

**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, 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2.** That all other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.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 All other ordinances shall continue in full force and effect unless specifically repealed or amended.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:

Working Draft

## **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. Engages the Boise River and Boise River Greenbelt through direct interface, reclaimed riverfront land, and enhanced public access.
2. Transitions that are compatible with adjacent residential neighborhoods.
3. Supports walkable, integrated mixed-use development.
4. Promotes compact, human-scaled urban form with quality design.
5. Strengthens Garden City's connection to the river corridor.

6. Supports the creation of the district as a regionally significant destination that will attract residents, workers, and visitors through a high-quality environment.
- B. This development code for the Heron Commons SAP District is intended to implement a high-amenity, integrated neighborhood that:
1. Provides housing and supportive mixed 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. Delivers a connected, multimodal, and walkable environment with active ground-floor uses and human-scale massing.
  6. Provides publicly accessible 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 Planning Official shall make a written interpretation consistent with the purpose and intent of this Article.

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

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

#### 1. Purpose

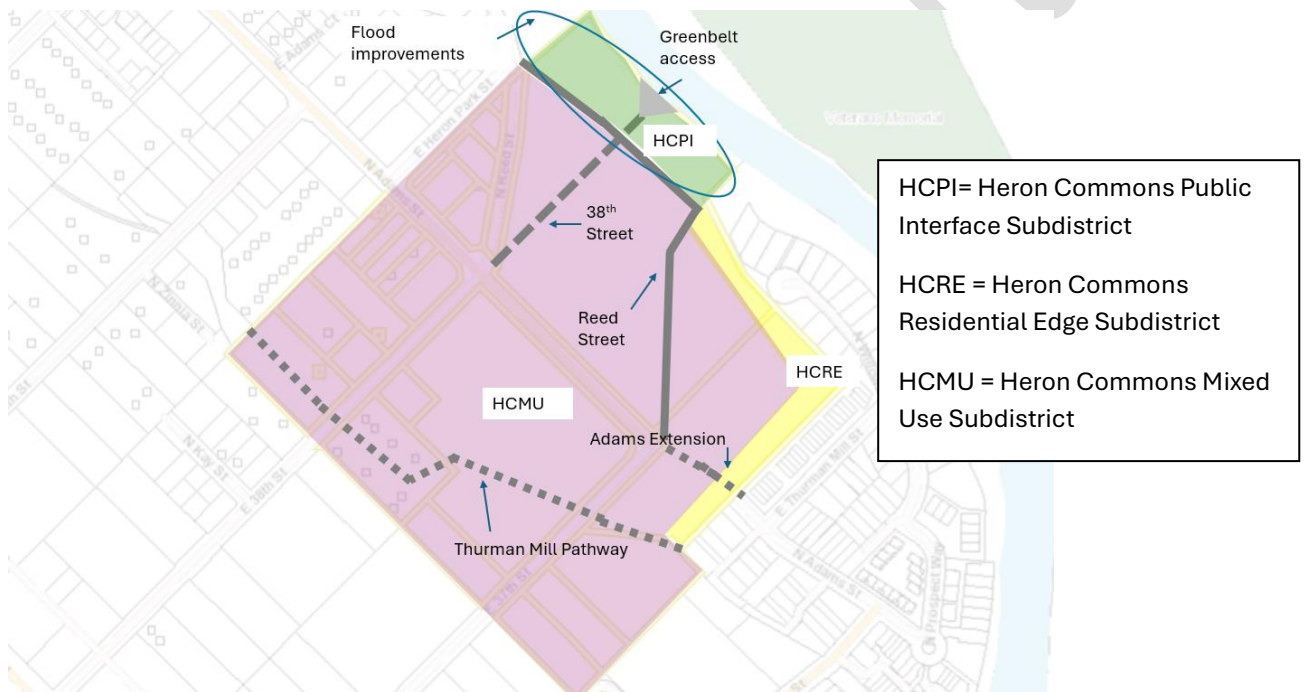
The Master Plan establishes a conceptual framework for development within the Heron Commons SAP District. The Master Plan is intended to illustrate the general location of sub-districts, public infrastructure, streets, pathways, and flood protection measures required.

#### 2. Intent

The 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 or dimensions of the sub-districts and improvements. The Master Plan is intended solely to illustrate 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.

## B. POLICY EXHIBIT

1. Conceptual Master Plan: The Conceptual Master Plan **Figure 8-8B-2.1** identifies, at a conceptual level:
  - A. General locations of sub-district boundaries, as established in **8-8B-5 SUB-DISTRICTS**.
  - B. Conceptual layout of the required public streets and connections.
  - C. Conceptual layout of the required public accessways and pathways.
  - D. Flood control improvements.



**Figure 8-8B-2.1 Conceptual 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

##### B. 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.

#### C. 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.

#### **D. SPECIFIC STANDARDS FOR PUBLIC STREETS, PATHWAYS, AND CONNECTIONS**

##### 1. 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. 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.

### 3. Surface Material

Reconstructed Boise River Greenbelt pathways shall be constructed of concrete and meet adopted Boise River Greenbelt construction and durability standards.

### 4. 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.

### 5. 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 Adams Street to the Boise River Greenbelt.



**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 District. The spine establishes a continuous and inviting pedestrian connection between Adams Street and the Boise River Greenbelt and functions as the heart, or one of the primary civic spaces, of the district.

**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.

**D. Configuration and Design**

1. The pedestrian spine shall be designed as one of the following:
  - a. A shared-space street with limited motor vehicle access, or
  - b. A pedestrian-only corridor that prohibits general motor vehicle access.

2. Curbing, where provided, shall be mountable or flush to maintain a continuous shared surface.
3. Low-Speed, Pedestrian- Priority Design: The pedestrian spine shall be designed to function as a low-speed, pedestrian-priority environment. Where motor vehicle access is permitted, the following design requirements apply:
  - a. Design Speed: The pedestrian spine shall be designed for a maximum motor-vehicle operating speed of 10 miles per hour.
  - b. Traffic-Calming Geometry: Horizontal and vertical deflection elements such as chicanes, shifts, raised crossings, or surface texture changes shall be incorporated to physically limit vehicle speed.
  - c. Pedestrian-Dominant Cues: The layout, materials, and furnishings shall clearly communicate pedestrian priority through continuous surface treatments, absence of lane striping, and pedestrian-scale elements.
  - d. No Centerline or Lane Markings: Striping, centerlines, or other markings that visually prioritize motor-vehicle movement are prohibited.  
Motor-Vehicle Access Subordination: Any permitted motor-vehicle access shall be visually and operationally subordinate to pedestrian movement through the use of shared-space design principles.

#### E. Dimensions and Clearance

1. The pedestrian spine shall provide:
  - a. A minimum clear pedestrian zone of 12 feet, free of street furniture, landscaping, and other obstructions; and

#### F. Surface and Materials

1. The pedestrian spine shall be surfaced with a distinctive paving material that differentiates it from adjacent vehicular streets and reinforces its pedestrian-priority character. Acceptable surface materials include pavers, stamped, colored, or scored concrete, or combination thereof.
2. Continuous surface treatments shall be used to prioritize pedestrian movement and visually indicate a low-speed environment.

#### G. Circulation and Accessibility

1. The pedestrian spine shall maintain continuous, unobstructed pedestrian and bicycle circulation along its full length.
2. All portions of the pedestrian spine shall comply with applicable ADA accessibility standards, including grade, cross slope, and transition requirements.
3. Street furnishings, landscaping, and outdoor uses shall be located so as not to reduce the required clear pedestrian zone or emergency access widths.

#### H. Emergency and Service Access

The pedestrian spine may be designed to accommodate emergency and service vehicles, so long as doing so does not diminish its pedestrian-oriented character. Where the spine is intended to support emergency vehicle access:

1. Bollards or other access controls, if used, shall be removable or collapsible and shall be approved by the fire authority;
2. The surface shall be constructed of materials capable of supporting emergency and service vehicle loads; and
3. It shall maintain a minimum vertical clearance of 14 feet along the designated emergency access route.
4. It shall maintain an overall clear width sufficient to accommodate emergency vehicle access, as required by the fire code.

#### I. Streetscape and Activation Support

To achieve activation, the following design elements are required along the full length of the spine:

1. Seating shall be provided along the pedestrian spine at a rate of one (1) seat or equivalent seating space per thirty (30) linear feet of active frontage, and may be satisfied through any combination of fixed benches, seat walls, raised planters with seating edges, or building-integrated seating steps.
2. The spine shall have a generally straight alignment to preserve visibility amongst users.
3. Lighting shall be provided at pedestrian scale and spaced to ensure safe nighttime use.

#### J. Shade

Shade coverage shall be distributed along the length of the pedestrian spine to create a substantially shaded environment during peak summer hours. Shade shall be provided:

1. Through a combination of canopy trees and, where gaps in tree canopy exist, shade structures such as pergolas, trellises, or shade sails
2. Shade structures shall be durable, high-quality materials consistent with the design character of the district.

#### K. Tree Requirements

1. Trees shall be provided along the pedestrian spine at an average spacing of 20 to 30 feet between trees, measured along the length of the spine.
2. Trees may be placed in a linear arrangement, clustered pattern, on either side of the spine, or alternating pattern, provided spacing requirements are met on average across the full spine length.
3. Trees shall be located within planting beds, tree wells, or structural soil zones integrated into the shared surface, and outside of the required minimum clear pedestrian zone and required emergency access width.
4. Trees shall consist of a mix of species.
5. Trees shall be provided with permanent irrigation.

#### L. Boise River Greenbelt Interface

A publicly accessible promenade, plaza, or overlook shall be provided at the northern terminus of the pedestrian spine, contiguous with or directly connected to the Boise River Greenbelt. The design and configuration of this space shall be determined through Design Review, but the following should be considered:

1. Be permanently open to the public.
2. Have a minimum usable area of at least 500sq.ft.
3. Act as an extended function of the Boise River Greenbelt and provide views toward the Boise River Greenbelt.

#### M. Public Orientation:

1. 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 first and foremost 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.
- 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 is discouraged.
- 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).
  - 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) design speed and full accommodation of emergency vehicle access. The City may require

independent peer review by a qualified traffic engineer at the applicant's expense.

## 5. Reed Street

A. Purpose: The Reed Street Extension is intended to function as the primary public street within the Heron Commons SAP District and the district's principal corridor for motor-vehicle access. As the most accommodating roadway for automobiles, emergency services, and service access, Reed Street provides the essential vehicular framework that allows the rest of the district to prioritize pedestrians, bicyclists, and open space.

Reed Street is an interior street that supports robust on-street and structured parking and serves as the primary means of access to adjacent development and to the Public Interface Subdistrict (HCPI). In this role, Reed Street frames and supports the district's most significant public spaces, providing convenient access while reinforcing their civic presence and visibility.

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

1. Function as the district's main public roadway, accommodating necessary public vehicular access, including emergency and service vehicles, while supporting efficient internal circulation and access to parking.
2. Serve as the primary access street for the Public Interface Subdistrict (HCPI) public space, enabling convenient arrival, visibility, and activity without diminishing the primacy of the public realm.
3. Provide capacity for robust parking solutions that support district uses while reducing pressure for vehicular access on smaller, pedestrian-oriented streets.
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 ACHD, emergency service providers, and the Design Review authority confirms 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 vehicular 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. Extend 38th Street within and through the district.

**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.

**C. UTILITIES**

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

## **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**

Public accessways, Boise River Greenbelt connections, the Thurman Mill Canal Multiuse Pathway, extensions of public streets, flood protection tie-ins, 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.

#### **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. Development Allocation Plan (DAP) for the Public Interface Subdistrict – HCPI must be approved and recorded with Ada County Land records.
- b. Reed Street and 38th Street have been extended and constructed.
- c. Required Adams Street improvements have been completed.

- d. 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 required to connect to the existing Adams Street dead-end within the Waterfront Subdivision prior to or concurrent with the development or subdivision of the 3.870 acre property assigned by the Ada County Assessor Tax Parcel ID S1005141650 with a legal description of: PAR #1650 OF S2NE4 SEC 5 3N 2E #9115156 as shown on **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.

## **8-8B-5 SUB-DISTRICTS**

### **A. SUB-DISTRICT DESIGNATIONS**

The Heron Commons SAP District is organized into three sub-districts, each with its own range of allowable uses and dimensional standards. The sub-district framework is intended to provide regulatory clarity while preserving flexibility for creative, high-quality development that responds to the unique conditions of each area of the district.

The three Heron Commons subdistricts established within the Heron Commons SAP District are:

- Public Interface Subdistrict – HCPI
- Residential Edge Subdistrict – HCRE
- Mixed-Use Core Subdistrict – HCMU

### **B. PUBLIC INTERFACE SUBDISTRICT (HCPI)**

1. Location: The Public Interface Subdistrict (HCPI) extends one hundred fifty feet (150') landward from the Boise River Greenbelt pathway centerline, measured perpendicularly, for the full width of the district from Heron Park on the west to the Waterfront District Subdivision on the east.
2. Purpose: The Public Interface Subdistrict functions as the district's front porch to the Boise River, a largely open and publicly accessible space where the city meets the water. As the most visible and publicly engaged part of the district, its design, development, and use shall emphasize openness, civic presence, and a strong connection to the river.
3. Intent: The intent of the Public Interface Subdistrict is to:
  - A. Preserve and provide publicly accessible open space that extends the recreational and ecological character of the Boise River and Boise River Greenbelt into the district.
  - B. Preserve and enhance the public character and accessibility of adjacent Boise River Greenbelt.
  - C. Maintain the natural feeling of the Boise River.

- D. Better integrate the Boise River Greenbelt as part of the Garden City park system.
- E. Allow community-serving uses that support Boise River Greenbelt users, and the surrounding neighborhood.
- F. Permit limited private or managed uses, provided that the majority of the site remains open, visible, and usable by the general public.
- G. Ensure development is compatible in scale, design, and operation with adjacent Boise River Greenbelt and Boise River and does not diminish public access or enjoyment of these public amenities.
- H. Incorporate flood protection infrastructure designed to be visually integrated with the open space and landscape character of the subdistrict, rather than treated as purely utilitarian infrastructure.

### **C. RESIDENTIAL EDGE SUBDISTRICT (HCRE)**

1. Location: The Residential Edge Subdistrict (HCRE) is located along the eastern boundary of the district adjacent to the Waterfront District Subdivision, extending sixty feet (60') westward from that boundary. The Residential Edge Subdistrict (HCRE) does not include land within one hundred fifty feet (150') of the Boise River Greenbelt, which is governed by the Public Interface Subdistrict (HCPI).
2. Purpose: The Residential Edge Subdistrict (HCRE) is intended to function as a livable, human-scale transition between the district's mixed-use core and adjacent established residential neighborhoods. The subdistrict provides a compatible residential environment that respects neighborhood character while accommodating new development that is modest in scale and intensity.
3. Intent: The intent of the Residential Edge Subdistrict (HCRE) is to:
  1. Provide a gradual transition in land use, building scale, and development intensity between higher-intensity mixed-use areas and surrounding residential neighborhoods.
  2. Ensure that new development is compatible with nearby residential uses in terms of height, massing, setbacks, and overall neighborhood character.

3. Maintain a residential form that prioritizes livability, privacy, and a comfortable pedestrian scale.
4. Limit building heights and permitted land uses to avoid high-intensity activities and reinforce the subdistrict's role as a cohesive, neighborhood-oriented environment.
5. Require development design that relates sensitively to adjacent homes and contributes positively to the existing residential context.

### **C. MIXED USE CORE SUBDISTRICT (HCMU)**

1. Location: The Mixed-Use Core Subdistrict (HCMU) encompasses all land within the Heron Commons SAP District not designated as the Public Interface Subdistrict (HCPI) or the Residential Edge Subdistrict (HCRE).
2. Purpose: The Mixed-Use Core Subdistrict (HCMU) is the heart of the Heron Commons district and a central activity area for the city. It is intended to function as a regionally significant destination, accommodate the district's most intensive development, and serve as the primary area shaping the district's identity and character.  

It demonstrates that high-quality infill development, walkable streets, and a vibrant mix of uses can coexist with, and enhance, the ecological and recreational value of the adjacent Boise River and Boise River Greenbelt.
3. Intent: The intent of the Mixed-Use Core Subdistrict (HCMU) is to:
  - A. Support a diverse mix of residential, commercial, cultural, hospitality, and civic uses integrated vertically and horizontally within individual buildings and blocks;
  - B. Allow multifamily residential at densities that support a walkable, transit-supportive neighborhood;
  - C. Require active, human-scale ground floors that engage the street, the pedestrian spine, and public open spaces;

- D. Encourage architecturally distinctive buildings and varied building forms that collectively establish a coherent urban character and define the visual identity of the district;
- E. Serve as the focal point for public life within the district and as a model for high-quality development in Garden City.

Working Draft

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

### **A. FORM STANDARDS FOR PUBLIC INTERFACE SUBDISTRICT (HCPI)**

#### **1. Coverage**

- A. The maximum cumulative development within the Public Interface Subdistrict (HCPI) shall not exceed forty percent (40%) of the gross Public Interface Subdistrict (HCPI) area.
- B. Maximum allowable development shall be calculated as follows:  
Maximum Developable Area = gross Public Interface Subdistrict (HCPI) area × 0.40.
- C. A minimum of sixty percent (60%) of the gross Public Interface Subdistrict (HCPI) area shall remain open, free of structures, unfenced, and freely accessible to the public during daylight hours.
- D. No development within the Public Interface Subdistrict (HCPI) shall be approved until a Development Allocation Plan (DAP) has been approved through the Design Review process.
- E. The Development Allocation Plan shall be organized to group and consolidate required open space to the maximum extent practicable in order to create a unified, continuous, and functional public open space system, rather than fragmented or isolated areas of open space.

#### **2. Protected Open Space Standards**

- A. Protected Open Space within the Public Interface Subdistrict (HCPI) is intended to provide usable, publicly accessible open space for active and passive recreation, to preserve safe pedestrian and bicycle connections between the Boise River Greenbelt and the Heron Commons SAP District, and to protect the natural and recreational character of the Boise River and Boise River Greenbelt.
- B. Protected Open Space shall:
  - 1. Be clearly identified and shown on the approved Development Allocation Plan;
  - 2. Be permanently restricted through a conservation easement, deed restriction, or other equivalent legal instrument approved by the City; and

3. Prohibit structures, except for those expressly permitted by code, including but not limited to trails, pedestrian facilities, utilities, and similar public improvements.
- C. Usable Open Space Requirement Required publicly accessible open space within the Public Interface Subdistrict (HCPI) shall be designed as usable space for public access, gathering, recreation, or passive enjoyment. Areas dedicated to vehicular circulation, parking, drive aisles, or loading shall not be counted toward required open space.

### 3. Height

- A. A. Building height within the Public Interface Subdistrict (HCPI) shall not exceed two (2) stories, and a building height of twenty-eight feet (28') from grade, measured to the top of the roof deck or parapet. Only stories located entirely above grade shall count toward the maximum number of stories. Roof access enclosures, mechanical equipment, and similar rooftop elements may extend above the maximum height as otherwise permitted by this code.

- A. B. Height Bonus for Additional Open Space Dedication

Where a greater proportion of the Gross District Area is dedicated as publicly accessible, usable, open space beyond the minimum required by this Article, building height may be increased proportionally, up to a maximum of four (4) stories and fifty-two feet (52') from grade, measured to the top of the roof deck or parapet, consistent with the Development Allocation Plan. The first two stories shall be setback at least fifteen feet (15') from the Boise River Greenbelt travel way in accordance with **8-4M BOISE RIVER NATURAL RESOURCE**.

### 4. Setbacks

- A. The first two stories shall be setback at least fifteen feet (15') from the Boise River Greenbelt travel way in accordance with **8-4M BOISE RIVER NATURAL RESOURCE**. Each additional story shall be stepped back an additional ten feet (10') from the Boise River Greenbelt.
- B. The setback restriction of 15' or greater to the Boise River Greenbelt travelway found in **GCC 8-2B-3.G.12** shall not apply to structures that:

1. Are freely accessible to the public; and
2. Are designed and intended to support or enhance public use and enjoyment of the Boise River Greenbelt and adjacent open space, including but not limited to bicycle repair stations, bicycle parking, drinking fountains, children's play structures, benches, shade structures, interpretive signage, and similar public amenities

**B. FORM STANDARDS FOR RESIDENTIAL EDGE SUBDISTRICT (HCRE)**

1. Height Limitation

A. Structures shall not exceed four (4) stories, and a maximum building height of fifty-two feet (52') from grade, measured to the top of the roof deck or parapet. Only stories located entirely above grade shall count toward the maximum number of stories. Roof access enclosures, mechanical equipment, and similar rooftop elements may extend above the maximum height as otherwise permitted by this code.

2. Setbacks

A. Front Yard: A minimum of five feet (5') and a maximum of fifteen feet (15') from the sidewalk to allow for a variety of entries such as stoop or raised entry or porch seating, and provide sufficient depth for a functional, usable outdoor living space and a landscaped front yard that relates compatibly to the established residential character of the adjacent Waterfront District Subdivision.

**C. FORM STANDARDS FOR MIXED USE SUBDISTRICT (HCMU)**

1. Height

A. Structures may be up to six (6) stories in height and seventy-six feet (76') measured from grade:

1. Only stories located entirely above grade shall count toward the maximum number of stories. Roof access enclosures, mechanical equipment, and similar rooftop elements may extend above the maximum height as otherwise permitted by this code.

2. Building height within the HCMU may be increased by up to two (2) additional stories beyond the base height otherwise permitted in the HCMU, subject to Development Allocation Plan approval and Design Review provided that the structure is not directly adjacent to Heron Park Street.
- B. Heron Park Street shall not exceed four (4) stories, and fifty-two feet (52') measured from grade. measured to the top of the roof deck or parapet. Only stories located entirely above grade shall count toward the maximum number of stories. Roof access enclosures, mechanical equipment, and similar rooftop elements may extend above the maximum height as otherwise permitted by this code.

#### D. Pedestrian Spine Setbacks

Regardless of the subdistrict, the setbacks from the pedestrian Spine are as follows:

1. Side setbacks of zero feet (0') are permitted and encouraged but not required.
2. All principal structures shall be located at a minimum setback of three feet (3') from the pedestrian spine to accommodate landscaping, frontage elements, or transitions.
3. Principal structures shall not be located more than ten feet (10') from the pedestrian spine, except as necessary to accommodate Mandatory Ground-Level Active Frontage Elements.

## **8-8B-7 DESIGN STANDARDS**

In addition to the standards found in GCC 8-4 the following design standards shall apply.

### **A. DESIGN STANDARDS GENERAL**

The following standards apply to all development located in the Heron Commons SAP District.

#### 1. Roof Form and Skyline

- A. Rooflines shall contribute to a varied skyline.
- B. Rooftop terraces and green roofs are encouraged where compatible.

#### 2. Art

- A. All buildings exceeding ten thousand (10,000) square feet shall incorporate public or functional art equal to one percent (1%) of the construction cost.

#### 3. Parking and Mobility

- A. Unenclosed parking spaces and loading spaces are prohibited adjacent to the Boise River Greenbelt and Pedestrian Spine.
- B. Structured parking, where provided, shall be designed to minimize visual and functional impacts on public streets and adjacent open spaces.

- 1. Parking structures facing a public street or pedestrian corridor shall incorporate one or more of the following along a minimum of sixty percent (60%) of the ground floor frontage facing the street or corridor::

- a. Active frontage elements and ground floor uses;
- b. Residential or commercial liner units;
- c. Architectural screening integrated into the building design.

- 2. Building placement and design shall ensure that public-facing frontages maintain a high level of visual interest and pedestrian engagement.

- 3. Full wrapping of structured parking is not required.

- 4. Common Open Space: Development located within four hundred (400) feet of the Boise River Greenbelt centerline does not require common open space, considering its adjacency to the Heron Common Public HCPI.

### **B. PEDESTRIAN SPINE**

The following standards apply to all development located adjacent to the Primary Pedestrian Spine.

1. Activated Ground Floor Frontage: The ground floor building frontage directly adjacent to the Primary Pedestrian Spine shall be designed as activated frontage that engages the pedestrian environment. Activated frontage shall include one (1) or more of the following elements:

- A. Outdoor Activation

1. Outdoor patios or seating areas associated with food, beverage, or retail uses, provided such areas:
  - a. Have a minimum depth of six feet (6'), measured between the building façade and the edge of the clear pedestrian zone; and
  - b. Are directly accessible from the interior of the building.

2. Transparent Frontage

- a. Display windows, storefronts, or merchandise display areas with a minimum glazing ratio of sixty percent (60%) of the façade area between two feet (2') and fourteen feet (14') above finished grade adjacent to the pedestrian spine.

2. Building Frontage and Entrances

- A. Required Orientation

1. Each dwelling unit or commercial tenant space adjacent to the Primary Pedestrian Spine shall front directly onto the spine.

- B. Required Entrances

1. The primary building entrance shall face and open directly onto the Primary Pedestrian Spine.

3. Ground Level Active Frontage Elements

- A. Required Elements

1. At least one (1) qualifying ground-level active frontage elements shall be provided along the portion of the building frontage adjacent to the Primary Pedestrian Spine. Required active frontage elements shall collectively occupy a minimum of twenty-five percent (25%) of that frontage and shall include one or more of the following:

- a. Porch, stoop, or entry plaza;
- b. Patio or outdoor seating area;
- c. Retail or commercial display or glass storefront; or
- d. Other equivalent activation area at ground level that generates observable human activity or interaction with the public realm.

B. Location and Design

1. Required frontage elements shall be located between the building façade and the pedestrian spine or in front yard setback if there is no structure.
2. Adaptive Features: Buildings shall incorporate adaptive features that support long-term flexibility of use. At a minimum, adaptive features shall include:
  - A. Fire suppression systems to enable future conversion between residential, non-residential uses.
  - B. ADA-compliant restroom access for all publicly accessible or common-area spaces to ensure future tenant and occupancy adaptability.
  - C. Height-accentuating architectural elements at public street corners, such as parapet extensions, corner massing, or vertical design features, to support future visibility, wayfinding, and potential intensification of use.
  - D. Structural grid and column spacing. Buildings shall utilize structural systems that support flexible interior configurations. At a minimum:
    1. Column spacing shall be generally regular and fall within a range of 20 feet to 32 feet on center; and
    2. Structural bays shall be proportioned to accommodate both residential unit layouts and commercial tenant spaces.
  - E. Floor-to-floor height. Buildings shall provide sufficient floor-to-floor height to allow future conversion between uses. At a minimum:
    1. Ground floor commercial or mixed-use spaces shall have a minimum floor-to-floor height of 14 feet;
    2. Buildings shall be designed to allow installation of future mechanical, electrical, and plumbing systems without substantial structural alteration.

- F. Utility infrastructure flexibility. Buildings shall include utility systems designed for adaptability. At a minimum:
1. Buildings shall include accessible pathways for future utility expansion;
  2. Electrical and plumbing systems shall be designed to allow subdivision of tenant spaces.
- G. Entrances and circulation. Buildings shall support flexible access and circulation patterns. At a minimum:
1. Buildings shall be designed to accommodate multiple entrances along the Primary Pedestrian Spine;
  2. Ground floors shall be capable of conversion between single-tenant and multi-tenant configuration
- H. Façade and frontage adaptability. Building façades shall be designed to accommodate future modifications. At a minimum:
1. Ground floor façades shall include a minimum glazing transparency of 40 percent;
  2. Façades shall be designed to allow future installation or expansion of storefront openings.
4. Upper Story Encroachments
- A. Upper stories may encroach over the Primary Pedestrian Spine or shared accessway provided that:
1. Minimum vertical clearance required for emergency access is maintained; and
  2. Encroachments do not obstruct light, visibility, pedestrian movement, or wayfinding in a manner that compromises safety or accessibility.
  3. Encroachments do not fully enclose the Primary Pedestrian Spine.
5. Vehicular Access and Parking Restrictions
- A. Vehicular Access
1. No vehicular access, including driveways, service bays, or loading areas, shall be taken directly from the Primary Pedestrian Spine.

2. Emergency vehicle access is permitted and may be permitted where necessary to meet applicable safety requirements.

### **C. PATHWAY INTERFACE**

The following design standards shall apply to pedestrian and bicycle pathways associated with the Adams Street connection and the Thurman Mill Multi-Use Pathway.

1. Pathway Buffer Areas: A buffer area shall be provided immediately adjacent to each side of the paved pathway.
  - A. The buffer area shall be measured horizontally from the edge of the paved pathway and shall have a minimum width of two feet (2') on each side.
  - B. The buffer area shall remain free of all structures, including fences, walls, buildings, utility cabinets, and similar fixed obstructions.
2. Height Restrictions Adjacent to Pathway: No structures exceeding three and one-half feet (3.5') in height shall be located within five feet (5') of the edge of the paved pathway.
3. Landscaping: Landscaping within the buffer area shall be designed and maintained so as not to obstruct visibility, travel, or access for pedestrians or bicyclists. Minimally:
  - A. Landscaping shall not exceed eighteen inches (18") in height within 2' of the travel way; and
  - B. Landscaping shall provide a minimum canopy clearance of seven and one-half feet (7.5') above grade within 2' of the travel way.
4. Canopy Clearance Over Pathway
  - A. A minimum vertical clearance of eight feet (8') shall be maintained over the full width of the paved pathway.
  - B. Tree canopies, architectural projections, lighting, and similar features shall be designed and maintained to comply with the required vertical clearance.

### **D. DESIGN STANDARDS FOR PUBLIC INTERFACE SUBDISTRICT (HCPI)**

1. Ground Floor Building Footprint

- A. The maximum enclosed footprint of any individual structure within the Public Interface Subdistrict (HCPI) shall not exceed five thousand (5,000) square feet per floor.
- B. Enclosed ground floor footprint shall include all area within the exterior walls of the structure and any fenced areas that restrict public access.

## 2. Fencing

- A. Fencing within the Public Interface Subdistrict (HCPI) shall not exceed forty-two inches (42") in height.
- B. This height limitation shall apply to all fencing types, including decorative, security, and boundary fencing, except where a taller structure is expressly permitted by this Article or required for safety purposes.

## **E. DESIGN STANDARDS FOR RESIDENTIAL EDGE SUBDISTRICT (HCRE)**

- 1. Privacy: Buildings, windows, balconies, and outdoor spaces shall be designed and oriented to minimize direct views into adjacent existing residential properties. Site planning and building design shall incorporate measures such as building orientation, window placement, and open space configuration to protect the privacy and livability of neighboring properties.
- 2. Visual Buffering: Trees expected to reach a minimum mature height of forty feet (40') shall be planted between new development and adjacent residential properties to provide vertical screening and reduce visual impacts.

## **F. DESIGN STANDARDS FOR MIXED USE SUBDISTRICT (HCMU)**

- 1. Ground Floor Height and Entrances
  - A. The minimum finished floor to ceiling height for ground floor spaces shall be fourteen feet (14').
  - B. Primary building entrances shall face a public street, pedestrian spine, or publicly accessible plaza.
- 2. Adaptive Features: Buildings within the HCMU zone are encouraged to incorporate adaptive features that support long-term flexibility of use and future conversion to

commercial or mixed-use occupancy. The following standards are voluntary unless otherwise required and may qualify for incentives as provided below.

A. Baseline Requirements. All development shall provide:

1. Fire suppression systems to enable future conversion between residential and non-residential uses; and
2. ADA compliant restroom access for publicly accessible or common area spaces, where such spaces are provided.

B. Voluntary Adaptive Features. The following features are encouraged to support long-term adaptability:

1. Structural systems with generally regular column spacing that support flexible interior layouts;
2. Ground floor heights of approximately 12 to 14 feet to allow potential future commercial use;
3. Building designs that allow subdivision of tenant spaces into smaller units;
4. Multiple entry points along public-facing facades where feasible;
5. Ground floor façade designs that accommodate future storefront installation or increased glazing;
6. Utility systems designed to allow future expansion, reconfiguration, or subdivision of spaces.

C. Incentives. Projects incorporating three or more of the voluntary adaptive features listed above shall be eligible for the following development incentives, applied administratively without discretionary review:

1. An increase in maximum building coverage of up to 10 percent;
2. A reduction in required parking of up to 10 percent;
3. Flexibility in façade articulation or modulation requirements;
4. Administrative adjustments to dimensional standards, including setbacks and lot coverage, where necessary to accommodate adaptive design.
5. Incentives shall be applied administratively and shall not require additional discretionary review or public hearing.

D. Alternative Compliance. Developments that propose alternative design strategies that achieve comparable or greater adaptability may qualify for the

same incentives, subject to approval by the Planning Director. Such determinations shall be administrative and shall not require a public hearing.

3. Facade Length and Blank Walls

A. There shall be no blank wall segments facing a public street, pedestrian spine, or public open space.

3. Building Massing and Articulation

A. Buildings shall minimize the appearance of bulk through modulation of massing, variation in building planes, or breaks in façade length.

B. No building façade facing a public street, pedestrian spine, or public open space shall exceed one hundred feet (100') in length without horizontal or vertical articulation.

C. Large building volumes shall be expressed as multiple building elements rather than a single continuous mass.

4. Ground Floor Activation and Public Interface

A. Building design shall support frequent entrances along public frontages.

B. Ground floor frontage shall include transparent elements or operable openings that promote visual and physical connection between interior spaces and the public realm.

C. Outdoor spill-out areas such as seating, patios, or entry courts are encouraged where buildings face public spaces.

5. Build-To and Street Relationship

A. A build-to zone is established as zone extending from five feet (5') to ten feet (10') from the property line or edge of the public street or multi-use pathway, as applicable.

B. Up to forty percent (40%) of the required frontage may be recessed outside the build-to zone to accommodate plazas, courtyards, or other publicly accessible open spaces, provided such spaces have a minimum depth of ten feet (10') and a minimum width of twenty feet (20').

6. Building Massing, Stepbacks, and Upper Story Design

- A. Buildings shall be designed to reduce perceived bulk, maintain a human-scaled streetscape, and allow reasonable access to daylight along public streets, pedestrian corridors, and open spaces.
1. Stepbacks. Buildings exceeding fifty feet (50') in height shall incorporate a stepback above that height along public streets and pedestrian corridors. The depth of the stepback shall be a minimum of eight feet (8').
  2. Upper Story Massing. Upper story building elements above the stepback shall be designed to reduce the appearance of large, continuous building façades and avoid continuous wall-like conditions along the public realm.
    - a. No single continuous upper story façade facing a public street or pedestrian corridor shall exceed seventy-five feet (75') in length without a change in building plane of at least two feet (2'), or a combination of façade offsets of two feet (2') that create a visual break.
    - b. Buildings above three (3) stories shall incorporate horizontal or vertical variation in building form, which may include changes in plane or stepbacks.
  3. Design Flexibility. The requirements of this section may be satisfied through a variety of architectural and site design approaches. No minimum separation distance between building elements or maximum floorplate percentage is required.

## 8-8B-8 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. Use Categories

Land uses within the Heron Commons SAP District shall be classified into one of the following categories, as identified in the applicable use table:

##### A. P – Permitted by Right

Uses permitted by right may be approved administratively upon demonstration of compliance with all applicable provisions of this Title.

##### B. AC – Administrative Conditional Use Permit

Uses designated as AC may be approved through the Administrative with Notice Process when the proposed use and site fully comply with all applicable standards of Title 8.

##### C. CUP – Conditional Use Permit

Uses designated as CUP require discretionary approval through the Conditional Use Permit process pursuant to Chapter 8-6B and 8-6A.

##### D. X – Prohibited

Uses designated as prohibited are not permitted within the district.

### ALLOWED USES

#### Key

- P = Permitted by Right
- AC = Administrative Conditional Use Permit required
- C = Conditional Use Permit required
- (blank) = Prohibited

	HCPI – Public Interface	HCRE – Residential	HCMU – Mixed Use
Agriculture*		P	P
Amusement center*	P		P
Animal care facility*			AC

	HCPI Public Interface	HCRE Residential	HCMU Mixed Use
Artist studio*	AC	P	P
Bed and breakfast*		P	P
Bicycle sales, service, storage, rental	P	AC	P
Building material, garden and equipment*	AC		AC
Church or place of religious worship*			C
Commercial entertainment facility*	C		C
Daycare, center*			AC
Daycare, neighborhood*	C	AC	P
Daycare, personal*	AC	P	P
Drinking establishment, full service*	P	C	P
Drinking establishment, limited service*	P	C	P
Drive-through establishment*			
Dwelling unit, accessory*		P	P
Dwelling unit, group		P	P
Dwelling unit, multiple-family*	P	P	P
Dwelling unit, single-family attached		P	P
Dwelling unit, single-family detached		P	P
Dwelling unit, two-family		P	P
Eating establishment, full service	P	C	P
Eating establishment, limited service	P	C	P
Eligible Facilities Requests	P	P	P
Equipment rental, sale and service*			
Financial institution*			P
Food products, processing*			C
Food products, small scale processing*	C	AC	P
Food store*	C	C	P
Fuel sales*			C
Fuel yard			
Health club*	C	AC	P
Healthcare and social service	AC	P	P
Home occupation*	P	P	P
Hospital*			C
Industry, flex*			
Industry, information*		C	P

	HCPI – Public Interface	HCRE – Residential	HCMU – Mixed Use
Industry, light*			
Kennel, hobby*		P	P
Laboratory - medical, dental, optical		C	P
Laundromat, self-service cleaner*			P
Laundry and dry cleaning, commercial plant			
Laundry and dry cleaning establishment			C
Lending institution			AC
Lodging*	AC	P	P
Manufactured/mobile home park			
Mortuary*		C	AC
Nursery*	C	AC	P
Nursing and residential care*		P	P
Outdoor Performance Stage	P		AC
Parking facility	AC	AC	AC
Personal service*	AC	P	P
Professional service*	AC	P	P
Public service facility			
Public uses	AC	AC	AC
Recreational vehicle park*			
Research and development		AC	P
Retail production*		AC	P
Retail store	P	AC	P
School*			P
Service provider*			
Sexually oriented businesses*			AC
Small cell facility*		P	P
Storage facility or yard*			
Storage facility, self-service			
Storage yard, commercial recreational vehicle*			
Temporary use*	AC	AC	AC
Tobacco entertainment facility*			AC
Tobacco retail store			P
Transitional Use	AC		P
Vehicle rental*			

	HCPI – Public Interface	HCRE – Residential	HCMU – Mixed Use
Vehicle sales*			
Vehicle service*			C
Vehicle washing facility*			C
Vehicle wrecking yard			
Warehouse and storage, wholesale*			
Wireless communication facility*			

## B. USE STANDARDS

1. Uses shall be subject to GCC 8-2C Non-Residential Use Provisions and the following use standards:
  - A. Time limitations: Outdoor events shall conclude by 10:00 PM within all subdistricts.
  - B. In the Public Interface Subdistrict (HCPI), a minimum 60% shall be publicly accessible during daylight hours.
2. In the Public Interface Subdistrict (HCPI) the ground floor shall not be residential.
3. 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. Eligibility for Parking Reduction A development application may request a reduction in required off-street parking where the project includes:
  - A. A minimum of five distinct non-residential tenant distinct spaces; and
  - B. A minimum of 20% of the total gross floor area dedicated to non-residential uses; and
  - C. A minimum of 30% of the total gross floor area dedicated to residential uses; and
  - D. A demonstrated shared-parking strategy or transportation demand management (TDM) plan.
4. 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.
5. 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** and **8-8B-7**;
  - 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.
- 6. Shared Parking and TDM Measures: The following may be used to justify a reduction:
  - A. Shared parking agreements between complementary uses;
  - B. Unbundled residential parking;
  - C. Transit pass programs;
  - D. Bicycle parking exceeding minimum requirements;
  - E. Car-share or micro-mobility stations;
  - F. On-site transportation coordinator or mobility management program.
- 7. 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.
- 8. 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-9 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. ADMINISTRATIVE CONDITIONAL USE PERMIT (AC)**

1. Purpose: The purpose of the Administrative Conditional Use Permit is to provide a streamlined review process for uses that may be conditionally permitted and can be evaluated solely through objective, clearly defined development standards. The AC process is intended to ensure predictable and efficient decision-making where compliance can be demonstrated without discretionary judgment, while reserving the Conditional Use Permit process for proposals that require allowances, modifications, or qualitative evaluation.
2. Process
  - A. The Administrative Conditional Use (AC) Process shall use the Administrative Process as identified in 8-6A.
  - B. The same application materials as required of the Conditional Use Permit application are required.
    1. Approval Authority: The Planning Official shall approve an application upon making written findings that the application complies with all applicable standards of this Title in full.
  - C. Limitations: The Planning Official shall not approve a AC application where compliance relies on qualitative of discretionary interpretation in of discretionary, subjective, or compatibility-based criteria.
3. Escalation to Conditional Use Permit: A proposal shall be processed as a Conditional Use Permit where upon review, the Planning Official determines that:
  - A. Any applicable standard of Article **8-2C NONRESIDENTIAL USE PROVISIONS** or Chapter **8-4 DESIGN AND DEVELOPMENT** is not met;

- B. Any allowance, waiver, modification, or alternative compliance is requested; or
- C. Discretionary evaluation beyond objective code compliance is required.

#### 4. Conditional Use Permit Findings for Allowances

In addition to the findings found in GCC 8-6B-2 for a Conditional Use Permit, in instances of a requested deviation from otherwise applicable standards, approval shall be based on written findings demonstrating that the allowance is justified by one or more of the following:

- A. Proportionality: Strict application of the standard would impose an undue burden disproportionate to the impacts of the proposed use.
- B. Lack of Nexus: The applicable standard lacks a clear and reasonable nexus to the proposed use or specific site conditions.
- C. Existing Development Constraints: Strict compliance would require the removal or substantial alteration of existing legally established development, including but not limited to nonconforming setbacks or structures, where such alteration would not result in a commensurate public benefit.
- D. Equivalent or Superior Outcome: The proposed alternative meets or surpasses the functional intent, purpose, and performance expectations of the standard being modified.

### **C. DEVELOPMENT ALLOCATION PLAN (DAP)**

1. Purpose: The Development Allocation Plan (DAP) establishes a clear and enforceable framework for distributing development capacity within the Public Interface Subdistrict (HCPI) or to the Mixed Use Subdistrict (HCMU) while ensuring that a minimum of sixty percent (60%) of the Gross District Area within the Public Interface Subdistrict (HCPI) remains unfenced and publicly accessible open space. The DAP is intended to promote the grouping and consolidation of public open space to create a coherent, continuous, and functional system that maximizes public access, usability, and connectivity to the river and Boise River Greenbelt, while allowing limited increases in development intensity where enhanced public benefits are provided.

2. Process: The Development Allocation Plan (DAP) Process shall be processed utilizing the same processes as Administrative Process with Notice as identified in GCC 8-6A.
3. Approval Authority: Approval of a DAP requires written findings by the decision maker that the plan complies with all applicable standards of this Title, including development allocation limits, public open space requirements, inter-subdistrict development transfers, and the height standards of this section.

All adjustments shall be based on objective standards contained in this Article. Discretionary approval shall not result in increased building height or intensity beyond that otherwise permitted unless explicitly authorized.

Minor modifications to an approved Development Allocation Plan, including adjustments to development area boundaries or allocation distribution that do not reduce required public open space or exceed maximum development intensity, may be approved administratively.

4. Required Contents: The Development Allocation Plan shall include sufficient information to demonstrate compliance with district-wide development and open space requirements, including:
  - A. The total Gross District Area designated as the Public Interface Subdistrict (HCPI);
  - B. The total allowable development allocation for the district;
  - C. The boundaries and square footage of each proposed Development Area;
  - D. The boundaries and acreage of all land that are designated as publicly accessible Protected Open Space; and
  - E. A development allocation ledger identifying:
    1. Development allocation assigned to each Development Area; and
    2. Remaining unallocated development capacity within the district.
- E. Allocation of Development Capacity

- A. Development allocation may be assigned to any portion of the district shown on the approved Development Allocation Plan. Development Areas are not required to correspond to individual lots or parcels and may span multiple properties to achieve cohesive development patterns and consolidated open space outcomes.
- B. Development allocation may occur incrementally, provided that the maximum district-wide development allocation is not exceeded, and the minimum publicly accessible open space requirement is maintained.
- C. Amendments to the plan may happen from time to time following the same process as the initial approval to the Development Allocation Plan.

#### 6. Building Height and Public Open Space Incentives

- A. Base Height: Building height within the Public Interface Subdistrict (HCPI) shall not exceed two (2) stories, and twenty-eight feet (28') measured from grade, except as provided in this subsection.
- B. Eligibility for Height Increase: An increase in building height may be approved through the Development Allocation Plan and Design Review where publicly accessible open space is provided in excess of the minimum sixty percent (60%) of the Gross District Area required by this Article.
- C. Height Bonus Ratio: One (1) additional story of building height may be permitted for each additional ten percent (10%) of the Gross District Area dedicated as publicly accessible open space beyond the minimum required, up to a maximum building height of four (4) stories, and fifty-two feet (52') measured from grade.
- D. Only stories located entirely above grade shall count toward the maximum number of stories. Roof access enclosures, mechanical equipment, and similar rooftop elements may extend above the maximum height as otherwise permitted by this code.
- E. Maximum Height: In no case shall building height within the Public Interface Subdistrict (HCPI) exceed four (4) stories, regardless of the amount of publicly accessible open space provided.

- F. Development Allocation Units (DAUs): Development allocation shall be measured and administered using Development Allocation Units (DAUs). DAUs may be transferred between parcels within the district, severed from land designated as publicly accessible open space, or assigned to land under separate or common ownership, subject to approval through Design Review and compliance with this Article. Publicly accessible open space used for bonus or incentive calculations shall not include vehicular circulation areas, parking, drive aisles, or loading areas.
- G. Public open space used to justify a building height increase or development allocation shall not be counted toward additional height increases or development allocation beyond that approved in the Development Allocation Plan.
- H. Design Review Findings: Approval of any building height increase pursuant to this section shall require written findings by the Design Review authority that the additional publicly accessible open space:
1. Improves public access, use, and enjoyment of the river, Boise River Greenbelt, or other public spaces;
  2. Enhances continuity and connectivity within the public open space system; and
  3. Results in usable, functional open space that provides meaningful public benefit rather than fragmented or residual areas.
  4. Documentation and Durability
- The relationship between increased building height and the corresponding publicly accessible open space shall be clearly documented on the approved Development Allocation Plan. Publicly accessible open space used to justify increased building height shall be permanently protected and shall not be reduced, reclassified, or restricted without a corresponding amendment to the Development Allocation Plan and adjustment to building height authorization.
7. Documentation of Transfers: Any transfer, severance, or reassignment of Development Allocation Units involving more than one property shall be

documented through recorded legal instruments approved by the City. All required instruments shall be reviewed and approved through the Design Review process prior to recording.

## **E. 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.**

### **Active Frontage 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.

Active frontage 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 active frontage element unless it is designed and used for active 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, 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