

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

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

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

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

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

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

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

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

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2.** That all other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

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 All other ordinances shall continue in full force and effect unless specifically repealed or amended.

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

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, Ada County Highway District Site. The district also accommodates development consistent with the Mixed Use and Main Street Corridor future land use designations of the Comprehensive Plan.

#### 2. Intent

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

1. Provides a heart, or public gathering place for the city, as envisioned by the Comprehensive Plan.
2. Establish a Specific Area Plan for the property defined in the Comprehensive Plan as future planning area: Ada County Highway District (ACHD) Site.

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

7. Provides a robust system of publicly accessible multimodal connections throughout the district and to adjacent areas.

### **C. APPLICABILITY**

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

### **D. INTERPRETATION**

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

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

### **1. PURPOSE AND INTENT**

#### **1. Purpose**

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

#### **2. Intent**

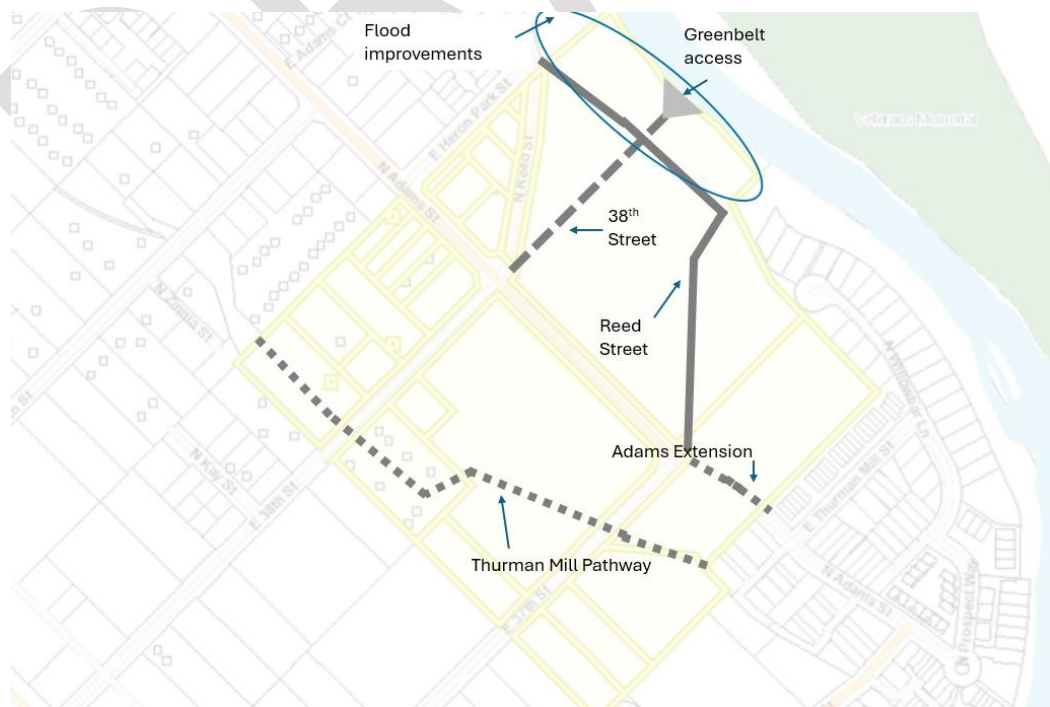
The Illustrative Master Plan is a conceptual document. It is not a regulatory site plan, is not drawn to scale, and is not intended to depict exact locations of the improvements. The Illustrative Master Plan is intended solely to show general concepts for required connections and public improvements, while explicitly allowing flexibility in for future improvements. Final alignment, configuration, and

design of all improvements are intentionally flexible and shall be subject to Design Review approval(s) and applicable Garden City standards. Streets intended for public motor-vehicular use shall also be subject to Ada County Highway District review and approval where jurisdiction applies.

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

## 2. POLICY EXHIBIT

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



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

### 8-8B-3 REQUIRED IMPROVEMENTS

#### A. APPLICABILITY

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

#### B. FLOOD PROTECTION MEASURES

1. Purpose and Intent

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

2. Requirement

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

2. System Tie-In

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

3. Compliance and Certification

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

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

1. Purpose and Intent

## A. Purpose

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

## B. Intent

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

Public streets and pathways shall be designed and developed to:

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

## 2. Boise River Greenbelt Standards

### A. Boise River Greenbelt Improvements

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

of the river corridor while preserving its environmental and recreational value.

3. Intent: the intent of these provisions are to:
  - a. Prioritize the location of open space adjacent to the Boise River and Boise River Greenbelt where feasible, reinforcing the community's connection to the river corridor and expanding access to this key regional amenity.
  - b. Support the preservation and enhancement of lands along the Boise River that are appropriate for open space due to environmental considerations, including floodplain constraints and habitat value.
  - c. Integrate open space with the Boise River Greenbelt system to establish the Boise River Greenbelt as a park system rather than a limited corridor.
4. Adjacent Development: Development adjacent to the Boise River and Boise River Greenbelt shall be designed to support an active, publicly oriented riverfront environment.
  - a. Ground floor residential uses located adjacent to the Boise River Greenbelt shall be precluded.
  - b. Buildings, structures, and site features adjacent to the Boise River Greenbelt shall be designed and placed to avoid creating a domineering or oppressive condition for users of the Boise River Greenbelt. Height, massing, and scale shall be managed through setbacks, stepbacks, and thoughtful design to maintain an open, human-scale experience along the corridor. Fencing and other barriers shall likewise be limited.
5. 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.

6. Surface Material

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

7. 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.

8. Lighting

Where lighting is installed adjacent to the Boise River Greenbelt:

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

B. Boise River Greenbelt Accessways Standards

1. Required Facilities

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

2. Spacing

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

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

- a. Accessibility: All Boise River Greenbelt accessways shall comply with ADA accessibility requirements, including slope, cross-slope, clear width, and transitions.
- b. Configuration: Accessways shall provide a direct and clearly identifiable connection between the Boise River Greenbelt and on-site public areas. Accessways shall not terminate in private or restricted areas.

- c. User Accommodation: Accessways shall safely accommodate pedestrian and bicycle movement and shall include, as applicable:
  - i. Turning radii suitable for bicycle movements as supported by engineering guidance.
  - ii. Adequate sight distance and visibility; and
  - iii. Alignment, surface treatments, or signage sufficient to clarify circulation and reduce user conflict.
- d. Public Function: Boise River Greenbelt accessways shall function as public access routes and shall not be designed or used as private drive aisles, service corridors, or loading areas.

## 2. Pedestrian Spine

### A. Required Facility

- 1. A primary pedestrian spine that is permanently open to the public shall be provided as a public accessway connecting the Boise River Greenbelt to Adams Street and may extend further south as part of the overall site circulation network.



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

### B. Purpose

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

C. Intent: The spine is intended to:

1. Operate as an experiential walking corridor, emphasizing pedestrian comfort, activity, and visual interest through high-quality design, landscaping, and adjacent building frontage.
2. Support active ground-floor uses and building frontage along its length, encouraging patios, porches, displays, and entrances that directly engage the public realm and contribute to a vibrant, walkable environment.
3. The Pedestrian Spine is further intended to act as a central organizing framework that harnesses the amenity and energy of the Boise River Greenbelt and draw it through the site into the city towards Chinden Boulevard.
4. Motor vehicle access may be permitted along the Pedestrian Spine, provided it is designed as a Shared Space Street where pedestrian movement and comfort are prioritized and motor vehicle speed, volume, and design are clearly subordinate.

D. The Pedestrian Spine shall be designed as a public space, not as private drive aisles or service corridor.

### 3. Thurman Mill Canal Multi-Use Pathway

A. Purpose: The Thurman Mill Canal Multiuse Pathway establishes a continuous, publicly accessible multi-use corridor that supports safe and convenient pedestrian and bicycle movement within the district. The pathway contributes to non-motorized transportation, recreation, and local and regional connectivity while reinforcing public access along the canal corridor.

B. Intent: The intent of the Thurman Mill Canal Multi-Use Pathway is to:

1. Function as a clear, welcoming route for pedestrians and bicyclists.
2. Provide connections between on-site circulation systems, public streets, adjacent properties, and the canal corridor, while complementing the district's broader pedestrian and bicycle network.
3. Support long-term connectivity through extension of the pathway to the district boundary, preservation of visibility and access through appropriate setbacks and landscaping, and provision of a safe and comfortable user environment through minimum width, buffer, and height standards appropriate for shared pedestrian and bicycle use.
4. Be an open, untiled water feature that contributes to community enjoyment and ecological habitat.

#### C. Required Facility

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

#### D. Public Orientation:

1. The Thurman Mill Canal Multiuse Pathway shall be designed as a public space, not as private drive aisles or a service corridor.
2. The Thurman Mill Canal Multiuse Pathway shall remain ungated, to allow for the public's use

#### 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 unless an undue hardship is demonstrated through the variance process, **8-6B-9 VARIANCE**.

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, review and approval where jurisdiction applies, 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. May be allowed in the right-of-way, subject to Ada County Highway District review and where jurisdiction applies.
  - ii. Be a minimum width of eight feet (8'), exclusive of curb and sidewalk.
  - iii. 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, if provided for, is physically subordinated through deliberate traffic-calming design and constrained roadway geometry.

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

1. Accommodate emergency and fire access.
2. Function primarily as a regional bicycle and pedestrian connection, closing a critical gap in the local and regional non-motorized network.
3. Prioritize pedestrian and bicycle movement through design that provides a safe, direct, legible, and clear public route.
4. If motor vehicle traffic is allowed, or required by Ada County Highway District, 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.
5. 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 impervious path that is intended for public bicycle and pedestrian use;
  - ii. A minimum unobstructed buffer of two feet (2') on each side of the path.

## 2. Emergency Access

- a. The Adams Street connection shall accommodate emergency and fire access.
- b. The connection shall be structurally reinforced as required to meet applicable fire code standards.
- c. The connection shall be wide enough to meet applicable fire code standards.
- d. The path may include features such as bollards, upon approval of Ada County Highway District and the fire department.

## D. Motor Vehicle Use

- A. Through motor vehicle access is discouraged.
- B. If a motor vehicle connection is required by Ada County Highway District, it shall be designed to:
  - a. Minimize and discourage non-local motor vehicle traffic;
  - b. Minimize speed;
  - c. Prioritize, pedestrians, bicyclists.
- C. The Adams Street Connection shall be designed for minimum vehicular operating speeds.
  - 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 yield-flow lane usage, chicanes or lane shifts, art, speed tables or raised crossings, 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 purpose of the Reed Street Extension is to establish a primary public street within the Heron Commons SAP District. Reed Street is intended to accommodate motor vehicle traffic, emergency services, and service access in a safe and efficient manner, providing the foundational circulation framework that enables the broader district to prioritize pedestrian activity, bicycle connectivity, and high-quality public open space.

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

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

1. Function as a main public roadway the district, accommodating necessary public vehicular access, including emergency and service vehicles, while supporting efficient internal circulation and access to parking.
2. Provide public parking.
3. Serve as the primary access street for the public open space, enabling convenient arrival, visibility, and activity without diminishing the primacy of the public realm.

4. Balance its role as a vehicular street with a high-quality pedestrian environment, using streetscape design, building frontage standards, and traffic-calming features to ensure comfort, safety, and visual interest at the human scale.
5. Establish a clear, legible public connection through the district that reinforces Reed Street's role as a civic street consistent with the pedestrian-oriented character and design expectations of the Heron Commons SAP District.

#### C. Required Extension and Alignment

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

#### D. Street Design

1. Reed Street shall be designed as a local urban street consistent with Garden City design objectives, Subject to approval by Ada County Highway District where jurisdiction applies.
2. The following minimum design standards shall apply to Reed Street located within the Heron Commons SAP District:
  - a. Travelway: A one-way travelway (one lane) configuration may be permitted where review by Ada County Highway District and emergency service providers confirm that such configuration meets access, safety, and operational requirements.
  - b. Landscape / Furniture Zone.

- i. A landscape and street furniture zone shall be provided between vehicular travel areas and the sidewalk.
  - ii. The landscape and street furniture zone shall have a minimum width of eight feet (8').
  - iii. Street trees shall be provided within the landscape and street furniture zone at intervals of fifty feet (50') or less, measured along the street frontage.
  - iv. Street trees shall:
    - a) Be non-columnar in form;
    - b) Be species reasonably expected to reach a minimum mature height of forty-five feet (45');
    - c) Be subject to utility location, sight-distance, and safety constraints.
- c. Sidewalk
- i. A detached concrete sidewalk shall be provided on both sides of the street.
  - ii. The sidewalks shall have a minimum clear width of seven feet (7').
  - iii. All sidewalks shall be designed and constructed in compliance with applicable Ada County Highway District and Americans with Disabilities Act standards.
- d. Parking
- i. A minimum of fifty (50) public parking spaces shall be provided within the Reed Street corridor.
  - ii. Required parking may be provided:
    - a) On street; or
    - b) Within adjacent parking bays located along the corridor.
  - iii. Angled parking and back-in angled parking are permitted, subject to Ada County Highway District approval.
  - iv. All parking design and circulation shall comply with applicable Ada County Highway District safety and access standards.

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

## 6. 38th Street Extension

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

### B. Intent

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

### C. Extension and Connection

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

### D. Street Design and Construction

1. The design and construction of 38th Street shall comply with applicable Garden City street standards.

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

#### **D. UTILITIES**

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

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

1. Purpose and Intent

- A. Purpose

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

- B. Intent

2. Implement the Comprehensive Plan's vision for a public park or open space within this area by ensuring land is reserved and developed for public or publicly accessible use.
  3. Provide open space that is enduring, meaningful, functional, and designed to support the public's everyday use, recreation, and community gathering.
  4. Allow flexibility in the configuration and development of required open space to accommodate alternative approaches that achieve the Comprehensive Plan's intent, while ensuring the space remains publicly accessible and of high quality.
  5. Ensure that open space contributes to the overall character, usability, and long-term sustainability of the district.

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

##### **A. PURPOSE**

The purpose of this section is to ensure that required public infrastructure, accessways, flood protection, and circulation improvements are provided in a timely manner and

proportionate manner relative to the impacts of development within the Heron Commons SAP district. These provisions are intended to protect the public interest by ensuring that the connectivity, safety, and public access improvements that define the vision of this district are delivered alongside the private development they are intended to serve.

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

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

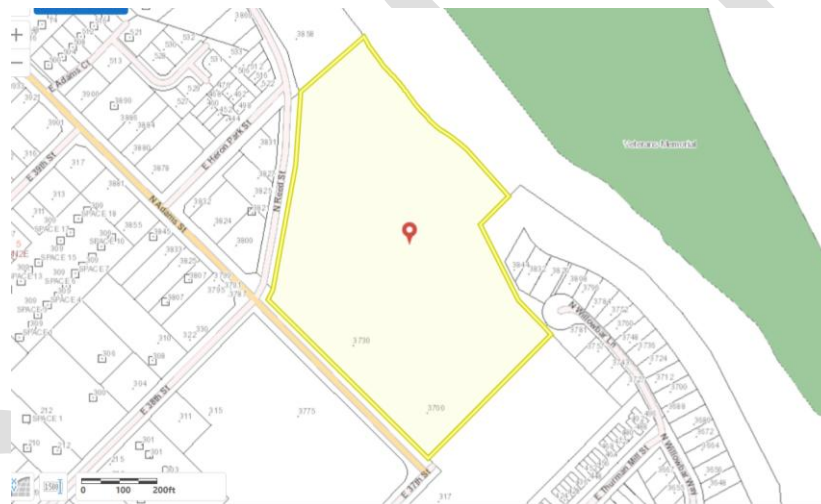
1. Public accessways, Boise River Greenbelt connections, the Thurman Mill Canal Multiuse Pathway, extensions and installment of public streets and pathways, flood protection tie-ins, open space, and required replacement of public parking that are adjacent to or that directly serve a proposed development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

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

1. Development of the 11.59-acre property identified as Ada County Assessor Tax Parcel ID S1005141700, legally described as PAR #1700 @ CTR NE4 SEC 5 3N 2E #141690-B, and shown on **Figure 8-8B-4.1**, shall not proceed until the following improvements

have been completed or is concurrently being completed in accordance with **8-8B-3 REQUIRED IMPROVEMENTS:**

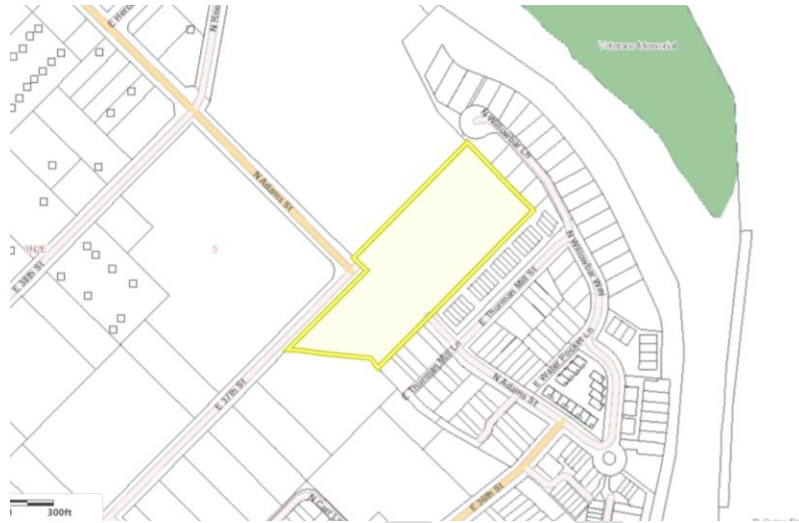
- a. A Regulatory Master Plan has been approved.
- b. Public Open Space- Future Park.
- c. Reed Street and 38th Street have been extended and constructed.
- d. Required Adams Street improvements have been completed.
- e. Floodplain protection improvements have been constructed and documentation, including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



**Figure 8-8B-4.1**

## 2. Adams Street Connection Timing

The Adams Street Connection shall be completed to the existing Adams Street dead-end within the Waterfront Subdivision prior to, or concurrently with, the development or subdivision of the 3.870-acre property identified as Ada County Assessor Tax Parcel ID S1005141650, legally described as PAR #1650 OF S2NE4 SEC 5 3N 2E #9115156, as depicted in **Figure 8-8B-4.2**.



**Figure 8-8B-4.2**

### C. Alternative Phasing

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

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

### 2. Public Access

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

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

closures are approved by the City. Emergency closures shall not be subject to these limits.

#### 4. Maintenance

##### A. Maintenance Responsibility

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

##### B. Easements and Agreements.

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

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

##### C. City Authority.

The City may require modification of maintenance mechanisms where necessary to ensure compliance with adopted standards, protection of public improvements, or continuity of public access. The City retains the right to inspect required improvements and to require corrective action where maintenance obligations are not being met.

## 8-8B-5 FORM AND DESIGN STANDARDS

In addition to the standards found in GCC 8-4 the following design standards shall apply. Where multiple standards apply to the same feature or frontage, the more specific standard shall control. In particular, standards for the Pedestrian Spine shall supersede general frontage and design standards.

### A. DENSITY

The target density of the Heron Commons (SAP) District is 50 units per acre, net. The net requirement of 50 units per acre shall be applied to properties that are greater than one (1) acre in size.

### B. SETBACKS

All development located adjacent to the outside boundaries of the Heron Commons Specific Area Plan (SAP) District or a property not included in a Regulatory Master Plan shall comply with the following minimum setback requirements along the district boundaries:

Setbacks Adjacent to the Heron Commons Specific Area Plan (SAP) Boundaries		
Front setback	Rear setback	Side setback
Minimum of five (5') feet	Minimum of five (5') feet	Minimum of three (3') feet

These minimum setbacks shall apply to all property lines adjoining the SAP District boundary and shall be measured from the applicable property line or back of sidewalk, whichever is greater to the nearest point of any structure.

### C. 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 may be increased by up to two (2) additional stories beyond the otherwise permitted base height, subject to approval of a Regulatory Master Plan. This increase is allowed only if the structure that is increased in height is not located directly adjacent to the district boundaries. In order to increase the height from the base permitted height, an equivalent offset in building height shall be provided to reduce impacts and help protect the Boise River Greenbelt, adjacent residences, or the public realm.

#### **D. ARCHITECTURAL STANDARDS**

1. The purpose of this section is to ensure that the structures are adaptable and lead to the desired long-term viability and vibrancy of the Heron Commons SAP District. Specifically:
  - A. Architecture within the district shall be of high quality and designed to provide an enduring and cohesive urban environment. Buildings shall incorporate durable materials, thoughtful composition, and design elements that maintain long-term visual and functional integrity.
  - B. Building massing shall be carefully designed to avoid creating a domineering or oppressive condition along streets and public spaces. Stepbacks and variations in building form shall be utilized to reduce perceived scale and maintain a human-scaled streetscape.
  - C. Buildings shall be designed to engage the public realm through active frontage elements, including frequent entrances, windows, and other features that support visibility, interaction, and pedestrian activity.
  - D. Ground floor façades shall incorporate a high degree of transparency and permeability to promote visual connection between interior and exterior spaces and to support an active, vibrant environment.
  - E. Development shall incorporate design features that create visual interest and enrich the public experience, including variation in form, articulation, and architectural detail.

- F. Site and building design shall promote a high level of physical and visual permeability, providing connections and transitions that integrate the development with the surrounding neighborhood and public spaces.
- 2. The following standards apply to all development located in the Heron Commons SAP District.
  - A. Roof Form
    - 1. Rooflines shall contribute to a varied skyline.
    - 2. Rooftop terraces and green roofs are encouraged where compatible.
  - B. Ground Floor Height and Entrances
    - 1. The minimum finished floor to ceiling height for ground floor spaces shall be fourteen feet (14').
    - 2. Primary building entrances shall face a public street, pedestrian spine, or publicly accessible plaza or be directly connected to a pedestrian entrance or element that does.
  - C. Facade Length and Blank Walls
    - 1. There shall be no blank wall segments facing a public street, pedestrian spine, or public open space.
  - D. Ground Floor Activation and Public Interface
    - 1. Building design shall support frequent entrances along public frontages.
    - 2. Ground floor frontage shall include transparent elements or operable openings that promote visual and physical connection between interior spaces and the public realm.
    - 3. Outdoor spill-out areas such as seating, patios, or entry courts are encouraged where buildings face public spaces.
  - E. Build-To and Street Relationship
    - 1. 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.
    - 2. 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').

#### F. Building Massing, Stepbacks, and Upper Story Design

1. 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. Buildings shall minimize the appearance of bulk through modulation of massing, variation in building planes, or breaks in façade length.
2. Vertical Massing: 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').
3. Façade Articulation: Buildings shall be designed to avoid large, uninterrupted building masses and shall incorporate clearly defined building elements.
  - a. No building façade facing a public street, pedestrian spine, or public open space shall exceed sixty feet (60') in length without a change in building plane, architectural expression, or other articulations that create a visually distinct break.
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.

#### G. Parking

1. Unenclosed parking spaces and loading spaces are prohibited adjacent to the Boise River Greenbelt and Pedestrian Spine.

2. Structured parking, where provided, shall be designed to minimize visual and functional impacts on public streets and adjacent open spaces.
  - a. Parking structures facing a public street or pedestrian spine 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:
    - i. Active frontage elements and ground floor uses;
    - ii. Residential or commercial units lining the parking structure between the parking and the Boise River Greenbelt or Pedestrian Spine;
    - iii. Architectural screening integrated into the building design.
  - b. Building placement and design shall ensure that public-facing frontages maintain a high level of visual interest and pedestrian engagement.

#### H. Shared Service and Access Infrastructure

- a. Purpose: Shared service infrastructure, including refuse collection and emergency access, is encouraged to reduce redundancy, improve site efficiency, and support the density and urban form intended within the Heron Commons SAP District.
- b. Standards: Development shall, to the extent practicable:
  - i. Utilize shared refuse collection areas serving multiple uses or buildings where such facilities can be functionally and safely accommodated;
  - ii. Consolidate service access points and loading areas to minimize curb cuts, conflicts with pedestrians, and interruptions to the public realm;
  - iii. Provide shared emergency and fire access routes that are integrated with internal circulation systems, including streets, alleys, or pathways designed to accommodate emergency vehicle access; and
  - iv. Demonstrate that shared systems maintain or improve access, safety, and operational efficiency as compared to individual facilities for each use or building.

- I. Residential Adjacency: Development adjacent to existing residential properties neighboring the Heron Commons Specific Area Plan (SAP) District shall be designed to be responsive to and compatible with those residences. Compatibility shall be achieved through consideration of building height, uses, structure orientation, and privacy measures, including window and activation element placement, as well as through the provision of landscaping to reduce potential impacts.
- J. Public Art
  1. Public art shall be incorporated into development in a manner that enhances the public realm through visible, accessible, and integrated design. This requirement applies to development which exceeds a construction value of \$1,000,000. Development subject to this provision shall provide a public art contribution proportionate to project scale, generally equivalent to one percent (1%) of construction value. The contribution may be adjusted based on project size, with a maximum contribution of \$150,000 per development. The public art requirement is intended to be proportional to the impacts of development and to support the quality and vitality of the public environment. The City shall ensure that the obligation imposed is reasonably related in both nature and extent to the impacts of the proposed development and shall allow adjustments as necessary to avoid an unreasonable or unconstitutional exaction.
  2. Applicants may satisfy this requirement through one or a combination of the following methods: on-site public art, artist-designed elements integrated into buildings or infrastructure, off-site public art in locations identified by the City, or payment of an in-lieu fee equivalent to the required public art contribution.
  3. The proposed art shall be approved by the City based on consistency with the purpose of enhancing the public realm and providing public benefit. Public art shall be highly visible or publicly accessible, including art located within plazas, along streets and sidewalks, in parks or open spaces, or incorporated into prominent building facades.

4. Public art is not required to consist solely of standalone or high-cost installations. Qualifying public art may include integrated artistic features such as facade treatments, lighting design, paving patterns, seating, railings, stormwater elements, wayfinding features, or artistic enhancements to infrastructure, including utilities and retaining walls. Such features must demonstrate clear artistic intent, contribute to the identity or experience of the place, be durable, and be visible to the public.
  5. Public art proposals shall be reviewed based on criteria established in the City's adopted public art policy.
  6. An in-lieu fee option shall be available as an alternative means of compliance, allowing applicants to contribute to a City-managed Public Art Fund. Funds shall be used exclusively for the creation, installation, or maintenance of public art in publicly accessible and visible locations that provide broad community benefit.
- K. Landscaping: Landscaping shall be a fundamental organizing element of the Heron Commons Specific Area Plan (SAP) District, with a strong emphasis on large, long-lived, non-columnar tree species capable of reaching a mature height of at least forty-five feet (45') or greater. These trees shall be intentionally integrated throughout the site to shape the public realm and establish a lasting landscape character. Priority shall be given to the placement of such trees, within public open spaces, along streets, and at key transitions, ensuring that the district develops a recognizable, shade-rich, and enduring urban forest over time.
- L. Design Flexibility: The requirements of this section may be satisfied through a variety of architectural and site design approaches that achieve equal or better outcomes in reducing perceived building mass and enhancing the pedestrian environment.

## **E. PEDESTRIAN SPINE**

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

## 1. Building 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 or be directly connected to a pedestrian entrance or element that does.

## 2. Ground Level Active Frontage Elements

### A. Required Elements

1. One or more qualifying ground-level active frontage elements shall be provided along the portion of the building frontage adjacent to the Primary Pedestrian Spine that 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 provided that:
    - i. They are directly accessible from the adjacent pedestrian spine;
    - ii. They have a minimum depth of six feet (6') measured perpendicular to the building façade.
    - iii. Porches and stoops are elevated no more than four feet (4') above adjacent finished grade and include steps, landings, and accessible routes connecting to the pedestrian spine.
    - iv. Entry plazas shall provide a minimum of one hundred (100) square feet of unobstructed area and include seating.
    - v. There is a primary entrance serving the tenant.
  - b. Outdoor patios or seating areas provided that they are:
    - i. A minimum depth of six feet (6'); and
    - ii. Directly accessible from the interior of the building.
  - c. Transparent retail or commercial display, provided that:
    - i. A minimum glazing ratio of sixty percent (60%) is provided between two feet (2') and fourteen feet (14') above grade.

- d. Equivalent activation features may be utilized, as determined by the decision maker, based on observable interaction with the pedestrian environment comparable to the listed elements.

B. Location and Design

- a. Required frontage elements shall be located between the building façade and the pedestrian spine or in front yard setback where no structure is present.

3. Architectural Emphasis at Key Locations

A. Buildings at public street corners or key spine intersections shall incorporate vertical or massing elements that enhance visibility and wayfinding, such as:

1. Parapet extensions;
2. Corner massing;
3. Vertical articulation features; or
4. A combination thereof.

4. Adaptive Building Design: Buildings shall include adaptive features that support long-term flexibility of use and future conversion to commercial or mixed-use occupancy.

A. Purpose:

1. Buildings along the Primary Pedestrian Spine shall be designed to support long-term flexibility and potential transition between residential, commercial, or mixed-use occupancy.

B. Required Adaptive Features: All structures shall be equipped with:

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.
3. Equivalent adaptive features may be utilized, as determined by the decision maker, based on demonstrable equivalent long-term adaptability including but not limited to a combination of:
  - a. Structural systems with generally regular column spacing that support flexible interior layouts;

- b. Building designs that allow subdivision of tenant spaces into smaller units;
  - c. Buildings are designed to accommodate multiple entrances along the Pedestrian Spine;
  - d. Multiple entry points along public-facing facades where feasible;
  - e. Ground floor façade designs that accommodate future storefront installation or increased glazing;
  - f. Utility systems are designed to allow future expansion, reconfiguration, or subdivision of spaces.
5. 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 shall not extend across more than fifty percent (50%) of the total width of the Primary Pedestrian Spine, measured cumulatively from both sides, and shall be designed so as not to 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.
6. 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.

## **F. BOISE RIVER GREENBELT ADJACENCY DESIGN**

- 1. Purpose: These standards are intended to reinforce the Boise River Greenbelt as a primary organizing feature of the Heron Commons SAP District and to advance

the district's goal of augmenting and enhancing the public's use and enjoyment Boise River Greenbelt environment and protect the adjacent Boise River.

2. Intent Development adjacent to the Boise River Greenbelt shall be designed to:
  - A. Orient buildings and site design toward the Boise River Greenbelt as a primary frontage;
  - B. Create a park-like setting with substantial vegetation and tree canopy;
  - C. Promote visual openness, physical access, and public permeability; and
  - D. Support the Boise River Greenbelt as an active, publicly engaging corridor.
3. Applicability The following standards shall apply to all development located within fifty feet (30') of the centerline of the Boise River Greenbelt.
4. Building Orientation
  - A. Principal structures shall be oriented with a primary façade facing the Boise River Greenbelt.
  - B. The Boise River Greenbelt-facing façade shall function as a principal front and include building entrances, windows, and pedestrian-oriented design elements.
  - C. Blank walls, service areas, and vehicular access features shall not face the Boise River Greenbelt.
5. Massing
  - A. The maximum enclosed footprint of any individual structure 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.
6. Height Limitation
  - A. Structures shall not exceed two (2) stories in height.
  - B. Additional height, up to the maximum allowable height in the Herron Commons (SAP) District, may be permitted where upper stories are stepped back, as follows:
    1. For every twenty feet (20') of horizontal building setback above the second story, an additional story may be allowed, not to exceed a maximum of fifteen feet (15') in additional building height per setback; and

2. Stepbacks shall be measured from the façade of the lower story and shall be designed to reduce perceived building mass and maintain compatibility with adjacent areas.
7. Lighting
    - A. All lighting shall be fully shielded and directed downward.
    - B. Light fixtures shall be oriented and controlled to prevent direct illumination onto the Boise River Greenbelt, or Boise River.
    - C. Architectural, decorative, or accent lighting that projects toward the Boise River, or vegetation canopy is prohibited.
    - D. Lighting shall be designed to avoid glare and minimize impacts to wildlife and the natural nighttime environment.
  8. Fencing
    - A. Fencing within fifty feet (30') of the Boise River Greenbelt centerline is discouraged in order to maintain openness and visual continuity.
    - B. Where fencing is necessary, it shall:
      1. Not exceed three feet (3') in height;
      2. Be visually permeable in design;
      3. Not impede pedestrian visibility or public accessibility.
    - C. Fencing may be permitted to define or enclose specific publicly accessible uses such as outdoor seating areas, provided that the overall intent of openness and permeability is maintained.
  9. Landscape Character
    - A. The area within fifty feet (30') of the Boise River Greenbelt centerline shall be designed as a park-like environment.
    - B. Landscaping shall emphasize:
      1. Large, class III canopy trees;
      2. Native or climate-adapted vegetation;
      3. Layered planting that enhances ecological value and visual quality.
    - C. Landscaping shall not create barriers to visibility or access between the site and the Boise River Greenbelt.
  10. Public Permeability

- A. Development shall maintain a high level of visual and physical permeability between the site and the Boise River Greenbelt.
  - B. Site design shall incorporate pedestrian connections, openings, or pathways that facilitate access between private development and the Boise River Boise River Greenbelt, where appropriate.
  - C. Elements that obstruct access or create a sense of privatization of the Boise River Greenbelt edge shall be avoided.
11. Prohibited Design Elements: The following shall not be located within fifty feet (30') of the Boise River Greenbelt centerline:
- A. Continuous opaque fencing or walls exceeding the maximum height;
  - B. Parking areas as the dominant frontage condition;
  - C. Service, loading, or refuse areas facing the Boise River Greenbelt.

## **G. 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:
  - C. Landscaping shall not exceed eighteen inches (18") in height within 2' of the travel way; and

D. 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.

**H. PARKING**

1. Applicability and Default Standard

A. Off-street parking and loading shall comply with the requirements of **8-4D PARKING AND OFF-STREET LOADING FACILITIES** unless modified through an approved parking reduction as provided in this Section.

B. Notwithstanding **8-4D PARKING AND OFF-STREET LOADING FACILITIES**, the following allowances for residential parking apply without the need for a parking reduction request:

1. May be located off-site within 250 feet of the residence so as long as it is dedicated to the residence;
2. Is not required to be covered.

2. Parking Deviations

A. Purpose: The parking reduction provisions are intended to support the Heron Commons SAP District's mixed-use, walkable, and multimodal character by allowing reduced off-street parking where development demonstrates coordinated land use, shared parking, or demand management strategies.

B. Applicability

1. Deviations from the parking standards of Section 8-4D may be approved through an adopted Regulatory Master Plan that establishes a coordinated parking strategy for the site.

C. Documentation Requirements

1. Requests for parking reductions shall include documentation demonstrating that the development does not result in projected demand exceeding 85%

of the supply during peak periods, and will not result in adverse impacts. Documentation shall include:

- a. Evidence that all loading, accessibility, and emergency access requirements are satisfied.
- b. A demonstration that parking demand is reduced commensurate with the requested reduction through site design, land use composition, or management strategies.
- c. Supporting analysis using one or more of the following:
  - i. A parking demand study prepared using a recognized methodology (e.g., ITE Parking Generation or equivalent), demonstrating that the proposed parking supply meets or exceeds projected peak demand;
  - ii. A description of shared parking arrangements, including timing and use assumptions demonstrating overlapping demand characteristics;
  - iii. A description of transportation demand management (TDM) measures, such as pedestrian and bicycle connectivity, proximity to services, or other strategies that reduce vehicle trips or parking demand; and
  - iv. A site plan demonstrating that vehicle ingress, egress, circulation, and maneuvering can be accommodated on-site without reliance on adjacent streets for parking, maneuvering, or vehicle storage.

D. Required Findings: Approval of a parking reduction shall require findings that the proposal:

1. Advances the multimodal and walkable intent of the Heron Commons SAP District;
2. Minimizes the visual and physical impact of parking on the public realm;
3. Avoids adverse spillover parking impacts on adjacent properties and public streets; and
4. Provides an equivalent or improved overall mobility outcome, as compared to full compliance with **8-4D PARKING AND OFF-STREET LOADING FACILITIES** as demonstrated by factors such as reduced vehicle trips,

increased multimodal access, shared parking efficiency, or proximity to transit and services.

E. Administration

1. Parking reductions shall be reviewed and approved as part of the Regulatory Master Plan and shall not require separate discretionary review once incorporated into an approved plan.

**H. PUBLIC OPEN SPACE**

1. Purpose: To implement the Comprehensive Plan's public open space or a public park by requiring through the provision of requiring public or publicly accessible open space within the Heron Commons Specific Area Plan (SAP) District.
2. Intent: To ensure that required open space is meaningful, usable, and publicly accessible, serving a range of users and functions, rather than consisting of residual or fragmented areas lacking functional or public benefit.
3. Minimum Requirement: A minimum of twenty-five percent (25%) of the total area of the Heron Commons Specific Area Plan (SAP) District shall be provided as public or publicly accessible open space.
4. Relationship to Common Open Space: Common open space in excess of the requirements of this section shall not be required.
5. Implementation: Public open space shall be provided on a lot-by-lot basis unless incorporated into an approved Regulatory Master Plan.
6. Location and Configuration: Required public open space shall be:
  - A. Located as outdoor or semi-outdoor areas accessible to the public.
  - B. Integrated into the site layout so as to be visible, accessible, and connected to public streets, pathways, or key destinations.
  - C. Situated and arranged to function as prominent and identifiable destinations within the district.
7. Design Standards: Required open space shall be designed to:
  - A. Be figural space, as defined in this Code;
  - B. Be usable, functional, and cohesive with adjacent development and the surrounding public realm;

- C. Provide contiguous areas of sufficient size, dimension, and configuration to function as meaningful, usable public amenities;
  - D. Provide a cohesive and unified design that supports its intended use and activity;
  - E. Support meaningful public use through design elements that reinforce comfort, usability, and a sense of place; and
  - F. Meet or exceed the requirements of **8-4L COMMON OPEN SPACE**.
8. Regulatory Master Plan Flexibility: An approved Regulatory Master Plan may:
- A. Consolidation: Open Space obligations may be consolidated and allocated across multiple properties and ownerships to achieve larger, more functional, and cohesive open space areas.
  - B. Reduction: The amount of open space on individual lots may be reduced below the twenty-five percent (25%) of the lot standard, provided that:
    - 1. All open spaces comply with the requirements of **8-4L COMMON OPEN SPACE** or are otherwise clearly useable; and
    - 2. The open space is designed and programmed to provide a higher level of usability, activity, and community benefit than a proportional distribution of open space; and
    - 3. The reduction results in consolidated, destination-quality open spaces that prioritizes gathering, active, and interactive uses, such as, but not limited to, children's play areas, interactive art installations, civic gathering spaces, plazas, or other highly programmed features; and
    - 4. The total open space provided across the SAP District continues to achieve the intent of this section.
  - C. Coordination:
    - 1. Open space shall be planned and provided in an integrated and coordinated manner across the district.
  - D. Approval of a Regulatory Master Plan shall include findings that the proposed open space:
    - 1. The proposed open space is consistent with the purpose and intent of this section;

2. Results in public space that is better integrated into the district;
3. Results in functional public open space that is collectively superior in usability, accessibility, and community benefit; and
4. Emphasizes high-quality, programmed, and interactive spaces over passive or residual open space.

DRAFT

## 8-8B-7 USE STANDARDS

### A. ALLOWED USES

1. Purpose: The purpose of this section is to establish clear categories of land use permission and corresponding levels of review within the Heron Commons SAP District.
2. All uses in the Heron Commons SAP District shall be subject to **8-2C NON-RESIDENTIAL USE PROVISIONS** and the following use standards:
  - A. Time limitations: Outdoor non-residential events shall conclude by 10:00 PM.
  - B. Boise River Greenbelt Adjacency Standards: The following standards shall apply properties directly adjacent to the Boise River Greenbelt, defined as any parcel sharing a common boundary line with the Boise River Greenbelt right-of-way.
    1. A minimum of sixty percent (60%) of the ground-level area shall be publicly accessible during daylight hours.
      - a. The required publicly accessible area shall be calculated based on the total ground-level area of the site located within fifty feet (50') of the Boise River Greenbelt centerline.
      - b. Publicly accessible areas may include plazas, open spaces, pedestrian pathways, outdoor seating areas, and similar spaces that are designed and available for public use. Areas occupied by buildings, private yards, service areas, parking, driveways, or restricted-access spaces shall not be counted toward the minimum requirement.
      - c. Qualifying areas shall be directly accessible from the Boise River Greenbelt or a public walkway and shall be designed to accommodate pedestrian use. Spaces that are technically accessible but not reasonably usable by the public shall not qualify.
    2. Use shall adhere to the uses identified for Boise River Greenbelt Adjacent property in the **Table 8-8B-7-1 Uses**.
    3. Residential uses shall not be permitted on the ground floor.
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 8-8B-7-1 Uses.** The Allowed Uses table distinguishes between general district standards and additional restrictions applicable to the property within fifty feet of the centerline of the Boise River Greenbelt.

P – Permitted by Right: Uses permitted by right may be approved administratively upon demonstration of compliance with all applicable provisions of this Title.

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

X – Prohibited: Uses designated as prohibited are not permitted within the district.

<b>Table 8-8B-7-1 Uses</b>		
	<b>Property within 30' of the Boise River Greenbelt</b>	
Agriculture*		P
Amusement center*	P	P
Animal care facility*		AC
Artist studio*	P	P
Bed and breakfast*		P
Bicycle sales, service, storage, rental	P	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	P
Daycare, personal*	AC	P
Drinking establishment, full service*	P	P

**Table 8-8B-7-1 Uses**

	<b>Property within 30' of the Boise River Greenbelt</b>	
Drinking establishment, limited service*	P	P
Drive-through establishment*		
Dwelling unit, accessory*		P
Dwelling unit, group		P
Dwelling unit, multiple-family*	P	P
Dwelling unit, single-family attached		P
Dwelling unit, single-family detached		
Dwelling unit, two-family		
Eating establishment, full service	P	P
Eating establishment, limited service	P	P
Eligible Facilities Requests	P	P
Equipment rental, sale, and service*		
Financial institution*		P
Food products, processing*		C
Food products, small scale processing*	C	P
Food store*	C	P
Fuel sales*		
Fuel yard		
Health club*	C	P
Healthcare and social service	C	P
Home occupation*	P	P
Hospital*		
Industry, flex*		
Industry, information*		C
Industry, light*		
Kennel, hobby*		C
Laboratory - medical, dental, optical		P
Laundromat, self-service cleaner*		P
Laundry and dry cleaning, commercial plant		
Laundry and dry cleaning establishment		

**Table 8-8B-7-1 Uses**

	<b>Property within 30' of the Boise River Greenbelt</b>	
Lending institution		AC
Lodging*	AC	P
Manufactured/mobile home park		
Mortuary*		
Nursery*	C	AC
Nursing and residential care*		P
Outdoor Performance Stage	AC	AC
Parking facility	AC	AC
Personal service*	P	P
Professional service*	P	P
Public service facility		
Public uses	P	AC
Recreational vehicle park*		
Research and development		AC
Retail production*		AC
Retail store	P	P
School*		P
Service provider*		
Sexually oriented businesses*		
Small cell facility*		P
Storage facility or yard*		
Storage facility, self-service		
Storage yard, commercial recreational vehicle*		
Temporary use*	AC	AC
Tobacco entertainment facility*		C
Tobacco retail store		C
Transitional Use	AC	P
Vehicle rental*		
Vehicle sales*		
Vehicle service*		C

Table 8-8B-7-1 Uses		
	Property within 30' of the Boise River Greenbelt	
Vehicle washing facility*		C
Vehicle wrecking yard		
Warehouse and storage, wholesale*		
Wireless communication facility*		

## B. USE STANDARDS

1. Specific Use Standards: In addition to the standards found in **8-2C NON-RESIDENTIAL USE PROVISIONS** the following use specific standards shall apply in the Heron Commons (SAP) District:

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 on the subject property for a defined period not to exceed three (3) years. Approval may include one or more conditions to ensure compatibility with the anticipated future development of the site.
  - a. An annual license shall be required to demonstrate compliance.
  - b. The property shall not be utilized for one or more Transitional Uses for more than three years in a row.
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 provided that building code standards are met.
  - 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: Upon expiration of the approved time period, the authorized use, including all associated structures and site improvements, shall be removed, relocated, or converted to a permitted use. If the use is not removed upon expiration of the approved time period, the property owner shall take all necessary actions to obtain approval to establish the use as a permanent use in compliance with applicable regulations.
  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.

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

### **A. PURPOSE**

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

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

#### A. Purpose

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

#### B. Applicability

1. A Regulatory Master Plan shall be required for the properties one (1) acre or greater.
2. All other properties in the Heron Commons SAP District may be a part of a Regulatory Master Plan but are not required to be.
3. Approval of a Regulatory Master Plan shall be a required prior to:
  - a. Approval of any subdivision; or
  - b. Issuance of any building permit.
4. No development subject to this section shall proceed without an approved Regulatory Master Plan.

#### C. Review Process

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

#### D. Term

1. An approved Regulatory Master Plan shall remain valid for a period of ten years from the date of approval.
2. One or more extensions may be granted upon finding that:
  - a. The requested timeframe reflects realistic development constraints, is not excessive or indefinite, and does not undermine the intent of the original approval;
  - b. The original findings supporting approval remain valid; and
  - c. Substantial progress toward implementation has been demonstrated.

#### E. Required Contents

The Regulatory Master Plan if applicable, shall include:

1. Public infrastructure framework identifying the street and pathway network.
2. Open space framework identifying the location, size, and configuration of required public open spaces and any future park areas.
3. Locations or shared service and access infrastructure.
4. A plan identifying the general distribution, mix, and location of land uses and key activity areas.
5. Development standards, including building height, setbacks, and development intensity. Where applicable, standards shall include minimum density or floor area requirements.
6. Parking deviations as established in **8-8B-5.H.2**.

7. A phasing plan identifying the general sequence of development in relation to infrastructure and public open space delivery.
8. Implementation standards establishing clear and objective criteria for determining consistency of subsequent development with the approved Regulatory Master Plan.
9. Any requested deviations from applicable standards shall be clearly identified and include:
  - A. The requested deviation; and
  - B. Analysis that demonstrates that the proposal is consistent with the purpose and intent of the applicable standard and complies with this Code to an equal or greater degree than strict application of the standard.

#### F. Alternative Compliance Modifications

1. The approved Regulatory Master Plan may authorize deviations from otherwise applicable base zoning provisions.
2. Deviations approved as part of the Regulatory Master Plan shall not require separate variance, waiver, or discretionary approval, and shall be considered compliant with this Code.
3. Nothing in this section shall permit reductions in life safety requirements, accessibility standards, or other provisions required by applicable building or fire codes.

#### G. Required Findings for Approval

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

1. The plan establishes a coherent and integrated development pattern that is consistent with and advances the purpose and intent of the Heron Commons SAP District.
2. The plan establishes a mix of uses or a level of development intensity that, based on the overall development framework, supports sustained activity throughout all phases of development and contributes to a functional mixed-use district.

3. The plan provides a level of development intensity and capacity that supports efficient use of infrastructure and contributes to the City's ability to provide public services over time.
4. The plan ensures that required public open spaces are functional, accessible, and proportionate to the scale of development and are delivered concurrent with development.
5. The plan will result in a public realm that supports safe, active, and ongoing pedestrian use over time.
6. The plan avoids fragmented, isolated, or incomplete development patterns and ensures continuity of development, infrastructure, and public space across the site.

#### G. Conformance and Subsequent Development

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

#### **C. 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.

## **D. 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

- C. 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

- D. 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.

3. Function

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

4. 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.

K. Other Agency Authority: The City acknowledges that the Ada County Highway District may require the Adams Street Connection to be constructed, maintained, or remain open

for transportation purposes. Nothing in this section shall be interpreted to authorize modification, restriction, closure, or vacation of the connection in a manner inconsistent with Ada County Highway District requirements or approvals.

DRAFT

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

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

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

#### **Outdoor Performance Stage**

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

#### **Transitional Use**

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

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

### **B. DEFINITIONS OF TERMS**

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

#### **Activation Elements**

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

Activation elements may include, but are not limited to:

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

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

### **Destination Use**

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

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

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

### **Development Area**

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

### **Figural Space**

The spaces between buildings (streets, plazas, courtyards) that are shaped and enclosed clearly enough that they read as intentional “figures.” In this approach, space itself becomes the primary form.

### **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.

### **Publicly Accessible**

An area that is open for use by the general public without membership, residency, or invitation during designated hours, and without conditions that would reasonably restrict access to a limited group.

### **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.

### **Yield-Flow Lane**

A yield-flow travel lane is a design or programmatic definition where a single lane of bidirectional traffic requires drivers moving in one direction to yield to oncoming vehicles in constrained areas.

### **Shared Space Street**

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

A Shared Space Street shall be designed to operate at vehicular speeds not exceeding fifteen (15) miles per hour through the use of physical design elements including, but not

limited to, roadway narrowing, textured or raised paving, vertical deflection, landscaping, street furniture, and horizontal alignment changes.

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

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

### **Stepback**

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

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

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

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

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

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

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

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

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

**ATTEST:**

**APPROVED:**

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

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

**EXHIBIT "A"**

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

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

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

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Charles I. Wadams  
City Attorney

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

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

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

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

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

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

ATTEST:

CITY OF GARDEN CITY, IDAHO:

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

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