;
  - b. Extend improvements to the boundary of the phase to allow for future connections; and
  - c. Not result in isolated, incomplete, or non-functional development patterns.
3. Development shall not proceed in a manner that precludes the logical completion of the district consistent with the approved Regulatory Master Plan.

#### **B. Prerequisite Improvements for Specific Development Areas**

1. Development of the 11.59-acre property identified as Ada County Assessor Tax Parcel ID S1005141700, legally described as PAR #1700 @ CTR NE4 SEC 5 3N 2E #141690-B, and shown on **Figure 8-8B-4.1**, shall not proceed until the following improvements have been completed or is concurrently being completed in accordance with **8-8B-3 REQUIRED IMPROVEMENTS**:

- a. A Regulatory Master Plan has been approved.
- b. Public Open Space- Future Park.
- c. Reed Street and 38th Street have been extended and constructed.
- d. Required Adams Street improvements have been completed.
- e. Floodplain protection improvements have been constructed and documentation, including FEMA certification demonstrating compliance has been provided.



**Figure 8-8B-4.1**

2. Adams Street Connection Timing

The Adams Street Connection shall be completed to the existing Adams Street dead-end within the Waterfront Subdivision prior to, or concurrently with, the development or subdivision of the 3.870-acre property identified as Ada County

Assessor Tax Parcel ID S1005141650, legally described as PAR #1650 OF S2NE4 SEC 5 3N 2E #9115156, as depicted in **Figure 8-8B-4.2**.



**Figure 8-8B-4.2**

### C. Alternative Phasing

The Planning Official may administratively approve an alternative phasing or implementation schedule where the applicant demonstrates that the proposed timing:

1. Provides public access, circulation, safety, and flood protection benefits equivalent to or greater than those achieved through standard phasing requirements; and
2. Ensures required improvements remain reasonably proportional to the impacts of the development phase in which such improvements are constructed or secured.

### 2. Public Access

A. Public roads and pathways shall be dedicated or encumbered with a perpetual public access easement and shall remain open to the public at all times, except for temporary closures due to maintenance, emergency conditions, or an approved special event permit.

B. Non-emergency maintenance closures of public roads and pathways shall be limited to no more than two occurrences per calendar year, with each closure not to exceed fourteen (14) consecutive days, unless a longer duration or additional closures are approved by the City. Emergency closures shall not be subject to these limits.

#### 4. Maintenance

##### A. Maintenance Responsibility

1. Public accessways, open space, pedestrian and bicycle facilities, public parking, landscaping, stormwater facilities, and flood protection improvements constructed pursuant to this SAP shall be subject to ongoing maintenance requirements unless formally accepted by and relinquished to a public agency. Until such acceptance, the private property owner, or owners responsible for the improvements shall maintain it in a condition consistent with the standards under which it was approved.
2. Private property owners shall provide covenants, conditions, and restrictions (CC&Rs) or other legal documentation acceptable to the City identifying responsibility for ongoing maintenance.

##### B. Easements and Agreements.

Long-term maintenance obligations shall be secured through recorded maintenance agreements, public access easements, or other binding legal documents acceptable to the City. Such documents shall:

1. Assign clear responsibility for maintenance and repair of all required improvements.
2. Ensure continuous public access where required by this Article.
3. Run with the land and be binding on all successors, unless otherwise approved by the City.

##### C. City Authority.

The City may require modification of maintenance mechanisms where necessary to ensure compliance with adopted standards, protection of public improvements, or continuity of public access. The City retains the right to inspect required

improvements and to require corrective action where maintenance obligations are not being met.

DRAFT

## **8-8B-6 FORM AND DESIGN STANDARDS**

### **A. SETBACKS**

1. The setbacks and height exterior to Heron Commons Specific Area Plan (SAP) District shall be the same as the Mixed-Use (M) Zoning District.

### **B. BOISE RIVER AND BOISE RIVER GREENBELT ADJACENCY**

1. Building height and massing shall be cognizant of the River, with low heights and stepbacks and setbacks. Fencing and other privatization designs are not allowed.

### **C. LANDSCAPING**

1. Landscaping shall be a fundamental organizing element of the Heron Commons Specific Area Plan (SAP) District, with a strong emphasis on large, long-lived, non-columnar tree species capable of reaching a mature height of at least forty-five feet (45') or greater. These trees shall be intentionally integrated throughout the site to shape the public realm and establish a lasting landscape character. Priority shall be given to the placement of such trees, within public open spaces, along streets, and at key transitions, ensuring that the district develops a recognizable, shade-rich, and enduring urban forest over time.

### **D. OPEN SPACE- FUTURE PARK**

1. The required public open space or Future Park shall be configured as a unified, contiguous area and shall not be fragmented. The space shall be of sufficient size, dimension, and configuration to function as a meaningful, usable public amenity and a prominent destination within the district. A target is 20-25% of the overall Heron Commons Specific Area Plan (SAP) District to be open space with a central park of 3-5 acres, unless through an approved Regulatory Master Plan equal or better usable open space is provided.

### **E. RESIDENTIAL ADJACENCY**

1. Development adjacent to existing residential properties neighboring the Heron Commons Specific Area Plan (SAP) District shall be designed to be responsive to and compatible with those residences. Compatibility shall be achieved through consideration of building height, uses, structure orientation, and privacy measures, including window and activation element placement, as well as through the provision of landscaping to reduce potential impacts.

## **F. PUBLIC ART**

1. Public art shall be incorporated throughout the development. Public art shall be provided at a value equal to at least one percent (1%) of the project's development cost, or through an alternative approach that demonstrates an equivalent or greater level of public benefit, visibility, and impact.

## **G. ARCHITECTURE**

1. Architecture within the district shall be of high quality and designed to provide an enduring and cohesive urban environment. Buildings shall incorporate durable materials, thoughtful composition, and design elements that maintain long-term visual and functional integrity.
2. Building massing shall be carefully designed to avoid creating a domineering or oppressive condition along streets and public spaces. Stepbacks and variations in building form shall be utilized to reduce perceived scale and maintain a human-scaled streetscape.
3. Buildings shall be designed to engage the public realm through active frontage elements, including frequent entrances, windows, and other features that support visibility, interaction, and pedestrian activity.
4. Ground floor façades shall incorporate a high degree of transparency and permeability to promote visual connection between interior and exterior spaces and to support an active, vibrant environment.
5. Development shall incorporate design features that create visual interest and enrich the public experience, including variation in form, articulation, and architectural detail.
6. Site and building design shall promote a high level of physical and visual permeability, providing connections and transitions that integrate the development with the surrounding neighborhood and public spaces.
7. Building heights generally range from 3 to 7 stories, with heights calibrated to reinforce a walkable, general urban neighborhood character.

## **H. DENSITY**

1. A target density of minimally 50 dwelling units per acre is suggested, unless through an approved Regulatory Master Plan, includes findings demonstrating equal or greater intensity through a mix of uses.

DRAFT

## **8-8B-7 USE STANDARDS**

### **A. ALLOWED USES**

#### 1. Purpose

The purpose of this section is to establish clear categories of land use permission and corresponding levels of review within the Heron Commons SAP District.

2. Uses permitted within the Mixed-Use zoning designation shall be allowed within the SAP District, including Outdoor Performance Stage and Transitional Use as defined in this Article. All other uses shall require approval of a Conditional Use Permit.

### **B. USE STANDARDS**

1. Specific Use Standards: In addition to the standards found in 8-2C the following use specific standards shall apply:

A. Transitional Use: A Transitional Interim Use is intended to allow productive and flexible utilization of property that is undergoing or anticipated to undergo redevelopment or long-term planning. A use classified as a Transitional Interim Use shall comply with the following criteria:

1. Duration: The use shall be permitted for a defined period not to exceed three (3) years unless an extension is approved by the reviewing authority. Approval may include one or more conditions to ensure compatibility with the anticipated future development of the site.
2. Site Status: The subject property shall be demonstrated to be in transition, including but not limited to parcels that are pending redevelopment, entitlement approvals, financing, design, or phased construction.
3. Structures and Improvements
  - a. The use may include non-permanent, modular, or lightly anchored structures, or the temporary reuse of existing buildings.
  - b. Permanent buildings and capital improvements shall be limited to those that are clearly incidental, reversible, or compatible with the site's anticipated long-term development.
  - c. Structures shall be designed for efficient removal, relocation, or conversion at the conclusion of the approved term.

4. Site Alteration: The use shall require minimal grading, foundation work, or permanent infrastructure improvements, and shall not substantially alter the site in a manner that would hinder future development consistent with applicable zoning.
5. Site Activation and Compatibility: The use shall be designed to activate underutilized land, enhance vitality, or provide interim community or economic benefit, while not inhibiting or delaying planned future development of the property.
6. Removal or Conversion: At the expiration of the approved time period, the use, including associated structures and improvements, shall be removed, relocated, or repurposed, unless otherwise authorized through an approved extension or new land use entitlement.
7. Future Development Rights: Approval of a Transitional Interim Use shall not be construed to establish vested rights for permanent continuation of the use, nor to limit the ability to redevelop the property in accordance with the underlying zoning district.

## **B. PARKING REDUCTION**

1. Purpose The Parking Reduction Overlay is established to support the Heron Commons SAP District's mixed-use, walkable, multimodal character by allowing reduced off-street parking where development provides a substantial mix of residential, commercial, and civic uses within a single integrated application. This overlay is intended to encourage shared parking, reduce unnecessary pavement, and support the district's pedestrian-oriented design objectives consistent with **8-8B-1 PURPOSE AND INTENT.**
2. Applicability The Parking Reduction Overlay applies to all property within the Heron Common SAP District when included within a unified mixed-use development application.
3. Maximum Reduction Allowed Eligible developments may receive a reduction of up to fifty percent (50%) of the total off-street parking otherwise required by Garden City Code Title 8, provided the applicant demonstrates that:

- A. Parking demand will be reduced through mixed-use synergies, shared parking, or TDM measures;
  - B. The reduction will not create adverse impacts on adjacent streets or neighborhoods; and
  - C. The project maintains compliance with all loading, ADA, and emergency access requirements.
4. Required Findings Approval of a parking reduction shall require written findings that the proposal:
    - A. Supports the district's multimodal intent as described in **8-8B-3**;
    - B. Includes structured parking or equivalent strategies that minimize visual and physical impacts on the public realm;
    - C. Does not result in spillover parking that would negatively affect adjacent residential areas; and
    - D. Provides an equivalent or superior mobility outcome compared to full parking compliance.
  5. Shared Parking and TDM Measures: The following strategies may be utilized, including but not limited to, to support or justify a reduction in required parking:
    - A. Shared parking agreements between complementary uses;
    - B. Transit pass programs;
    - C. On-site transportation coordinator or mobility management program.
  6. Documentation and Enforcement:
    - A. Shared parking agreements shall be recorded and run with the land.
    - B. TDM commitments shall be included as conditions of approval.
    - C. The City may require monitoring reports to ensure compliance.
  7. Administration:
    - A. A request for a parking reduction under this section shall be reviewed concurrently with any required Design Review or Subdivision application associated with the development. If no such corresponding application is required, the request shall be processed through a Conditional Use Permit application.

## **8-8B-8 ADMINISTRATION**

### **A. PURPOSE**

The purpose of this section is to set forth the requirements for certain types of application reviews that are distinct for the specific application, including review procedures, standards for review and findings for approval. The provisions included in this article are in addition to those set forth in article A, "General Provisions" and article B "Specific Provisions," of this chapter.

### **B. REGULATORY MASTER PLAN**

#### **A. Purpose**

The purpose of the Regulatory Master Plan is to establish a binding, framework that ensures development within the Heron Commons SAP District achieves the intended pattern of land use, intensity, infrastructure, and public realm necessary to support a vibrant, fiscally sustainable, and well-integrated urban neighborhood. The Regulatory Master Plan is intended to provide certainty with respect to critical infrastructure, connectivity, and development intensity, while allowing flexibility in architectural design, site configuration, and individual project implementation over time.

#### **B. Applicability**

1. A Regulatory Master Plan shall be required for the properties of:
  - a. The 11.59-acre property identified as Ada County Assessor Tax Parcel ID S1005141700, legally described as PAR #1700 @ CTR NE4 SEC 5 3N 2E #141690-B, and shown on **Figure 8-8B-4.1**.
  - b. The 3.870-acre property identified as Ada County Assessor Tax Parcel ID S1005141650, legally described as PAR #1650 OF S2NE4 SEC 5 3N 2E #9115156, as depicted in **Figure 8-8B-4.2**.
2. All other properties in the Heron Commons SAP District may be a part of a Regulatory Master Plan but are not required to be.

- a. Properties that are not a part of a Regulatory Master Plan and are not required to be a part of a Regulatory Master Plan shall adhere to the Mixed-Use, (M) zoning district standards.
3. A Regulatory Master Plan shall be approved for all properties to which this section applies prior to:
  - a. Approval of any subdivision; or
  - b. Issuance of any building permit.
3. No development subject to this section shall proceed without an approved Regulatory Master Plan.

#### C. Review Process

1. The Regulatory Master Plan shall be reviewed through the Design Review process and shall require a public hearing.
2. Approval of a Regulatory Master Plan shall constitute approval of the overall development framework for the site, subject to compliance with its terms and subsequent required approvals for individual projects.

#### D. Term

1. An approved Regulatory Master Plan shall remain valid for a period of ten years from the date of approval.
2. One or more extensions upon a finding that:
  - a. The original findings of approval remain valid; and
  - b. Progress toward implementation has been demonstrated.

#### E. Required Submittal Contents

The Regulatory Master Plan shall include, at a minimum:

1. Public infrastructure framework, including the street and pathway network.

2. Open space framework, including the location, size, and configuration of required public open space and future park areas, if required.
3. Land use framework identifying the general distribution and mix of uses and key activity areas.
4. Development height and setbacks, intensity, including minimum density or floor area targets and demonstration of sufficient intensity to support a vibrant and fiscally sustainable environment.
5. Parking and mobility strategy, including parking supply, shared parking approach, and transportation demand management measures.
6. Phasing plan demonstrating the logical sequence of development and timing of infrastructure and public space delivery.
7. Implementation standards establishing the criteria by which future development applications will be reviewed for consistency with the Regulatory Master Plan.

#### F. Required Findings for Approval

In order to approve a Regulatory Master Plan, the City shall find that:

1. The plan demonstrates a coherent and integrated development pattern that achieves the purpose and intent of the Heron Commons SAP District.
2. The plan provides a connected and complete system of public streets, pathways, and open spaces, including strong and continuous connections to the Boise River Greenbelt.
3. The plan establishes a level of development intensity and mix of uses sufficient to support a vibrant, active, and regionally significant destination throughout all phases of development.
4. The plan provides minimum densities and development capacity that will result in long term fiscal sustainability, including efficient use of infrastructure and the ability to generate a net positive return on public services over time.

5. The plan ensures that required public open spaces are meaningful, usable, and delivered in a timely manner relative to development and are not deferred to the final phase.
6. The plan includes a realistic and coordinated phasing strategy that delivers infrastructure, connectivity, and public amenities concurrent with development impacts.
7. The plan incorporates a circulation and parking strategy that supports a walkable, multimodal environment while accommodating necessary vehicular access in a subordinate and compatible manner.
8. The plan provides sufficient regulatory detail to guide future development while allowing flexibility in design, architecture, and implementation.
9. The plan will result in a high quality public realm that remains active, safe, and engaging over time and across changing ownership conditions.
10. The plan will not result in fragmented, incomplete, or isolated development patterns.

#### G. Conformance and Subsequent Development

1. All subsequent applications shall be consistent with the approved Regulatory Master Plan.
2. Minor modifications may be approved administratively by the Planning Official provided the modification does not alter the overall framework of the plan and remains consistent with the approved findings.
3. Major modifications, including changes to circulation, open space location, or development intensity, shall require amendment to the Regulatory Master Plan and approval through the same process required for the original plan.

### **C. ADAMS STREET CONNECTION PERFORMANCE EVALUATION**

#### A. Purpose

The purpose of this section is to establish a formal, performance-based evaluation and decision-making process for the Adams Street Connection after it has been constructed and placed into public use. This process is intended to ensure that the facility continues to operate in a manner consistent with the intent of this Article, prioritizes pedestrian and bicycle movement, and addresses any demonstrated safety or operational concerns through a transparent public hearing process.

#### B. Evaluation Period

1. Following construction and opening of the Adams Street Connection to public use, the connection shall be subject to a minimum performance evaluation period of five (5) years.
2. The evaluation period shall commence upon the date the connection is fully constructed and open to the public for its intended use.
3. The five (5) year evaluation period is intended to allow sufficient time for site development to occur, travel patterns to stabilize, and pedestrian, bicycle, and vehicular use of the connection to reach typical operating conditions prior to any formal consideration of modification, restriction, closure, or vacation.

#### C. Initiation of Review

1. After completion of the evaluation period, a request to review the performance of the Adams Street Connection may be initiated at any time.

#### D. Applicable Process

1. Any request to modify, restrict, close, or vacate the Adams Street Connection shall be processed in accordance with the noticing, fee, and public hearing procedures for a zoning district amendment as set forth in Garden City Code Section 8-6A.
2. The Planning and Zoning Commission shall conduct a public hearing and provide a recommendation to the City Council.
3. The City Council shall consider the recommendation of the Planning and Zoning Commission at a duly noticed public hearing and shall be the final decision-making authority.

#### E. Evaluation Criteria

A determination that the Adams Street Connection is operating in a problematic manner shall be based on documented evidence demonstrating one or more of the following conditions:

1. Safety Performance

- a. A documented pattern of collisions, safety incidents, or recurring conflicts involving pedestrians, bicyclists, or motor vehicles that exceed levels reasonably expected for a pedestrian- and bicycle-priority facility; or
- b. Safety concerns supported by crash data, incident reports, or professional traffic or safety analysis that persist despite reasonable mitigation efforts.

2. Vehicular Operations

- a. Documented motor vehicle speeds that consistently exceed the intended design speed;
- b. Motor vehicle volumes indicating use as a cut-through route rather than for local access or emergency purposes; or
- c. Evidence demonstrating that implemented traffic calming or access control measures have been ineffective in achieving the intended operational character of the connection.

1. Function

- a. Evidence that the connection fails to function as an effective alternative pedestrian and bicycle route and instead introduces new or unresolved conflicts.

2. Failure of Mitigation

- a. Documentation demonstrating that reasonable mitigation measures have been implemented, evaluated, or reasonably considered and determined to be insufficient.
- b. Mitigation measures may include design modifications, additional traffic calming, access restrictions, operational controls, signing, striping, or other comparable interventions.

F. Order of Consideration

- 1. Where impacts are identified, modification or restriction of the Adams Street Connection shall be considered prior to any closure or vacation.

2. Closure or vacation shall be considered only where the City Council determines that identified issues cannot be adequately addressed through reasonable mitigation or modification measures.

G. Required Findings: In order to approve modification, restriction, closure, or vacation of the Adams Street Connection, the City Council shall adopt written findings demonstrating that:

1. The Adams Street Connection has been in operation for the minimum evaluation period established by this section;
2. One or more of the evaluation criteria in subsection E have been met, based on objective and documented evidence;
3. Reasonable mitigation or modification measures have been implemented, evaluated, or reasonably considered and found insufficient;
4. The proposed action is necessary to protect public health, safety, and welfare; and
5. The proposed action will not unreasonably diminish public pedestrian or bicycle circulation.

H. Financial Responsibility

1. Any modification, restriction, closure, or vacation of the Adams Street Connection approved pursuant to this section shall be implemented at the expense of the party requesting or benefiting from the action, unless the City Council expressly determines that the modification or closure is required to address a documented public safety necessity.
2. Where the City Council determines that a modification or closure is necessary to protect public health and safety and is not attributable to the actions of a specific property owner or applicant, the City Council may authorize the use of public funds for all or a portion of the costs, subject to budgetary appropriation.
3. Financial responsibility may include, but is not limited to, costs associated with design, engineering, traffic control, physical improvements, signage, restoration, relocation of facilities, and legal proceedings.
4. Nothing in this section shall be construed to require the City to assume financial responsibility for modification, restriction, closure, or vacation of the Adams Street Connection absent an express determination by the City Council.

## I. Private Access and Reliance

1. Any lawful private access for which the primary means of ingress and egress was established from the Adams Street Connection shall be preserved and shall not be removed solely as a result of a modification, restriction, closure, or vacation of the public Adams Street Connection.
2. Modification, restriction, closure, or vacation of the Adams Street Connection pursuant to this Article may affect public access and circulation but shall not extinguish or impair primary private access serving adjacent properties where such access was lawfully established from the connection.
3. The City Council shall consider existing primary private access conditions when reviewing any proposed modification, restriction, closure, or vacation of the Adams Street Connection and shall adopt findings addressing how such primary private access will be maintained.
4. Nothing in this section shall be construed to protect or require preservation of secondary, shared, or convenience access points where alternative primary access exists.
5. Nothing in this section shall be construed to require the City to acquire property, construct substitute access facilities, or provide compensation, except as otherwise required by applicable state or federal law.

J. Interpretation: Nothing in this section shall be construed to establish a presumption that the Adams Street Connection will be modified, closed, or vacated. This section provides a structured, performance-based process for public review and decision-making if concerns arise following long-term operation of the connection.

## **8-8B-10 DEFINITIONS**

### **A. DEFINITIONS OF USES**

This section is intended to define uses that are not otherwise defined in **GCC 8-7A-1 DEFINITIONS OF USES.**

#### **Outdoor Performance Stage**

A partially or fully covered platform designed for theatrical, musical, or cultural performances, not enclosed by permanent walls.

## **Transitional Use**

A time-limited land use established on a parcel that is actively undergoing or intended for redevelopment, entitlement, or long-term planning, and which is not intended to be permanent in nature. Transitional Interim Uses may include recreational, commercial, wellness, cultural, or community-oriented activities and may utilize temporary or semi-permanent structures, surface improvements, or limited utility connections.

Such uses are permitted for a defined period not to exceed three (3) years, unless otherwise extended by the approving authority, and shall be designed for removal or conversion without substantial alteration to the site. Permanent buildings and capital improvements may be allowed only when clearly incidental, reversible, or compatible with the site's anticipated future development.

## **B. DEFINITIONS OF TERMS**

This section is intended to define uses that are not otherwise defined in **GCC 8-7A-2 DEFINITIONS OF TERMS**.

### **Activation Elements**

Ground-level features that directly engage the public realm by supporting observable human activity, interaction, or use. These elements shall contribute to a lively, pedestrian-oriented environment through physical and visual connection between the building and adjacent public space.

Activation elements may include, but are not limited to:

- Outdoor patios, dining areas, or seating areas actively used by occupants or patrons;
- Decks, porches, stoops, or entry spaces designed for seating or gathering;
- Merchandising or retail display areas accessible to or visible by the public;
- Primary building entrances with frequent use and direct access to the public realm;
- Outdoor gathering spaces or activity areas that support regular human use.

Glazing alone shall not constitute an activation element unless it is designed and used for activation display, merchandising, or other features that support observable engagement with the public realm.

### **Destination Use**

A land use intended to attract visitors beyond the immediate neighborhood, characterized by experiential, cultural, recreational, or entertainment components.

### **Development Allocation Unit (DAU)**

A quantified unit of allowable development intensity expressed as square footage of impervious or building coverage derived from the Gross District Area.

### **Development Area**

Land designated on an approved Development Allocation Plan for buildings, structures, parking, access drives, and other site improvements.

### **Gross District Area**

The total contiguous acreage under common zoning or sub-district zoning designation at the time of initial development approval, excluding public rights-of-way dedicated prior to approval.

### **Public Art**

A permanent or semi-permanent installation located in a publicly accessible area that is intentionally designed to provide experiential, functional, interpretive, or sensory engagement for the public. Public or Functional Art is not required to be visual and may prioritize sound, movement, interaction, education, or environmental response over visual form.

### **Protected Open Space**

Land designated to remain predominantly undeveloped and preserved in perpetuity through recorded instruments consistent with this code.

### **Semi-Public Space**

An area open to the general public during designated hours but subject to reasonable operational rules, such as plazas, courtyards, or café seating areas.

## **Shared Space Street**

A street typology, sometimes referred to as a Woonerf or Pedestrian Oriented Street that is designed to function as a low-speed, pedestrian-priority public space in which pedestrians, bicyclists, and motor vehicles share the same roadway without traditional separation by curbs, lane markings, or traffic control devices.

A Shared Space Street shall be designed to operate at vehicular speeds not exceeding fifteen (15) miles per hour through the use of physical design elements including, but not limited to, roadway narrowing, textured or raised paving, vertical deflection, landscaping, street furniture, and horizontal alignment changes.

Pedestrians shall be afforded priority of movement within a Shared Space Street, and the design shall require motor vehicle operators to yield to pedestrians and bicyclists. General motor vehicle access may be permitted but is not required and may be limited to local access, loading, emergency response, or other authorized functions.

Shared Space Streets may prohibit or restrict through traffic, on-street parking, or routine motor vehicle use where necessary to meet safety, design, or functional objectives.

## **Stepback**

A required horizontal recess or offset of an upper portion of a building from the building face below, measured from the exterior wall of the lower story to the exterior wall of the upper story. A stepback applies to building stories above the ground floor and is intended to reduce the perceived height and mass of a structure, improve light and air at the pedestrian level, and provide a visual transition between lower and upper portions of a building.

Stepbacks are distinct from setbacks, which apply to ground-floor placement of a structure relative to a property line, street, or corridor.

**SECTION 5:** The Ordinance is hereby declared to be severable. Should any portion of this Article be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to conduct the purpose(s) of the Article before the declaration of partial invalidity.

**SECTION 6.** All other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

**SECTION 7.** The fact that some provisions of the official municipal code for the City of Garden City have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said official Code. All other ordinances shall continue in full force and effect unless specifically repealed or amended.

**SECTION 8.** If any provision or section of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

**SECTION 9.** That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

**SECTION 10.** This Ordinance shall be in full force and effect upon passage, approval, and publication.

**PASSED** by the City Council and **APPROVED** by the Mayor of the City of Garden City, Idaho, this \_\_\_\_ day of \_\_\_\_\_, 2026.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Lisa Leiby  
City Clerk

\_\_\_\_\_  
William L. Jacobs  
Mayor

**EXHIBIT "A"**

**STATEMENT OF GARDEN CITY ATTORNEY  
AS TO ADEQUACY OF SUMMARY  
OF ORDINANCE NO. 1051-26**

The undersigned, Charles I. Wadams, in his capacity as City Attorney of the City of Garden City, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. 10XX-26 of the City of Garden City, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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Charles I. Wadams  
City Attorney

**SUMMARY OF ORDINANCE NO. 10XX-26  
OF THE CITY OF GARDEN CITY, IDAHO**

1. **PUBLIC NOTICE IS HEREBY GIVEN** that the City of Garden City, Idaho, adopted at its regular meeting of \_\_\_\_\_, 2026, that Ordinance No. 10XX-26 entitled:

**AN ORDINANCE ESTABLISHING TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 8 (“ADOPTED SPECIFIC AREA PLAN PROJECT ORDINANCES”) ARTICLE B. “HERON COMMONS” SETTING FORTH GENERAL PROVISIONS, ILLUSTRATIVE MASTER PLAN, FORM STANDARDS, SUB-DISTRICTS, USE STANDARDS, PROCEDURES, FLOOD PROTECTION, DEFINITIONS OF USES AND TERMS, AND ADMINISTRATION; AMENDING PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

There are several hearing procedures that are adopted by different resolutions or ordinance. This amendment will clarify the Design Review process and merge administrative code, and the public hearing procedures adopted by resolution.

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

DATED this \_\_\_th day of \_\_\_\_\_, 2026.

ATTEST:

CITY OF GARDEN CITY, IDAHO:

\_\_\_\_\_  
Lisa M. Leiby, City Clerk

\_\_\_\_\_  
William L. Jacobs, Mayor