

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; 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 implement the Comprehensive Plan vision for the Heron Commons area and to establish regulations governing land use, development, public improvements, connectivity, open space, and flood protection within the Heron Commons Specific Area Plan District,

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 That all other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.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 All other ordinances shall continue in full force and effect unless specifically repealed or amended.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, Title 8, Chapter 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.

Commented [BT1]: Since the Boise Greenbelt is a focus, I suggest adding 8-4H Flood Hazard and 8-4M Boise River Natural Resource to the list

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 (ACHD) Site. The district also accommodates development consistent with the Mixed Use and Main Street Corridor future land use designations of the Comprehensive Plan.

2. Intent

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

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

3. Establishes a mixed-use neighborhood that functions as a regionally significant destination throughout all phases of development.
 4. Engages the Boise River and Boise River Greenbelt through direct interface, reclaimed riverfront land, and enhanced public access.
 5. Leverages the vibrancy of the river corridor to draw energy into and infuse the surrounding neighborhood.
 6. Promotes a vibrant, compact, walkable, and human-scale environment through public circulation connections, high-quality design, active frontages, integrated landuses, landscaping, and public art.
 7. Creates and sustains publicly accessible open space that is functional, meaningful, and suitable for everyday use.
 8. Establishes sufficient density and intensity of development to support market-viable development in the near term and achieve long-term fiscal sustainability through a positive net fiscal return to the city.
- B. Code Intent: 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.
 8. Creates streets and public spaces that support pedestrian comfort through substantial tree canopy, shade, landscaping, and high-quality streetscape design.

C. DISTRICT FRAMEWORK AND IMPLEMENTATION

1. Development within the Heron Commons SAP District shall be organized around a coordinated system of public open spaces, circulation facilities, infrastructure improvements, and river-oriented amenities that support the long-term vision of a vibrant, walkable, mixed-use neighborhood.
2. Key organizing elements include:
 - A. The Boise River Greenbelt;
 - B. The Primary Pedestrian Spine;
 - C. Public open spaces and gathering areas;
 - D. Public streets and pathways; and
 - E. Flood protection and public infrastructure improvements.
3. Development may occur incrementally over time provided that interim development:
 - A. Supports the long-term vision of the district;
 - B. Does not preclude future implementation of planned development patterns, public spaces, infrastructure, or circulation systems; and
 - C. Is consistent with an approved Regulatory Master Plan.

D. APPLICABILITY

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

E. 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.

F. INTERPRETATION HIERARCHY

1. Order of Precedence

In the event of an inconsistency, conflict, or ambiguity between applicable regulations, plans, exhibits, or approvals, the following order of precedence shall apply, listed in descending authority:

- A. Applicable federal and state law;
- B. Applicable building, fire, floodplain, accessibility, and life-safety regulations;
- C. The provisions of this Article;
- D. Conditions of approval expressly adopted as part of an approved Regulatory Master Plan;
- E. The approved Regulatory Master Plan;
- F. Design Review approvals and conditions;
- G. Illustrative exhibits, diagrams, examples, and graphics.

2. Illustrative Materials

Illustrative and conceptual exhibits or graphics contained within this Article are intended to assist in understanding the purpose and intent of the district and shall not be interpreted as regulatory requirements unless expressly identified as regulatory.

3. Interpretation of Ambiguities

Where ambiguity exists, the decision maker shall interpret the provisions of this Article in a manner that:

- A. Advances the purpose and intent of the Heron Commons SAP District;

- B. Supports development of a vibrant, walkable, mixed-use neighborhood over time;
- C. Preserves flexibility for changing market conditions while maintaining long-term district objectives; and
- D. Favors an interpretation that facilitates implementation of an approved Regulatory Master Plan.

8-8B-2 ILLUSTRATIVE MASTER PLAN

A. PURPOSE AND INTENT

1. Purpose

The Illustrative Master Plan establishes a conceptual framework for development within the Heron Commons Specific Area Plan (SAP) District. The Illustrative Master Plan is intended to illustrate required measures.

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 for future improvements. Final alignment, configuration, and design of all improvements are intentionally flexible and shall be subject to **8-6B-3 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**.

B. POLICY EXHIBIT

- 1. Illustrative Master Plan: The Illustrative Master Plan **Figure 8-8B-2.2** 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. The Illustrative Master Plan does not designate a conceptual location for the required Public Open Space–Future Park. The location of the Public Open Space–Future Park shall be established through an approved Regulatory Master Plan.

Commented [BT2]: The exhibit needs some additional work to improve readability and orientation to the site location: the background image is too faint; lacks street names; add labels for the ACHD properties and Waterfront District; replace Reed St. with a more descriptive term, such as Primary Public Street (see page 21), rather than predetermining the name.

The oval labeled Flood Improvements is misleading. The whole site may need flood mitigation. I suggest using the oval to emphasize the Greenbelt developer character desired.

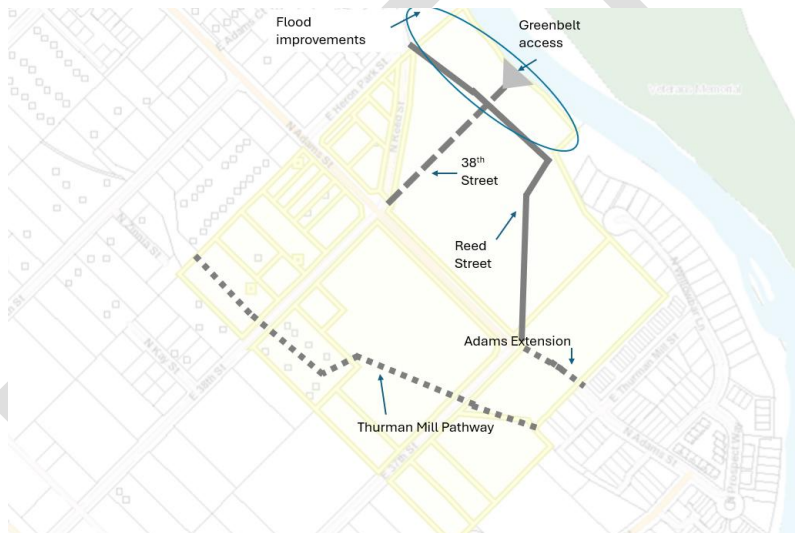


Figure 8-8B-2.2 Illustrative Master Plan

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.
3. 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.
4. Compliance and Certification: All flood protection improvements required by this section shall be designed, constructed, and certified in compliance with applicable FEMA requirements.

Commented [BT3]: To assist a reader not familiar with the history of the City's seclusion status and efforts to develop a flood mitigation plan, I suggest that a basic description of the context for flood protection measures should be added. A developer might think that a solution is straight forward, such as filling the site according to the adopted 2003 FIRM and obtaining a LOMR-F. The section should include a brief narrative of the 2020 update that dramatically expanded the 100-year floodplain on the site; the decision to choose seclusion status; the USACE completion of the 2D model and potential changes to the floodplain on the site; and the City's current effort to obtain a LOMR from FEMA adopting the 2D model and new FIRM for the reach of the River between the Riverside Hotel and Plantation River Dr. Also, the #2 Requirement about floodwaters not leaving the SAP area should be revised. Have Nick Kraus provide the some technical language.

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 ~~connecting extending~~ river-oriented activity ~~to 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.
5. The following street and pathway typology provides the framework for the required streets and pathways.

Facility	Primary Function	Motor Vehicles	Bikes	Pedestrians
Boise River Greenbelt	Recreation	No	Yes	Yes
Pedestrian Spine	Destination	Yes, but not required, and must be secondary	Yes	Priority
Reed-? Street	Public Access	Yes	Yes	Yes
Adams Connection	Emergency Access/ motor Non-vehicle mobility	Emergency vehicles allowed. Cut-Through traffic prohibited unless in conflict with ACHD requirements.	Yes	Yes
38th Street Extension	Public Access	Yes, but may be limited through applicant's request	Yes	Yes
Thurman Mill Path	Non-motor vehicular mobility	No	Yes	Yes

Figure 8-8B-3.1 Street and Pathway Typology

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.

Commented [BT4]: Reference 8-4M Boise River Natural Resources

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 is 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 linear park ~~system~~ rather than a limited pedestrian and bike corridor.
4. Adjacent Development: Development adjacent to the Boise River and Boise River Greenbelt shall comply with 8-8B-5(F) Boise River and Greenbelt Adjacency Design.
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

Commented [BT5]: I could not find this code section

- 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

Public 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 three hundred feet (300'), measured along the centerline of the Boise River Greenbelt, from centerline of one accessway to the next.

Commented [BT6]: Does public accessways also include public access on private property? What is the justification for 300'? It is very prescriptive and may not be appropriate for development.

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 or publicly accessible 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

Commented [BT7]: I think this is confusing as accessways may be on private property

- 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.

Commented [BT8]: Is this a facility dedicated to Garden City and maintained by the City, or is it private, or a combination? If private there are cost and liability concerns from public use.

B. Purpose

The purpose of the Pedestrian Spine is to serve as a permanent public or publicly accessible pedestrian corridor and a defining organizing element of the Heron Commons Specific Area Plan (SAP) District. The Spine shall establish a continuous, safe, and inviting pedestrian connection from the Boise River Greenbelt to Adams Street at a minimum. Additional extensions beyond Adams Street are encouraged where they further strengthen pedestrian connectivity to surrounding areas of the city. In addition to its role as a primary circulation route, the Pedestrian Spine shall function as a principal civic space within the district, providing a focal point for community gathering, public activity, and social interaction. The Spine is intended to serve as a heart and a significant public destination for 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 draws 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.



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

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

Commented [BT9]: This illustration does not depict a shared road. Only a golf cart could fit.

Commented [BT10]: Uncovering the canal on the south ACHD property, if allowed by the Thurman Mills Ditch Company, would be expensive and could cut off portions of the property for development due to limited access, parcel configuration, and the Ditch Co. 50' easement (25' from centerline).

The Ditch Co. will need to approve any facilities or landscaping within their easement and may require a formal license agreement for modifications. Has the City spoken to the Board?

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. Except for approved crossings, 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** or explicitly required by the Thurman Mill Irrigation District.

4. Adams Street – 37th Street Existing Segments

- A. Purpose: Adams Street and 37th Street 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.

Commented [BT11]: ACHD has developed proposals for the Adams St. corridor. I assume that staff has coordinated with ACHD staff.

B. Intent: The intent of the Adams Street- 37th 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. Subject to Ada County Highway District review and approval where the District jurisdiction applies, 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:~~

- i. ~~May be allowed in the right-of-way, subject to Ada County Highway District review and where jurisdiction applies.~~

- ii. Shall be a minimum width of eight feet (8'), exclusive of curb and sidewalk.
- iii. Shall 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.

e.b. 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 constructed of durable, weather-resistant materials; and
 - b) Be located so as not to obstruct the required sidewalk clear width.

Sidewalk

4. Adams Street Connection from 37th Street to the Waterfront District

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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 serve as 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 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.

Commented [BT12]: Do you intent the connection in the SAP to be a private street?

- 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 ~~constructed~~reinforced as required to meet applicable fire code standards.
- c. The connection shall be wide enough to meet applicable fire code standards.
- d. The ~~connection~~path may include features such as bollards, upon approval of Ada County Highway District and North Ada County Fire and Rescue District.

D. Motor Vehicle Use

- A. Through motor vehicle access is discouraged, and shall not be allowed unless required by Ada County Highway District.
- 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 included in the Regulatory Master Plan. The traffic calming plan shall demonstrate compliance with the fifteen mile per hour (15 mph) design speed, unless precluded by Ada County Highway District 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. 37th Street~~Reed Street~~ Extension

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A. Purpose: The purpose of the 37th Reed Street Extension is to establish a primary public street within the Heron Commons SAP District. The extension~~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.

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As a primary street within the district, the extension~~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, the street~~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 37th Reed Street Extension is to:

1. Function as a main public roadway within 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 the pedestrian-oriented character and design expectations and public nature of the Heron Commons SAP District.

C. Required Extension and Alignment

1. ~~The Reed Street~~ shall be generally extended eastward from ~~the Reed Street~~ ~~its current~~ terminus to 37th Street, generally parallel to Adams Street. The specific alignment is to be determined through design.
2. The ~~extension 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. ~~The Reed~~ Street may be extended further ~~(south of Adams?)~~ as necessary to accommodate site conditions, future development patterns, or planned connectivity.
4. Any extension or modification of ~~this primary public street Reed Street~~ shall be subject to applicable Ada County Highway District standards, review and approval where jurisdiction applies.

Commented [BT13]: This requires 2 streets and defeats the idea of a primary street

D. Street Design

1. ~~Reed Street~~ ~~The~~ street shall be designed as a local urban street consistent with Garden City design objectives, ~~and s~~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

Commented [BT14]: I am very doubtful of a one-way configuration given the intensity of use contemplated.

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 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 St~~ street corridor.
- ii. Required parking may be provided:
 - a) On street; or
 - b) Within adjacent public parking bays located along the corridor.

Commented [BT15]: How was this number determined?

- 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 shall be included in the Regulatory Master Plan.

6. 38th Street Extension

A. Purpose: The 38th Street extension north of Adams Street, 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. 38th 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 a functionally equivalent or better level of directness, safety, and public accessibility between existing 38th Street and the Boise River Greenbelt.

Commented [BT16]: Is the extension contemplated as a public or private street?
One design feature to consider is an enhanced intersection crossing at Adams if 38th Street is a primary bicycle route

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 phasing and the Regulatory Master Plan-

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 provision of publicly accessible open space in accordance with the Comprehensive Plan is provided. The space will enhance community livability, support environmental functions, and contribute to the identity, quality, and functioning of the district.

B. Intent

1. Implement the Comprehensive Plan's vision for a public park or open space within this area by ensuring land is reserved and developed for public or publicly accessible use.
2. Provide open space that is enduring, meaningful, functional, and designed to support the public's everyday use, recreation, and community gathering.
3. 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.
4. Ensure that open space contributes to the overall character, usability, and long-term sustainability of the district.

Commented [BT17]: Is an expansion of Heron Park a possibility? I am not promoting the idea, just a question?

5. The Public Open Space–Future Park shall comply with the requirements of **8-8B-5(I), PUBLIC OPEN SPACE.**

Commented [BT18]: Is this Code section reserved for the SAPPO? If so you should mention it does not exist yet.

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.
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.

Commented [BT19]: Is this a new policy for the City? If not, is there a code section to reference?

B. Prerequisite Improvements for Specific Development Areas

1. Vertical ? 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. Platted, greened up???
- c. 37th 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.

Commented [BT20]: This the ACHD yard that also included the closed Reed Street r-o-w and a group of parcels on 1.25 acres west of Reed also owned by ACHD. You might update the acreage and the exhibit to show the total parcel area.

Formatted: Superscript



Figure 8-8B-4.1

2. Vertical Development of the 3.870-acre property identified as Ada County Assessor Tax Parcel ID S1005141650, legally described as #1650 OF S2NE4 SEC 5 3N 2E #9115156, as depicted in **Figure**

8-8B-4.2 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. The Adams Street Connection shall be completed to the existing Adams Street dead-end within the Waterfront Subdivision.

Commented [BT21]: If separate ownership from the developer of the ACHD parcel, this parcel is too small to be burdened by the Future Park, both from the cost and also the loss of developable acreage to amortize that cost. . From my experience existing adjacent residents do not want a park the public can access next to them



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, and private streets and pathways intended for public use shall be ~~or~~ encumbered with a perpetual public access easement and shall remain open to the public at all times, except for temporary closures due to maintenance, emergency conditions, or an approved special event permit.

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

4. Maintenance

A. Maintenance Responsibility

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

B. Easements and Agreements.

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

1. Assign clear responsibility for maintenance and repair of all required improvements.
2. Ensure continuous public access where required by ~~this Article~~.

3. Run with the land and be binding on all successors, unless otherwise approved by the City.

C. City Authority.

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

DRAFT

8-8B-5 FORM AND DESIGN STANDARDS

In addition to the standards found in 8-4D PARKING AND OFF-STREET LOADING FACILITIES 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 target density is intended to support the long-term viability of a vibrant mixed-use environment, active public spaces, and fiscal sustainability. The net requirement of 50 units per acre shall be applied to properties that are greater than one (1) acre in size. Alternative development patterns that provide an equivalent or greater level of non-residential activity, employment, visitation???, or mixed-use intensity may be approved through a Regulatory Master Plan.

Commented [BT22]: Density is normally calculated on a gross acreage basis, as in your Code. Nothing wrong with net density, but it means different things to different people. Please add a definition in the Definition of Terms section.

The TIS will of course factor into the allowable density. There is limited capacity with the network of 2-lane local roads. This will be a challenge.

B. SETBACKS

All development located adjacent to the perimeteroutside 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 building 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 eight (8) stories in height and one-hundred feet (100') 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 (stepbacks???) shall be provided to reduce impacts and help protect the Boise River Greenbelt, adjacent residences, or the public realm.

D. ARCHITECTURAL STANDARDS (I will let the architects comment!)

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-scale 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 a zone extending from five feet (5') to ten feet (10') from the sidewalk or multi-use pathway or property line, where a sidewalk or multi-use pathway are not present.
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-scale 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

1. 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.
2. Standards: Development shall, to the extent practicable:
 - a. Utilize shared refuse collection areas serving multiple uses or buildings where such facilities can be functionally and safely accommodated;
 - b. Consolidate service access points and loading areas to minimize curb cuts, conflicts with pedestrians, and interruptions to the public realm;
 - c. 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

- d. 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.
 - 1. 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.
 - i. No portion of any structure shall exceed a height that is more than two stories, or twenty-four feet (24') taller than the nearest existing residential structure, constructed prior to January 1, 2026, within twenty feet (20') feet of the shared property line. 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.

J. **Public Art**

- 1. The Heron Commons SAP District is a district that intends to create public spaces. Integrated public art contributes to the identity, usability, activity, and public enjoyment of those spaces. 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

Commented [BT23]: This section is a very interesting addition. I like it in concept. Is there a model from another community that was studied?
I am not familiar with the City's adopted public art policy. Does it include this policy?

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 functionally equivalent 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. Where there are conflicts with other sections of this Article, this section shall control.

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.
 - B. Equivalent activation features may be utilized when the applicant has demonstrated that the feature creates a similar level of observable pedestrian oriented activity and engagement with the adjacent public space as the listed activation elements.
 - C. 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.
 - A. 4. Adaptive Building Design Purpose:

1. The standards of this section are intended to support the purpose and intent of the Pedestrian Spine and allow for flexibility for near-term market conditions by ensuring that buildings are designed to accommodate future commercial and mixed-use occupancies.
- B. Adaptive Readiness:
 1. Development along the Primary Pedestrian Spine shall incorporate adaptive design features that collectively demonstrate the building's ability to accommodate future commercial or mixed-use occupancy.
 2. A narrative or plan demonstrating how the proposed design supports future conversion of the building or tenant spaces.
- A. Compliance Options: Compliance may be demonstrated through any combination of design features that achieve the purpose of this section, including but not limited to:
 1. Fire suppression systems and restroom facilities capable of accommodating future accessibility and building code requirements due to building occupancy conversion.
 2. Restroom facilities or building layouts capable of accommodating future accessibility and building code requirements.
 3. Structural systems that support flexible interior layouts or future expansions.
 4. Building designs that allow subdivision of tenant spaces into smaller units.
 5. Buildings are designed to accommodate multiple entrances along the Pedestrian Spine.
 6. Ground floor façade designs that accommodate future storefronts.
 7. Utility systems are designed to allow future expansion or reconfiguration.
- C. Required Finding: The decision maker must find that the application demonstrates that the proposed building design incorporates features that support future conversion to commercial or mixed-use occupancies and advances the purpose of this section.
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 of the 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, human-scale corridor.
 - E. Avoid creating a domineering or oppressive condition for users of the Boise River Greenbelt.
3. Applicability: The following standards shall apply to all development located within thirty feet (30') of the centerline of the Boise River Greenbelt.

Commented [BT24]: This section is positioned before the Allowed Uses Section. As such the reader would not be aware that residential uses are not permitted on property within 30' of the Greenbelt. The only possibility is MF is a conditional uses. While no one would propose low density residential, some may believe THs or second story flats appropriate. I would suggest that you include a vision statement regarding uses and product desired by the City in this area and provide some imagery of existing projects in Boise or elsewhere that illustrate that character.

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 Heron Commons (SAP) District, may be permitted where upper stories are stepped back, as follows:
 2. For every twenty feet (20') of horizontal building stepback above the second story, an additional story may be allowed, not to exceed a maximum of fifteen feet (15') in additional building height per stepback; and
 3. 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.

Commented [BT25]: I think 20' is excessive. 10' would be better and would work as a patio depth.

As an additional comment, several standards would benefit from sketch plans and/or sections. Visuals can assist with the understanding. For some standards the THIS, NOT THIS sketches are really helpful.

- D. Lighting shall be designed to avoid glare and minimize impacts to wildlife and the natural nighttime environment.
8. Fencing
- A. Fencing within thirty 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 Greenbelt user 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 thirty 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 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 thirty feet (30') of the Boise River Greenbelt centerline:

Commented [BT26]: I assume this is private property, correct?

Does the statement in B.3. referencing ecological value mean native plant material only? This would limit activities along the Greenbelt because the plant material could not withstand active use.

Does 10.B. mean access between structure on a development parcel?

10.C. - please provide an example of an element "creating a sense of privatization"

- 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.

Commented [BT27]: The requirements seem contradictory as written.

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 **8-4D PARKING AND OFF-STREET LOADING FACILITIES** 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.

I. PUBLIC OPEN SPACE

1. Purpose: To implement the Comprehensive Plan's public open space or a public park vision for this location by requiring public or publicly accessible open space on private property within the Heron Commons Specific Area Plan (SAP) District.
2. Intent: To ensure that required public 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. Applicability: The standards of this section apply to all required public open space within the Heron Commons SAP District Public Open Space–Future Park required by Section 8-8B-3(E).
4. 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.
5. Relationship to Common Open Space: Public open space provided in accordance with this Section shall be provided in lieu of the common open space required by **Section 8-4L, COMMON OPEN SPACE**. Compliance with this Section shall constitute full compliance with the common open space requirements of **Section 8-4L, COMMON OPEN SPACE**.
6. Implementation: Public open space shall be provided on a lot-by-lot basis unless incorporated into an approved Regulatory Master Plan.
7. 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.
8. 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;

Commented [BT28]: This is always a challenge with multiple ownership. The plan calls for the open space to be in the right locations and usable, not bits and pieces on various properties. The City may need to consider a cash-in-lieu provision for some properties where the open space elements are not appropriate. The cash would compensate the property owner providing the open space. See also COMMON OPEN SPACE 6.

- 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. Public Open Space must meet the Qualified Open Space requirements of **8-4L COMMON OPEN SPACE**.

9. **Regulatory Master Plan Flexibility:** An approved Regulatory Master Plan may:

Commented [BT29]: Good provision

- A. Consolidation: Open Space obligations may be consolidated onto one property or allocated across multiple properties and ownerships.
- B. Reduction: The amount of open space on individual lots may be reduced below the required twenty-five percent (25%) provided that:
 - 1. 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
 - 2. 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
 - 3. 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 to properties within thirty feet (30') of the centerline of 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 thirty feet (30') 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 dwelling units on the ground floor adjacent to the Boise River Greenbelt may be approved only where the applicant demonstrates and the decision maker finds that the proposed development will provide an equivalent or greater level of public engagement, pedestrian activity, Boise

River Greenbelt activation, and Boise River Greenbelt protection than would be achieved through a nonresidential ground-floor use.

3. Master Plan Authority

A. A Master Plan approved pursuant to this Title may authorize uses that differ from the classifications identified in Table 8-8B-7-1 Uses, including uses otherwise requiring an Administrative Conditional Use Permit or Conditional Use Permit within the district, provided the Master Plan demonstrates compliance with the purpose and intent of the Heron Commons SAP District and the approval criteria of the Master Plan process.

B. In reviewing a Master Plan that proposes alternative uses, the decision maker shall find that:

1. The proposed use or mix of uses advances the vision, purpose, and intent of the Heron Commons SAP District;
2. The proposed use contributes to the establishment of a vibrant, walkable, mixed-use environment within the district; and
3. The proposed use is compatible with surrounding existing and anticipated development.

C. Uses approved as part of an approved Master Plan shall be deemed authorized by right in accordance with the terms of the Master Plan approval and shall not require a separate Administrative Conditional Use Permit, Conditional Use Permit, variance, or other discretionary use approval unless expressly required as a condition of the Master Plan approval.

4. 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.

Commented [BT30]: You might reference this statement in my suggested vision statement for the Boise River Greenbelt Adjacency Design

Commented [BT31]: Is this the Regulatory Master Plan or something else? However, the flexibility is good

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 **8-6B-2 CONDITIONAL USE** and **8-6A ADMINISTRATION**.

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

Table 8-8B-7-1 Uses

	Property within 30' of the Boise River Greenbelt	
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
Drinking establishment, limited service*	P	P
Drive-through establishment*		
Dwelling unit, accessory*		P
Dwelling unit, group		P
Dwelling unit, multiple-family*	C	P
Dwelling unit, single-family attached		P
Dwelling unit, single-family detached		C
Dwelling unit, two-family		C

Commented [BT32]: You might consider a column heading for uses not within 30'
There are no Xs on the chart

Table 8-8B-7-1 Uses

	Property within 30' of the Boise River Greenbelt	
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		
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

Commented [BT32]: You might consider a column heading for uses not within 30'
There are no Xs on the chart

Table 8-8B-7-1 Uses

	Property within 30' of the Boise River Greenbelt	
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
Vehicle washing facility*		C
Vehicle wrecking yard		
Warehouse and storage, wholesale*		
Wireless communication facility*		

Commented [BT32]: You might consider a column heading for uses not within 30'
There are no Xs on the chart

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 Title.

B. REGULATORY MASTER PLAN

A. Purpose

A Regulatory Master Plan is the governing development framework for property subject to this Article and serves as the primary implementation tool for district-wide land use, development, infrastructure, open space, circulation, and public realm decisions.

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, development intensity, infrastructure, and public realm improvements necessary to support a vibrant, fiscally sustainable, and integrated mixed-use urban neighborhood.

The Regulatory Master Plan is intended to provide certainty with respect to critical infrastructure, connectivity, development intensity, public spaces, and long-term district objectives while allowing flexibility in the timing and implementation of individual projects.

B. Applicability

1. A Regulatory Master Plan shall be required for properties that are one (1) acre or more in size.
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 required prior to:
 - a. Approval of any subdivision; or

Commented [BT33]: Just curious, how many existing parcels are less than 1 acre?
Also, if there is common ownership for contiguous parcels that total 1 acre or more, should a regulatory master plan be required?

b. Issuance of any building permit.

4. No development subject to this section shall proceed without an approved Regulatory Master Plan.

Commented [BT34]: Including site development?
Should be included

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, or if longer as approved by the Council in a Development Agreement.
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 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 of 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 modifications to applicable standards shall include:
 - A. The requested modification or alternative; 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 a functionally equivalent or greater degree than strict application of the standard.

F. **ALTERNATIVE COMPLIANCE**

1. Purpose: The standards of this Article are intended to regulate development outcomes rather than prescribe a single design solution.

Accordingly, where expressly authorized by this Article, alternative methods of compliance may be approved through the Regulatory Master Plan process when such alternatives better achieve the purpose and intent of the Heron Commons SAP District.

2. Alternative Methods of Compliance: Where expressly authorized by this Article, an applicant may propose alternative methods of compliance through the Regulatory Master Plan process.

The applicant shall demonstrate through substantial evidence, and the decision maker shall find, that the proposed alternative:

Commented [BT35]: This is excellent and honors Council's desire for a non-prescriptive SAP

- A. Advances the purpose and intent of the Heron Commons SAP District;
 - B. Achieves the purpose and intent of the applicable standard to an equal or greater degree than strict compliance;
 - C. Maintains or improves the functionality and quality of the development;
 - D. Does not create greater adverse impacts than strict compliance; and
 - E. Remains consistent with the overall development framework established by the Regulatory Master Plan.
- 3. Burden of Proof: The applicant shall bear the burden of demonstrating through substantial evidence that the proposed alternative satisfies the requirements of this Section.
 - 4. Limitations: Alternative methods of compliance shall not be approved where this Article expressly prohibits modification of a standard.

G. Regulatory Master Plan Modifications

- 1. An approved Regulatory Master Plan may modify, allocate, consolidate, transfer, or otherwise deviate from standards. Unless expressly prohibited by this Article, standards may be modified through an approved Regulatory Master Plan. Such modifications are intended to facilitate coordinated district-wide planning and implementation while advancing the purpose and intent of the Heron Commons SAP District.
- 2. Provided that each requested modification satisfies the requirements of Section F, ALTERNATIVE COMPLIANCE modifications or alternative methods of compliance are permitted for:
 - 1. Permitted and conditionally permitted uses, use criteria, and the location of uses.
 - 2. Density.
 - 3. Open space size, location, distribution and configuration.
 - 4. Parking supply, parking space dimensions, and parking locations.
 - 5. Building and site standards, and similar development standards.

6. Other development standards where the decision maker finds that the proposed modification better advances the purpose and intent of the Heron Commons SAP District than strict application of the standard.
3. The Regulatory Master Plan shall not allow for deviations to:
 1. Required findings.
 2. Life safety requirements.
 3. Flood protection.
 4. Public access and connectivity requirements.
 5. Maximum height or required setbacks at district boundary.
 6. Provisions required by applicable federal, state, or municipal regulations outside of Title 8 of this code.
4. Modifications approved as part of a Regulatory Master Plan shall govern the subject property and shall be considered compliant with this Title. Approved modifications shall not require a separate variance, waiver, or similar discretionary approval unless otherwise required by this Code.

H. 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 and a level of development intensity sufficient to support a functional and economically viable mixed-use district, efficiently utilize infrastructure, and maintain activity throughout all phases of development.
3. The plan provides public open spaces that are functional, accessible, and proportionate to the scale of development and ensures that such spaces are delivered concurrent with development.
4. . The plan will result in a safe, active, and connected public realm that promotes ongoing pedestrian activity, avoids fragmented, isolated, or incomplete development patterns, and ensures continuity of development, infrastructure, circulation systems, and public space across the site.

5. Where development intensity is proposed below the target density established by this Article, the plan demonstrates through market analysis, committed development, phasing, or other substantial and documented evidence that the proposed mix of uses, employment, visitation, or other activity generators will provide an equivalent or greater level of support for a vibrant and economically viable mixed-use environment.
6. Each proposed modification or alternative method of compliance satisfies the standards of Section F, Alternative Compliance.
7. The plan provides streetscapes and public spaces that support pedestrian comfort, shade, walkability, and long-term public realm quality through substantial tree canopy, landscaping, and human-scale design. The plan shall demonstrate that street tree and landscape improvements are designed to establish and sustain a significant mature tree canopy that contributes to climate resilience, heat-island mitigation, ecological function, economic vitality, and the character of the Boise River and Greenbelt environment.

Commented [BT36]: Please Clarify the meaning

I. Conformance and Subsequent Development

1. All subsequent applications shall be consistent with the approved Regulatory Master Plan.
2. Minor modifications such as a relocation of like for like improvements 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 allowed uses, circulation, open space size or functionality , a reduction in net density, 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 an Administrative Conditional Use Permit application where compliance cannot be demonstrated through objective and clearly defined standards. Applications requiring discretionary or subjective evaluation shall be processed as a Conditional Use Permit.

D. 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.

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:

Commented [BT37]: Add the definition for "net density"

- 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.

Active Frontage

A building frontage designed to support visual and physical interaction between building occupants and the public realm through features such as entrances, transparent windows, outdoor seating, patios, displays, gathering areas, or other pedestrian-oriented activity.

Destination Use

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

Development Area

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

Commented [BT38]: Since this phrase is capitalized, I assumed it was a defined term. However I did not see it listed. Please explain.

Equivalent Activation Feature

A design element not specifically listed in this Article that demonstrates a similar level of pedestrian activity, public visibility, interaction, and engagement with the adjacent public realm as the activation elements expressly identified by this code.

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.

Publicly Accessible

An area that is open for use on private property 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.

Public Benefit

A measurable improvement that advances public health, safety, welfare, accessibility, community character, environmental quality, recreation, mobility, economic vitality, or the public realm.

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.

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; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

This Ordinance establishes the Heron Commons Specific Area Plan District and adopts a regulatory framework governing development within the district. The ordinance establishes standards and procedures for permitted uses, public infrastructure, circulation and access improvements, flood protection, public open space, building and site design, Regulatory Master Plans, administration, and related definitions, and provides for severability and an effective date.

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