ORDINANCE 1071-26

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

AN ORDINANCE BY THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION 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 That all other ordinances or parts of ordinances in conflict here within are, to the extent of such conflict, hereby repealed.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. Except as expressly repealed by this Ordinance, including ordinances or portions of ordinances repealed pursuant to Section 2, all other ordinances shall continue in full force and effect unless specifically repealed or amended.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:

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.

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 Mid Urban Mixed Use 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’s desire for the City to evolve as a destination.

3. Establishes a Mid Urban Mixed Use neighborhood that serves 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. Through development and site design, leverages the Boise River corridor to create seamless physical and visual connections between the river corridor and adjacent areas, enabling the corridor's recreational, environmental, and placemaking value to permeate and infuse the surrounding neighborhood.
6. Respects the Boise River corridor's natural resources through site planning, open space, landscaping, lighting, and development patterns that support the long-term health and function of the river environment.
7. Promotes a vibrant, compact, walkable, and human-scale environment through public circulation connections, high-quality design, active frontages, integrated land uses, landscaping, and public art.
8. Creates and sustains publicly accessible open space that is functional, meaningful, and suitable for everyday use.
9. Promotes compact, appropriately scaled development of sufficient density and intensity to support market-viable development in the near term and a sustainable fiscal future for the city.
10. Provides a balanced mix of residential, commercial, office, civic, and service uses. Development that results in a predominantly single-use pattern is contrary to the intent of the district.

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. Provides new and enhanced public spaces that offer public amenities, such as recreation opportunities, seating, gathering spaces, and interactive active art; are accessible, and integrated into the surrounding neighborhood.

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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 in height and scale 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. Create 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, Mid Urban Mixed 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 public 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.

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D. APPLICABILITY

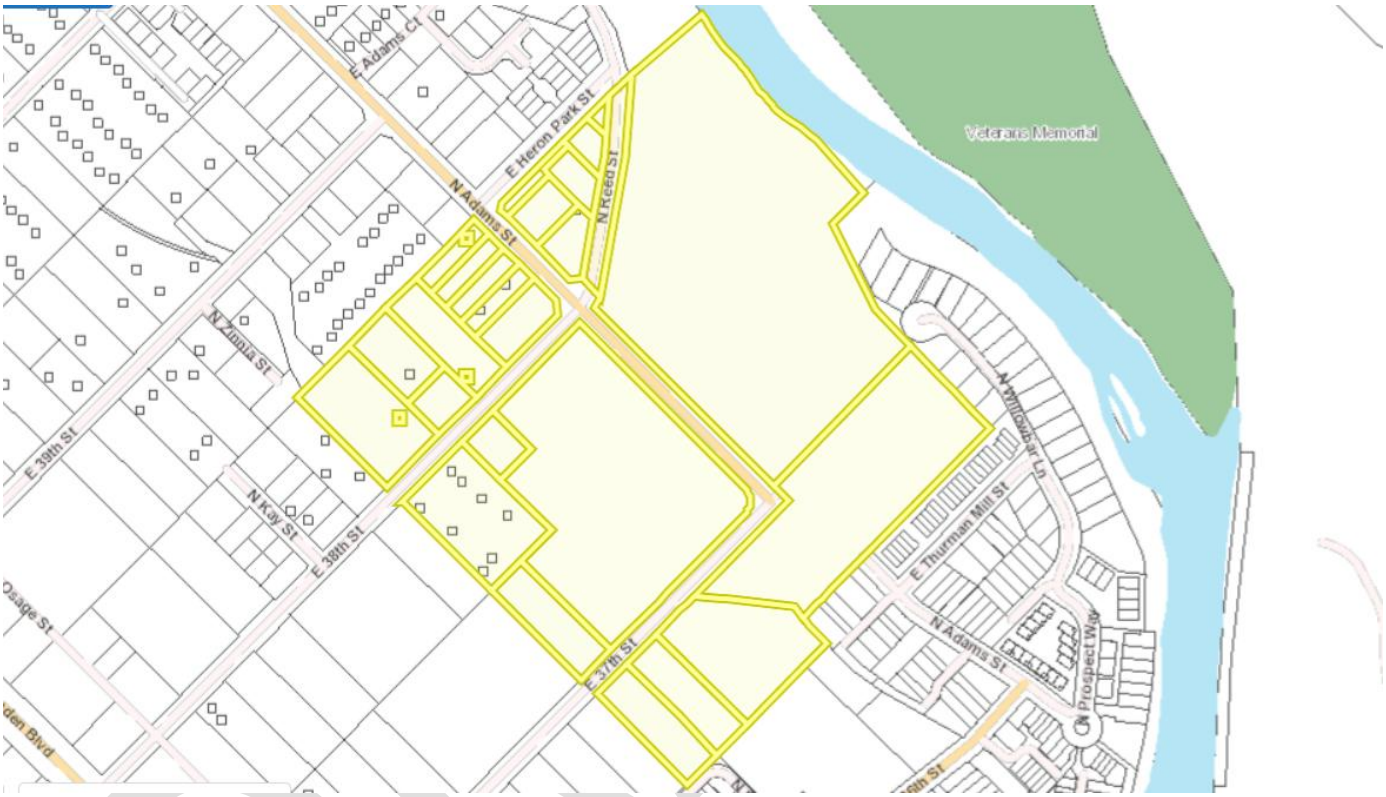
1. This Article shall apply to all structures and lands within the Heron Commons SAP District.
2. Except where expressly stated otherwise, all standards of this Article are prescriptive and apply directly to properties that are not included within an approved Regulatory Master Plan.
3. The addresses, of record as existing on the date of the first adoption of this ordinance include: 220; 221; 301; 305; 317 E. 37th Street; 215; 300; 304; 308; 300; 306; 310; 311 E. 38th Street; 3700; 3775; 3799; 3800; 3807; 3824; 3825; 3832; 3833; 3845, S1005120600 (Bare Land) N. Adams Street; 3825; 3831; 3845 N Reed Street.

Figure 8-8B-1.1: Legal Description of properties within the of Heron Commons SAP District

NW 195' LOT 14 & NW 195' OF NE 25' LOT 13 BLK 8 FAIRVIEW ACRES SUB #1
LOT 6 BLK 1 EXC R/W DEE HARDIN SUB #0060B
LOTS 22 & 23 BLK 12 FAIRVIEW ACRES SUB NO 3
LOT 3 EXC NWLY 84' BLK 1 DEE HARDIN SUB #0030-B
LOT 15 BLK 8 FAIRVIEW ACRES SUB NO 1
PAR #1700 @ CTR NE4 SEC 5 3N 2E #141690-B
PAR #2623 POR LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB 1 #2621B
PAR #0049 POR LTS 3 & 4 BLK 1 DEE HARDIN SUB #0048-B
PAR #2637 POR LTS 16 & 17 BL 8 FAIRVIEW ACRES SUB #1 #2635-B
PAR #0012 POR LOT 01 BLK 01 DEE HARDIN SUB #0011-B
LOTS 20 & 21 BLK 11 FAIRVIEW ACRES SUB NO 3 #0172 0178 C
LOT 12 & SW 75' LOT 13 BLK 8 FAIRVIEW ACRES SUB NO 1 #2580-S
PAR #1650 OF S2NE4 SEC 5 3N 2E #9115156
PAR #0022 POR LOT 02 BLK 01 DEE HARDIN SUB #0021-B
LOT 22 BLK 11 FAIRVIEW ACRES SUB NO 3 #8827750
PAR #2617 OF LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB #1 #2615B
LOT 12 BLK 12 FAIRVIEW ACRES SUB NO 3 #9213674
PAR #1695 IN CTR POR NE4 SEC 5 3N 2E & OF BLK 12 FAIRVIEW ACRES #3 R/S 9143
PAR #2627 POR LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB #1 #2625B
LOT 5 BLK 1 EXC R/W DEE HARDIN SUB #0050B
PAR #2631 OF LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB #1 #2630B
SE 105' LOT 14 & SE 105' NE 25' LOT 13 BLK 8 FAIRVIEW ACRES SUB #1
PAR #0600 OF W2NE4 SEC 05 3N 2E
PAR #2617 OF LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB #1 #2615B

LOT 12 & SW 75' LOT 13 BLK 8 FAIRVIEW ACRES SUB NO 1 #2580-S
LOT 23 BLK 11 FAIRVIEW ACRES SUB NO 3
PAR #0430 NW POR LOTS 20 & 21 BLK 12 FAIRVIEW ACRES SUB NO 3

Figure 8-8B-1.2: Depiction of properties within the of Heron Commons SAP District



The addresses, legal descriptions, and property depiction identified in this section are illustrative of the properties included in the Heron Commons SAP District as of the date of adoption of this code. The addresses, legal descriptions, and property configuration herein may be amended or updated from time to time and are provided for reference purposes only. Any such amendment, update, or correction shall not affect the applicability of this Article to the subject properties. Nothing in this Section shall be construed to prohibit the expansion, contraction, or modification of the Heron Commons SAP District boundaries through the zoning map amendment procedures established by **8-6B-10 ZONING MAP AMENDMENT AND ANNEXATION.**

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. Unless expressly modified by this Article, all applicable provisions of Title 8 shall remain in full force and effect and govern development within the Heron Commons SAP District. Where a provision of this Article expressly modifies or replaces a provision of Title 8, the provision of this Article shall control. The absence of a regulation, standard, or requirement in this Article shall not be construed as a conflict with Title 8 or as an exemption from any applicable provision of Title 8.
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.
4. If provisions of this Article are met the decision maker shall approve the application. Failure to meet the provisions of this Article shall result in denial.

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 and other applicable local ordinances;

D. Conditions of approval expressly adopted as part of an approved Regulatory Master Plan;

E. The approved Regulatory Master Plan;

F. 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, Mid Urban 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.

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8-8B-2 ILLUSTRATIVE INFRASTRUCTURE 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 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 Infrastructure 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. The Illustrative Infrastructure Plan **Figure 8-8B-2.2** identifies, at a conceptual level:

   A. Layout of the required public streets and connections, subject to different alignments.

   B. Layout of the required public accessways and pathways.

   C. Flood control improvements.

   D. Location of a Boise River Greenbelt access.

   E. Location of building height limits.

2. The Illustrative Infrastructure Plan does not designate a conceptual location for the required Public Open Space–Future Park, emergency access to Waterfront

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District Subdivision, or the E. Adams Street bicycle connection. The location of the Public Open Space–Future Park shall be established through an approved Regulatory Master Plan.

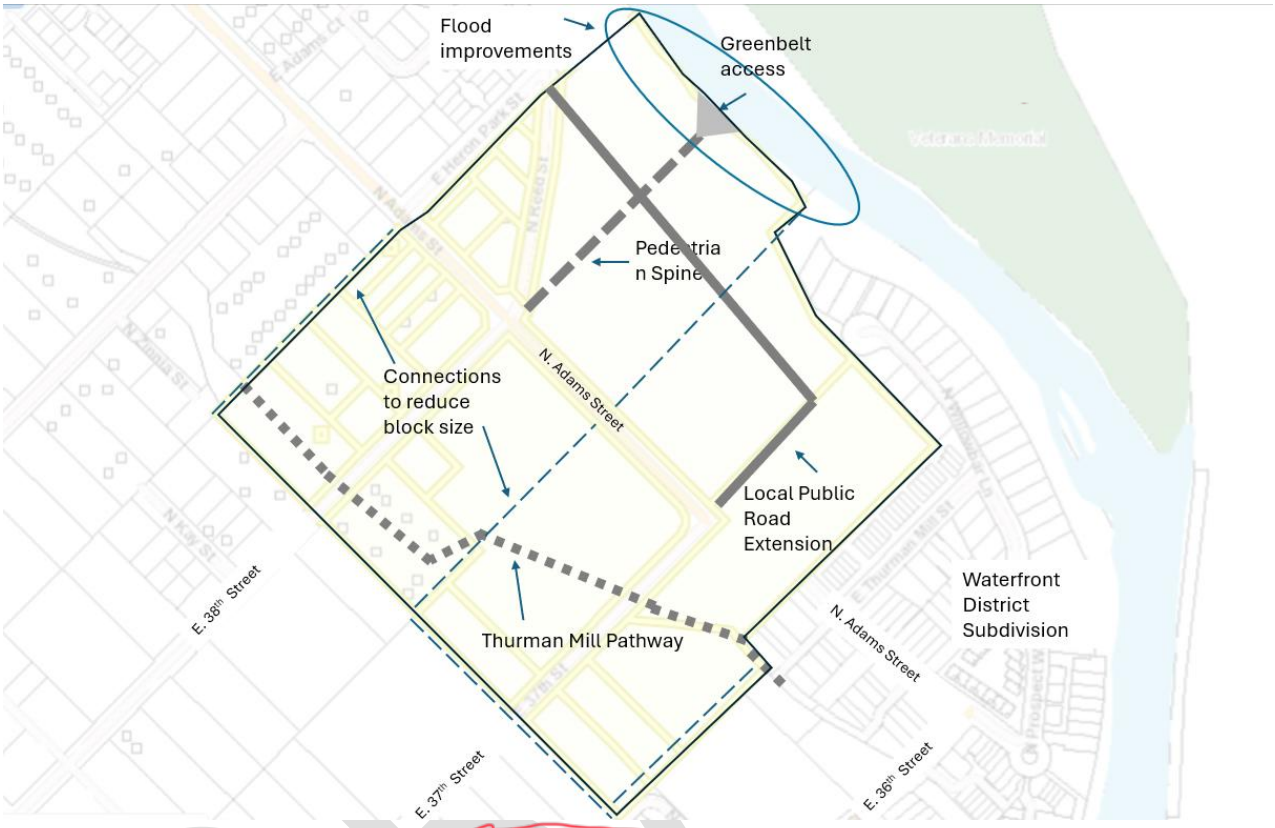


Figure 8-8B-2.2 Illustrative Infrastructure Plan for the Heron Commons SAP District

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. Flood protection measures shall be designed, implemented, and maintained in a manner consistent with the hydraulic and hydrologic modeling that formed the basis for the Flood Insurance Rate Maps and Flood Insurance Study adopted by the City pursuant to Ordinance No. 1016-20 on June 8, 2020. Such modeling shall be updated as necessary to incorporate the best available data formally adopted by the City, including any FEMA-approved Letter of Map Revision (LOMR), Letter of Map Amendment (LOMA), revised Flood Insurance Study, updated hydraulic or hydrologic analyses, or other flood hazard information accepted and adopted by the City.

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5. Compliance and Certification: All flood protection improvements required by this section shall be designed, constructed, and certified in compliance with applicable FEMA requirements.
6. Onsite development within the regulatory floodplain must comply with **8-4H FLOOD HAZARD STANDARDS.**

D. PUBLIC STREETS AND PUBLIC PATHWAYS

A. 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 river-oriented activity to 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. Provide a connected network of streets, lanes, and pedestrian ways that are publicly accessible and integrated with surrounding development, regardless of whether individual facilities are publicly or privately owned.
6. The following street and pathway typology provides the framework for the required streets and pathways.

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Facility	Primary Function	Motor Vehicles	Bikes	Pedestrians
Boise River Greenbelt	Recreation	No, except emergency vehicles if designed adequately	Yes	Yes
Primary Pedestrian Spine	Destination Location	Yes, but not required, and must be secondary	Yes	Priority
Local Circulation Network	Public Access	Yes	Yes	Yes
38th Street Extension	Bicycle Network Connection	Yes, but may be limited	Priority	Yes
Thurman Mill Canal Multiuse Pathway	Non- motor vehicular mobility	No, except emergency vehicles if designed adequately	Priority	Yes
Adams Bicycle Connection	Bicycle mobility	No, except emergency vehicles if designed adequately	Priority	Dependent on proposal

Figure 8-8B-3.1 Street and Pathway Typology

2. Boise River Greenbelt Standards

A. Boise River Greenbelt Improvements

1. Required Facility: Any portion of the Boise River Greenbelt that is constructed, reconstructed, or modified shall remain open and accessible to the public in perpetuity, except for temporary closures permitted by Garden City Code.
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. Incorporate and advance the intent of **8-4M BOISE RIVER NATURAL RESOURCE**. Open space shall be planned and maintained in a manner that preserves and enhances river-related natural resources, supports floodplain and habitat functions, strengthens the Boise River Greenbelt

as a linear park system, and reinforces public access and connectivity along the Boise River corridor.

Is this word strong enough?

~~a.~~b. Encourage riverbank stabilization and habitat restoration.

~~b.~~c. 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.

~~c.~~d. 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.

~~d.~~e. Integrate open space with the Boise River Greenbelt system to establish the Boise River Greenbelt as a linear park rather than a limited 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
   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.

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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.

3. Boise River Greenbelt Accessways Standards

A. Required Facilities: Public pedestrian and bicycle accessways shall be provided from public streets through the site to the Boise River Greenbelt.

B. Spacing: Required public accessways shall be provided at linear intervals generally not exceeding three hundred feet (300’), measured along the Boise River Greenbelt travelway, from centerline of one accessway to the next, unless the review authority finds that site conditions, environmental constraints, existing public access points, or flood protection facilities justify a greater spacing while maintaining convenient public access to the Boise River Greenbelt.

C. 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 onsite 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
      iii. Alignment, surface treatments, or signage sufficient to clarify circulation and reduce user conflict.

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d. Public Function: Boise River Greenbelt accessways shall function as public access routes available to the general public. Accessways may be located within public rights-of-way, public open space, or private property subject to a recorded public access easement. Accessways shall not be gated, restricted, or designed in a manner that discourages or prevents public use.

4. Primary Pedestrian Spine

A. Required Facility

1. A Primary Pedestrian Spine 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. The Primary Pedestrian Spine may be located on public or private property, provided that permanent public access is secured through public ownership, recorded public access easement, to other legal mechanism approved by the city. The Primary Pedestrian Spine shall remain permanently open and accessible to the general public. Responsibility for ownership, maintenance, and operation shall be established as part of the development approval process.

B. Purpose

The ~~purpose of the~~ Primary 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 Primary Pedestrian 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 Primary 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 Primary Pedestrian Spine is intended to:

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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 use 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 Primary Pedestrian Spine is further intended to act as a central organizing framework that extends public activity associated with the Boise River Greenbelt through the site towards Chinden Boulevard, integrating the Boise River Greenbelt into the broader urban environment of the city.
4. Motor vehicle access may be permitted along the Primary 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.

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Figure 8-8B-3.1 AI Generated Examples of a Pedestrian Spine

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

5. Thurman Mill Canal Multiuse Pathway

A. Purpose: The Thurman Mill Canal Multiuse Pathway establishes a continuous, publicly accessible multiuse pathway~~multi-use~~ corridor that supports safe and convenient pedestrian and bicycle movement fully separated from motor vehicle traffic 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 Multiuse Pathway is to:

What if location of canal makes it difficult to develop the lot?

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

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

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

E. Pathway 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:

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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 Multiuse 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. All development, improvements, pathways, crossings, utilities, flood protection facilities, and other site modifications associated with the Thurman Mill Canal Multiuse Pathway shall comply with the requirements of **8-4A-9, WATERWAYS**.
2. 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.
3. A proposal to pipe, tile, cover, or enclose a portion of the canal may be considered through **8-4A-9, WATERWAYS** or the variance process, established by **8-6B-9 VARIANCE**.
4. Any approved enclosure or modification shall be limited to the minimum length and extent necessary to address the demonstrated hardship or approved purpose and shall not unreasonably impair the visibility, function,

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irrigation use, habitat value, public access, connectivity, or public enjoyment of the canal corridor.

5. Nothing in this section shall prohibit canal modifications expressly required or approved by the Thurman Mill Irrigation District.

6. Adams Street Bicycle Connectivity Requirement

   Purpose: Provide a dedicated, direct, safe, comfortable, and continuous public bicycle connection that ties into the existing collector roadway, E. Adams Street that is west of 37th Street to the section of the local roadway E. Adams Street that intersects with E. 36th Street. The location and alignment of the connection are flexible and are not required to follow any specific route, provided the connection achieves the purpose of this section and remains direct, safe, and continuous. This required connection shall ~~be required and shall~~ not be eliminated. The Boise River Greenbelt shall not constitute or serve as the required connection.

7. Adams Street Requirement

   A. Purpose: Adams Street between the western boundary of the Heron Commons SAP District and 37th Street is an existing collector roadway within the Heron Commons SAP District. A collector roadway is intended to gather traffic from local streets and convey it to higher-capacity roadways. The stub segment of Adams Street within the Waterfront District Subdivision adjacent to the Heron Commons SAP District is classified as a local street intended to provide direct access to adjacent properties. The purpose of the Adams Street corridor between the western boundary of the Heron Commons SAP District and 37th Street is to provide vehicular access through the site and connectivity to the local street network serving the Heron Commons SAP District. Within the district, Adams Street shall be enhanced through streetscape improvements that create a comfortable and inviting experience for pedestrians, bicyclists, and motorists.

   B. Intent: The intent of the Adams Street from the western boundary of the Heron Commons SAP District to 37th Street Segment is to:

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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, but not be the primary 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

How is this different from existing code?

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

2. Landscape and Furniture Zone
   a. A continuous landscape or street furniture zone shall be provided between vehicular travelway and the sidewalk on both sides of Adams Street.
   b. Where the landscape or street furniture zone is located within an area subject to Ada County Highway District jurisdiction, its design and installation shall be subject to Ada County Highway District review and approval.
   c. The landscape or street furniture zone:

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

ii. 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.

d. 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

3. Connection of E. Adams Street

a. A motor vehicular connection between the existing collector segment of E. Adams Street west of 37th Street and the local street segment of E. Adams Street within the Waterfront District Subdivision is prohibited unless required by Ada County Highway Department.

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b. If Ada County Highway District requires a motor vehicle connection of E. Adams Street it shall be designed:

i. To prioritize, pedestrians, bicyclists.

ii. To minimize and discourage non-local motor vehicle traffic. Traffic-calming measures shall be incorporated throughout the connection to achieve the required operating speed and discourage through traffic. Such measures may include chicanes, lane shifts, speed tables, raised crossings, yield-flow configurations, public art, signage, or other methods approved by the City and Ada County Highway Department.

iii. For an operating speed of fifteen miles per hour (15 mph) or less, unless a higher speed is required by Ada County Highway District or necessary to accommodate emergency vehicle access.

iv. To accommodate the required Waterfront District Subdivision emergency access and the Adams Bicycle Connection if not otherwise provided.

c. A traffic-calming plan demonstrating compliance with this subsection shall be included in the Regulatory Master Plan.

7. Required Local Circulation Network

A. Purpose: The purpose of the required local circulation network is to establish a system of public local streets within the Heron Commons SAP District. The local circulation network is intended to accommodate motor vehicle traffic, emergency services, reduce block size, 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.

The local circulation network shall be 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 local circulation network frames and reinforces the visibility, accessibility, and civic presence of

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the district's most significant public spaces while maintaining a balanced and integrated urban street environment.

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B. Intent: The intent of the local circulation network is to:

1. Function as public roadways within the district, accommodating necessary public vehicular access, including emergency and service vehicles, while supporting efficient internal circulation and access to parking.
2. Support access to publicly available parking.
3. Serve as a connected public street network that supports circulation throughout the district, reduces block lengths to improve connectivity, and reinforces the intended character 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. Reinforce the pedestrian-oriented character and public nature of the Heron Commons SAP District through a connected and legible circulation network.

C. Required Extension and Alignment

1. The required local circulation network shall maximize the connections to the existing public network.
2. Any extension or modification of roadway shall be subject to applicable Ada County Highway District standards, review and approval where jurisdiction applies.

D. Street Design

1. The roadways shall be designed as a local urban streets consistent with Garden City design objectives, subject to approval by Ada County Highway District where jurisdiction applies.
2. The following minimum design standards shall apply to local roads located within the Heron Commons SAP District:
    a. 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 selected from species capable of forming a substantial urban tree canopy and generally attaining a mature height of at least forty-five feet (45') under typical growing conditions.

c) Be subject to utility location, sight-distance, and safety constraints.

b. 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.

c. Parking

i. The Regulatory Master Plan shall demonstrate that sufficient publicly available parking is provided to serve public open spaces, the Primary Pedestrian Spine, Greenbelt access, restaurants, retail uses, and visitors to the district.

ii. Required public parking may be provided:

a) On street; or

b) Within publicly accessible parking facilities directly accessed from and serving the corridor

iii. Angled parking and back-in angled parking are permitted, subject to Ada County Highway District approval.

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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.

8. 38th Street Extension

A. Purpose: The purpose of the 38th Street Corridor Connection North of Adams Street is to preserve and extend the public connectivity function of 38th Street through the Heron Commons SAP District. The corridor is intended to provide a direct, visible, safe, and convenient connection between surrounding neighborhoods, the Heron Commons SAP District, and the Boise River Greenbelt.

As an extension of an existing public street and bicycle route, the corridor shall strengthen pedestrian and bicycle movement between Chinden Boulevard, Adams Street, the Primary Pedestrian Spine, and the Boise River Greenbelt while supporting the broader circulation network of the district.

B. Intent

1. Extend a direct public bicycle connection between the existing 38th Street corridor and the Boise River Greenbelt.
2. Promote safe, comfortable, and convenient travel for pedestrians and bicyclists
3. Allow flexibility in the design, alignment, ownership, and configuration of the corridor while preserving its public connectivity function.
4. Support integration of the Heron Commons SAP District with surrounding neighborhoods, public spaces, and transportation facilities.
5. Accommodate emergency vehicle access where necessary without compromising the corridor's primary bicycle and pedestrian function.

C. Extension and Connection

1. 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.

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2. The extension or alternative public connection may be located within public right-of-way or on private property. Where located on private property, permanent public access easements shall be provided to ensure public access in accordance with this Code.
3. Bicycle facilities shall be physically separated or buffered from adjacent motor vehicle travel lanes through landscaping, grade separation, vertical elements, parking, or other design features that provide a clear distinction between bicycle and motor vehicle travel areas.

D. Required Connection

1. A continuous public bicycle and pedestrian connection shall be provided between the existing 38th Street corridor south of Adams Street and the Boise River Greenbelt.
2. The connection shall:
   a. Be direct, visible, legible, and publicly accessible;
   b. Connect to the district circulation network;
   c. Accommodate pedestrian and bicycle travel;
   d. Be available for public use in perpetuity; and
   e. Provide a level of connectivity equal to or greater than would be achieved through a traditional street extension.
3. The connection may be provided as, or as part of, one or more of the following:
   a. A public street;
   b. A private street;
   c. A shared street;
   d. A multi-use pathway; or
   e. Another publicly accessible circulation facility approved through a Regulatory Master Plan.
4. The connection may be located within public right-of-way, public property, private property, or a combination thereof.

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5. Where the connection is located on private property, permanent public access easements or equivalent legal mechanisms approved by the City shall be provided to ensure perpetual public access.
6. An enhanced bicycle and pedestrian crossing of Adams Street shall be provided at the connection to the 38th Street corridor, subject to Ada County Highway District review and approval where District jurisdiction applies.

E. 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.
3. The connection shall be designed to prioritize pedestrian and bicycle movement.
4. If motor vehicle access is provided, the design shall:
   a. Minimize conflicts with pedestrians and bicyclists;
   b. Provide for buffered bicycle facilities.
5. The connection shall comply with applicable accessibility standards.

Is this a new section or continuation of public street pathway on pg 12??

C. MAXIMUM BLOCK LENGTH

1. Purpose. To promote mobility, public access, and a connected development pattern, the district shall be designed to avoid excessively long blocks and to provide frequent opportunities for public pedestrian and bicycle movement.
2. Intent: The intent of this section is to promote a walkable and connected development pattern through block lengths that generally range from three hundred feet (300') to four hundred feet (400'). Longer block lengths may be appropriate where necessary to accommodate site constraints, provided that development continues to support a highly connected pedestrian and bicycle network.

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3. Maximum Block Length Standard
    A. Where a block face, development frontage, or physical barrier would otherwise exceed six hundred feet (600') in length, a public connection shall be provided.
    B. Required connections shall:
        1. Be open and accessible to the public;
        2. Provide a direct and continuous route through the block or development area;
        3. Connect to a public street, public pathway, public open space, or another publicly accessible circulation facility at each end;
        4. Be designed to safely accommodate pedestrians, bicyclists, or both; and
        5. Remain available for public use in perpetuity through public ownership, public easement, or another legal mechanism approved by the City.
4. Alternative Design. The review authority may approve an alternative spacing or alignment where environmental constraints, flood protection improvements, existing public access facilities, canal infrastructure, or other site conditions make strict compliance impracticable, provided the proposal achieves an equal or greater level of public connectivity.

D. WATERFRONT DISTRICT SUBDIVISION EMERGENCY VEHICLE ACCESS

A redundant emergency vehicle access connection to the Waterfront District Subdivision shall be provided in addition to existing emergency access that is provided by East 36th Street. Such access shall be designed and maintained to meet the requirements and approval of North Ada County Fire and Rescue District. Compliance with this requirement may be achieved through reconstruction or improvement of the Boise River Greenbelt to accommodate emergency vehicle access, a connection through the Adams Street corridor, or another alternative providing equivalent emergency access and redundancy as approved by the fire authority.

where is E?

F. UTILITIES

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

G. 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. The space provides opportunities for walking, recreation, gathering, community interaction, and access to amenities; supports environmental functions; and contributes 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.
2. Improvements: The Public Open Space–Future Park shall comply with the requirements of **8-8B-5(I), PUBLIC OPEN SPACE** and may consist of one or more public open spaces that collectively satisfy the requirements of this Article.

8-8B-4 PHASING AND IMPROVEMENT OBLIGATIONS

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

1. Minimum Required Improvements
   A. Public accessways, Boise River Greenbelt connections, the Thurman Mill Canal Multiuse Pathway, public open space obligations, extensions of public streets and pathways, flood protection tie-ins, required public parking replacement, and pedestrian, bicycle, or multiuse pathway connections that are adjacent to, located on, or directly serve a proposed development shall be completed prior to or concurrently with vertical development, or otherwise secured through a financial surety acceptable to the City in accordance with **8-6A-15 FINANCIAL SURETY**.
   B. Vertical development of any property shall not proceed until the property's required Public Open Space-Future Park obligation has been provided, dedicated, improved, funded, secured, or otherwise satisfied, as established by this Article or an approved Regulatory Master Plan.
   C. Development of any parcel that exceeds the maximum block length standards or relies upon a required pedestrian, bicycle, multiuse pathway, mid-block connection, or other connectivity improvement to satisfy this Article shall not proceed until the required connection serving that parcel has been completed prior to or concurrently with development, or otherwise secured through a financial surety acceptable to the City.
   D. Each phase of development shall:
      1. Maintain continuity of circulation, public access, and infrastructure;

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2. Extend improvements to the boundary of the phase to allow for future connections; and
3. Not result in isolated, incomplete, or non-functional development patterns.

E. Development shall not proceed in a manner that precludes the logical completion of the district consistent with the approved Regulatory Master Plan.

2. Prerequisite Improvements for Specific Development Areas

A. Vertical development of the 13.38-acre property identified as Ada County Assessor Tax Parcel ID S1005141700, legally described as PAR #1700 @ CTR NE4 SEC 5 3N 2E #141690-B, LOT 3 EXC NWLY 84' BLK 1 DEE HARDIN SUB #0030-B, PAR #0600 OF W2NE4 SEC 05 3N 2E, LOT 6 BLK 1 EXC R/W DEE HARDIN SUB #0060B, PAR #0012 POR LOT 01 BLK 01 DEE HARDIN SUB #0011-B, PAR #0049 POR LTS 3 & 4 BLK 1 DEE HARDIN SUB #0048-B, LOT 5 BLK 1 EXC R/W DEE HARDIN SUB #0050B, and PAR #0022 POR LOT 02 BLK 01 DEE HARDIN SUB #0021-B and shown on **Figure 8-8B-4.1**, shall not proceed until the following improvements have been completed or are concurrently being completed in accordance with **8-8B-3 REQUIRED IMPROVEMENTS**:

1. Local roadway network has been extended and constructed.
2. Required Adams Street improvements have been completed.
3. Floodplain protection improvements have been constructed and documentation, including FEMA certification demonstrating compliance has been provided.

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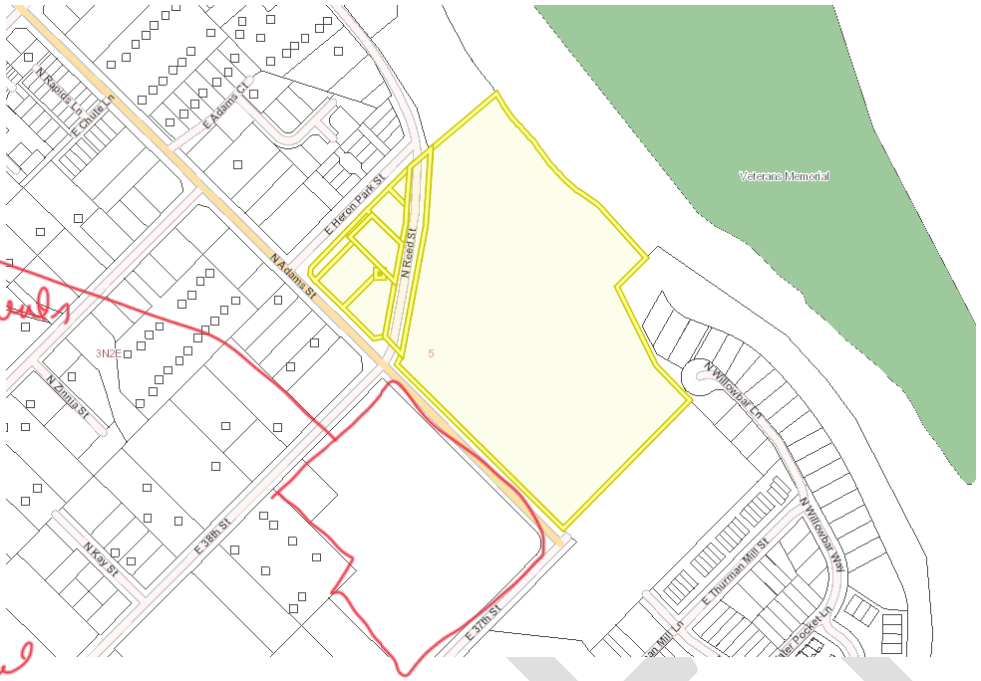


Figure 8-8B-4.1

B. 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 are concurrently being completed in accordance with **8-8B-3 REQUIRED IMPROVEMENTS**:

1. The Adams Street bicycle connection has been completed.
2. Redundant emergency access serving the Waterfront District Subdivision shall be completed.

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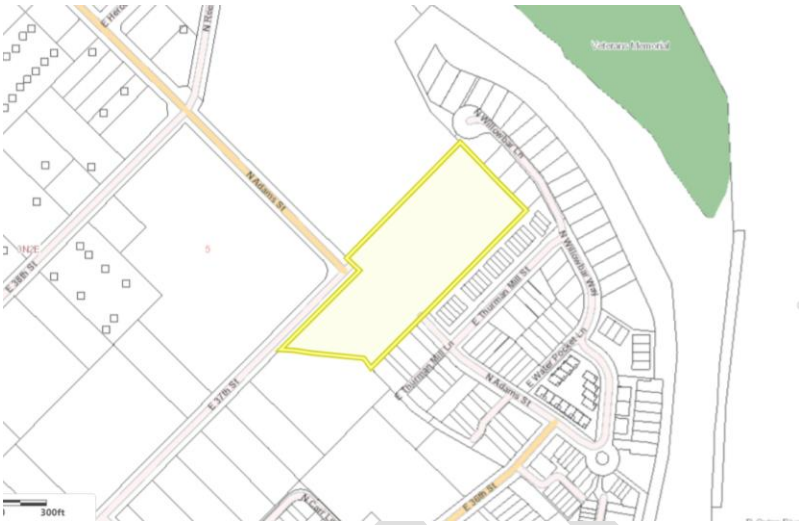


Figure 8-8B-4.2

3. 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.

C. IMPROVEMENT OBLIGATIONS

1. Public Access

   A. Public roads and pathways shall be dedicated and private streets and pathways intended for public use shall be 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

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

D. MAINTENANCE

1. Maintenance Responsibility
    A. 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.
    B. Private property owners shall provide covenants, conditions, and restrictions (CC&Rs) or other legal documentation acceptable to the City identifying responsibility for ongoing maintenance.
    C. The City may require modification of maintenance mechanisms where necessary to ensure compliance with all applicable 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. Ordinances enacted after the effective date of this ordinance shall govern where applicable.

E. EASEMENTS AND AGREEMENTS

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

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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 Primary Pedestrian Spine shall supersede general frontage and design standards.

A. **DEVELOPMENT VIABILITY**

1. For properties greater than one (1) acre, the applicant shall demonstrate through substantial and credible evidence that the proposed development will establish and is reasonably capable of contributing to a ~~sustaining~~ sustained a ~~-~~Mid Urban Mixed Use development pattern within the Heron Commons SAP District ~~consistent with the purpose and intent of the Heron Commons SAP District and will not function predominantly as a single-use development over time~~. Evidence may include, but is not limited to:
   A. A development and phasing plan demonstrating the anticipated timing, integration, and relationship of residential and non-residential uses;
   B. Market, feasibility, absorption, operational, or similar analyses;
   C. Building and site designs that support future adaptability, occupancy by a variety of uses, or conversion to different uses over time;
   D. The manner in which the proposed development will generate activity from residents, employees, customers, visitors, or other users throughout the district; and
   E. Other information that demonstrates the long-term viability of a Mid Urban Mixed Use development pattern.
2. A property of less than one (1) acre may consist entirely of nonresidential or residential uses where the proposed development contributes to the overall Mid Urban Mixed Use development pattern intended for the Heron Commons SAP District.

   Development of properties of less than one (1) acre shall satisfy at least one of the following:
   A. Include a mix of residential and non-residential uses on site; or

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B. Consist entirely of non-residential uses; or

C. Achieve a minimum residential density of fifteen (15) dwelling units per acre.

Projects that do not satisfy at least one of these standards may be approved only through an approved Regulatory Master Plan or a Conditional Use Permit.

3. **SETBACKS**

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

Setbacks Adjacent to the Heron Commons Specific Area Plan (SAP) Boundaries			
Front setback	**Rear setback**	**Side setback**	**Adjacent Residential** (A shared property boundary with any residential use or common lot of the Waterfront District Subdivision legally established prior to [insert code adoption date]).
Minimum of five (5') feet	Minimum of five (5') feet	Minimum of three (3') feet	Minimum of fifteen (15') feet

Setbacks shall be measured from the applicable property line or back of sidewalk, whichever results in the more restrictive setback.

B. Notwithstanding the minimum setbacks otherwise permitted, no development shall utilize setbacks that result in significant adverse impacts on the public realm or adjacent properties that cannot be adequately mitigated. Such impacts include, but are not limited to, loss of privacy, noise, visual bulk, or other measurable impacts directly attributable to the proposed development. The applicant shall demonstrate that such impacts have been mitigated through building orientation, window and living space placement, landscaping, or other effective mitigation measures. If significant adverse impacts cannot be adequately mitigated, setbacks shall be increased to the extent necessary to achieve compliance with this standard.

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~~B. These minimum setbacks shall apply to all property lines adjoining the SAP District boundary. In certain instances, in order to meet the findings that the development is compatible with the Boise River Greenbelt and adjacent neighborhoods, increased setbacks may be necessary. The need for increased setbacks shall be evaluated based on the height and intensity of the proposed development and its potential impacts on adjacent existing uses and properties.~~

4. **HEIGHT** This section is confusing

A. Structures or portions of structures between fifteen feet (15') and thirty feet (30') from the shared Adjacent Residential property line shall not exceed forty-five feet (45') in height. If a street, driveway, or bike path is build adjacent to such properties & there's 30 or more feet setback a structure taller than 45' could be built.

B. No structure or portion of a structure located adjacent to a shared Adjacent Residential property line shall exceed forty-five feet (45') in height unless a portion of the same structure, not exceeding forty-five feet (45') in height, is located between the taller portion of the structure and the shared Adjacent Residential property line.

C. Structures or portions of structures between thirty feet (30') and forty feet (40') from the shared Adjacent Residential property line shall not exceed fifty-eight feet (58') in height. This conflicts w/ section B

~~A.~~ Structures or portions of structures that are greater than forty feet (40') from the shared Adjacent Residential property line and are not within the Boise River Greenbelt Adjacency Area may be up to seventy-two feet (72') measured from grade:

Are you saying as long as a 45' structure is between them a 72' structure could be built? OR what if they use 40' for such things as parking or open space or bike & drive isles & go 58' to 72'? would that be okay? OK no because of subsection B?

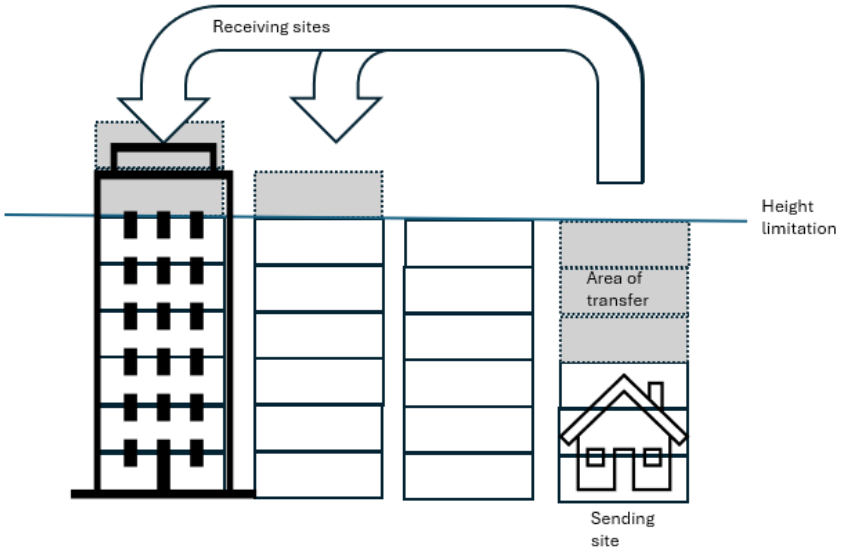
~~B.~~D. ~~Structures may be up to six (6) stories in height and seventy-two feet (72') measured from grade~~: If you remove this sentence there is no other reference to stories prior to this

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. Buildings containing a non-residential ground floor may exceed the maximum height by up to eight feet (8') to accommodate ground-floor commercial floor-to-ceiling heights, building systems, and architectural

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features associated with non-residential occupancy. This allowance shall not increase the maximum number of permitted stories.

3. Building height may be increased by up to two (2) additional stories, or twenty-four feet (24') 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 adjacent to the district boundaries. In order to increase the height from the base permitted height, an equivalent offset in building height from another structure, adjacent to the Boise River Greenbelt or adjacent residential neighborhood shall be provided to reduce impacts and help protect the Boise River Greenbelt, adjacent residences, or the public realm.

Figure 8-8B-5.1 Height Transfer

~~C.~~ Notwithstanding the maximum height otherwise permitted, no building shall exceed a height that results in significant adverse impacts on adjacent properties that are directly attributable to the building's height and cannot be adequately mitigated. Such impacts include, but are not limited to, a significant loss of privacy, excessive shadowing of living spaces, or other measurable impacts. The applicant shall demonstrate that such impacts have been mitigated through setbacks, stepbacks, landscaping, or other effective

mitigation measures. If significant adverse impacts cannot be adequately mitigated, the permitted building height shall be reduced to the extent necessary to achieve compliance with this standard.

5. ARCHITECTURAL STANDARDS

A. 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:

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

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

1. Roof Form

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

C. Ground Floor Height and Entrances
1. The minimum finished floor to ceiling height for ground floor spaces adjacent to the Boise River Greenbelt or the Primary Pedestrian Spine shall be fourteen feet (14').
2. Primary building entrances shall face a public street, the Primary Pedestrian Spine, or publicly accessible plaza or be directly connected to a pedestrian entrance or element that does.

D. Facade Length and Blank Walls
1. Wall facades facing a public street, Primary Pedestrian Spine, or public open space shall incorporate facade features, including but not limited to windows, doors, changes in building plane, material changes, or architectural detailing, sufficient to avoid uninterrupted wall surfaces exceeding twenty (20) feet in length.

E. 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.
4. A minimum of eighty-five percent (85%) of the frontage shall be occupied by a building façade located within the build-to zone.

F. 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

ADD; and do not have unobstructed views into adjacent residential properties outside SAP district

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accessible open spaces, provided such spaces have a minimum depth of ten feet (10') and a minimum width of twenty feet (20').

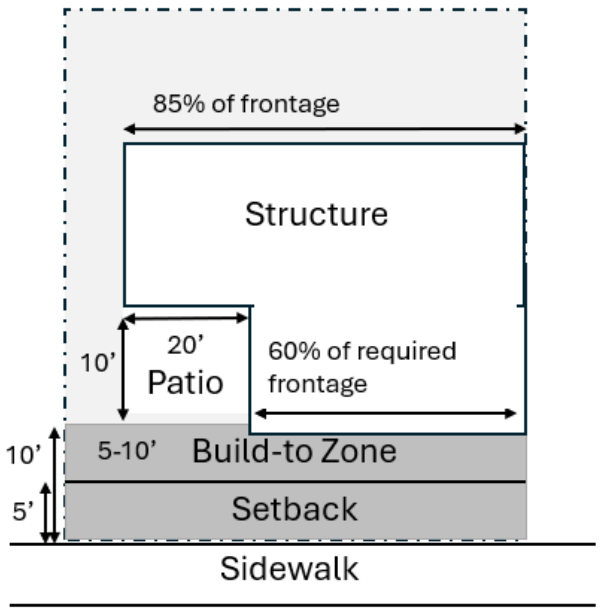


Figure 8-8B-5.2 Build-To Street Relationship

G. 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, the Primary 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 uninterrupted wall surfaces exceeding twenty (20) feet in length 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.

H. Parking

1. Surface parking areas, parking spaces, loading areas, and service areas shall be screened from the Boise River Greenbelt and the Pedestrian Spine by buildings, public open space, landscaping, grade separation, or architectural screening sufficient to prevent them from being the dominant visual feature. 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 the Primary 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 the Primary 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.

I. Shared Service and Access Infrastructure

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2. 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.
3. 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.

J. Residential Adjacency: Development adjacent to existing residential neighborhoods shall be designed to be responsive to and compatible with those neighborhoods.
    4. Compatibility shall be achieved through incorporation of one or more methods including building heights, setbacks, stepbacks, open space, uses, structure orientation, privacy measures, including window and activation element placement, or landscaping to reduce potential impacts.

K. 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

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construction value. The contribution may be adjusted based on project size, with a maximum contribution of $150,000 per development. The public art requirement is intended to be proportional to the impacts of development and to support the quality and vitality of the public environment. The City shall ensure that the obligation imposed is reasonably related in both nature and extent to the impacts of the proposed development and roughly proportional to the public realm impacts of the 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

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maintenance of public art in publicly accessible and visible locations that provide broad community benefit.

L. Landscaping: Landscaping shall serve as a primary organizing element within the Heron Commons Specific Area Plan (SAP) District. Emphasis shall be placed on the use of large, long-lived, non-columnar tree species capable of reaching a mature height of forty-five feet (45') or greater. Such trees shall be intentionally integrated throughout the site to shape the public realm and establish a lasting landscape character. Tree Placement and species selection shall contribute to the long-term establishment of a recognizable, shade-rich urban forest and a high-quality pedestrian environment.

Priority shall be given to the placement of such trees, within public open spaces, along streets, and at the interfaces between public spaces and adjacent development, ensuring that the district develops a recognizable, shade-rich, and enduring urban forest over time. The landscaping standards of this section are supplemental to, and shall not replace or reduce compliance with, the requirements of **8-4I Landscaping and Tree Protection Provisions.**

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M. Irrigation Water Use Requirement

5. Landscaping, parks, open spaces, streetscape improvements, and other irrigated areas within the Heron Commons SAP District shall utilize irrigation water where such service is reasonably available from the applicable irrigation provider.
6. Potable water may be used for irrigation only when irrigation water service is unavailable, inadequate for the intended use, or otherwise prohibited or restricted by the irrigation provider.

N. 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. THE PRIMARY 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

B. Required Orientation

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

C. 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. Seating opportunities, shade elements, and areas for pause and social interaction at regular intervals sufficient to support use by people of all ages and abilities, including those with varying mobility levels. Opportunities for

informal play, recreation, or interactive engagement are encouraged where appropriate.

2. 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 Primary 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 Primary Pedestrian Spine.
        iv. Entry plazas shall provide a minimum of one hundred (100) square feet of fully accessible area that includes 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 Primary Pedestrian Spine or in front yard setback where no structure is present.

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3. Architectural Emphasis at Key Locations

A. Buildings located at public street intersections, intersections involving the Primary Pedestrian Spine, and locations where a public street, the Primary Pedestrian Spine, the Boise River Greenbelt, a public pathway, or a public open space converge shall incorporate vertical or massing elements that enhance visibility and wayfinding, such as:

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

4. Adaptive Building Design

A. Purpose:

1. The standards of this section are intended to support the purpose and intent of the Primary Pedestrian Spine and allow for flexibility for near-term market conditions by ensuring that buildings are designed to accommodate future ground floor 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.

C. 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.

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4. Building designs that allow subdivision of tenant spaces into smaller units.
5. Buildings are designed to accommodate multiple entrances along the Primary Pedestrian Spine.
6. Ground floor façade designs that accommodate future storefronts.
7. Utility systems are designed to allow future expansion or reconfiguration.

D. 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.

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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. Support a comfortable and human-scaled environment for Boise River Greenbelt users.
    F. Ensure development and uses along the Boise River Greenbelt are publicly oriented and active in character, and avoid land use and site design patterns that tend to privatize the Greenbelt edge or reduce opportunities for public interaction, access, and enjoyment.
3. Applicability: The following standards shall apply to all development located within the Boise River Greenbelt Adjacency Area. The Boise River Greenbelt Adjacency Area shall extend sixty feet (60') landward from the edge of the Boise River Greenbelt travelway. Certain standards within this section establish additional requirements applicable to the first twenty-five feet (25') adjacent to the Boise River Greenbelt travelway. Nothing in this section shall be construed to reduce the seventy-foot (70') setback from the Ordinary High-Water Mark of the Boise River or regulations required by **8-4M BOISE RIVER NATURAL RESOURCE**. Where a conflict exists, the more restrictive standard shall apply.
4. Standards
    A. Building Orientation
        1. Principal structures shall be oriented with a primary façade facing the Boise River Greenbelt.
        2. The Boise River Greenbelt-facing façade shall function as a principal front and include building entrances, windows, and pedestrian-oriented design elements.
        3. Blank walls, service areas, and vehicular access features shall not face the Boise River Greenbelt.

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B. Massing

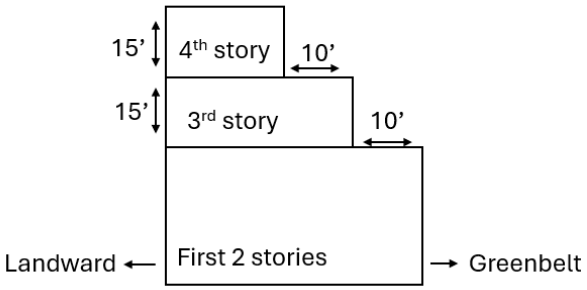
1. The maximum enclosed footprint of any individual structure shall not exceed five thousand (5,000) square feet per floor.
2. The enclosed ground floor footprints shall include all area within the exterior walls of the structure and any fenced areas that restrict public access.

How did we come up w/this? Why?

C. Height Limitation

1. Structures shall not exceed two (2) stories in height.
2. 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:
   a. For every ten feet (10') 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
   b. 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.

Figure 8-8B-5.3 Additional Stories Stepback



D. Lighting

1. All lighting shall be fully shielded and directed downward.
2. Light fixtures shall be oriented and controlled to prevent direct illumination onto the Boise River Greenbelt, or Boise River.

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3. Architectural, decorative, or accent lighting that projects toward the Boise River, or vegetation canopy is prohibited.
4. Lighting shall be designed to avoid glare and minimize impacts to wildlife and the natural nighttime environment.

E. Fencing

1. Fencing within twenty-five feet (25') of the Boise River Greenbelt travelway is discouraged in order to maintain openness and visual continuity.
2. Where fencing is necessary, it shall:
   a. Not exceed three feet (3') in height;
   b. Be visually permeable in design;
   c. Not impede Greenbelt user visibility, or public accessibility.
3. 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.

F. Landscape Character

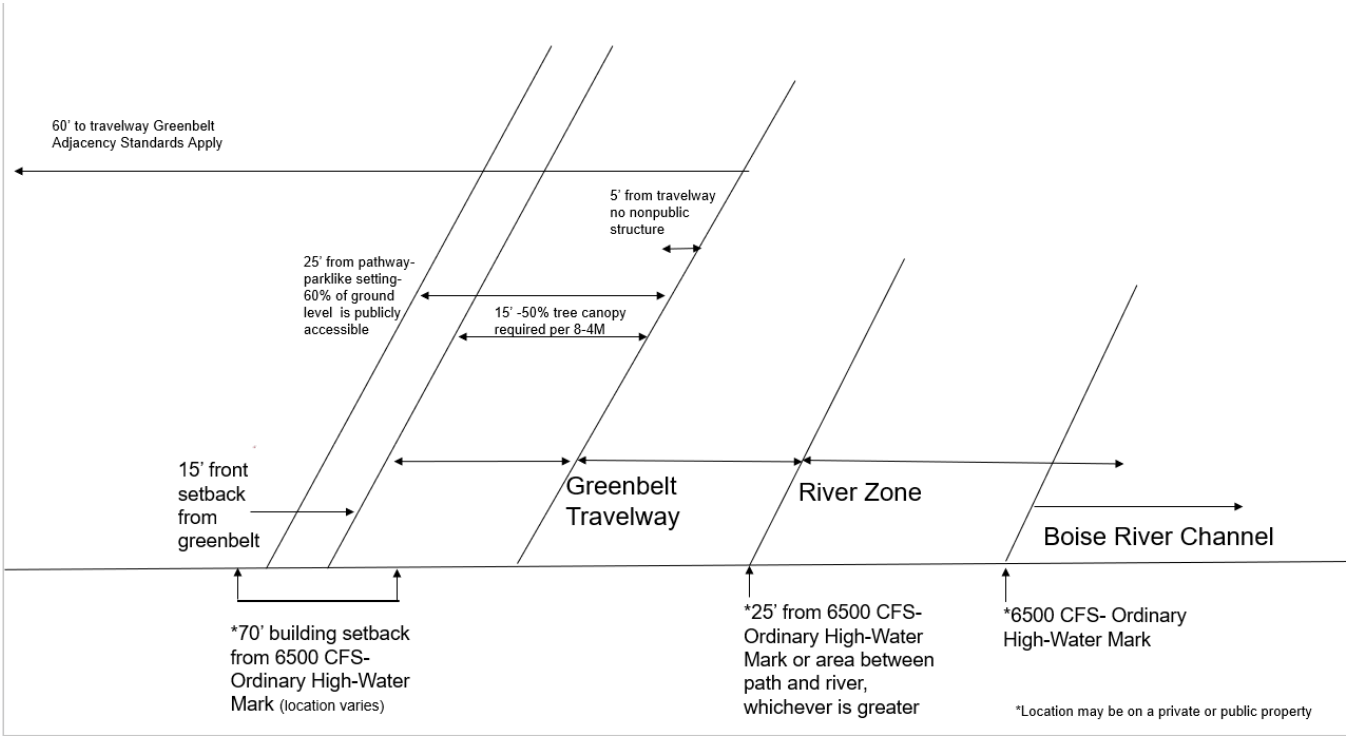
1. The landscape improvements shall be designed to establish a mature tree canopy, defined as expected crown diameter at full maturity, that provides shade, buffers pedestrians and public spaces from motor vehicle travel areas and defines streets and public or publicly accessible spaces.
2. The area within twenty-five feet (25') of the Boise River Greenbelt travelway shall be designed as a park-like environment.
3. Landscaping shall emphasize:
   a. Large, class III canopy trees;
   b. Native or climate-adapted vegetation;
   c. Layered planting comprised of trees, shrubs, grasses, and perennial species that are native to, or compatible with, the Boise River corridor and that contribute to habitat value, pollinator support, biodiversity, seasonal interest, and visual quality.
4. Landscaping shall not create barriers to visibility or access between the site and the Boise River Greenbelt.

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G. Public Permeability
    1. Development shall maintain a high level of visual and physical permeability between public areas and the Boise River Greenbelt.
    2. Elements that obstruct access or create a sense of privatization of the Boise River Greenbelt edge shall be avoided. Such elements may include, but are not limited to, gated areas, private yards, exclusive residential outdoor spaces, walls, fences, service areas, or site designs that create the appearance that the Boise River Greenbelt or adjacent open spaces are intended primarily for private use.
    3. Publicly accessible buildings and uses may count toward the required publicly accessible area provided they include direct pedestrian access from the Boise River Greenbelt and are designed to engage the Greenbelt through features such as entrances, patios, outdoor seating areas, plazas, storefronts, gathering areas, or similar publicly oriented frontage elements.

H. Prohibited Design Elements: The following shall not be located within twenty-five feet (25') of the Boise River Greenbelt travelway:
    1. Continuous opaque fencing or walls exceeding the maximum height;
    2. Parking areas as the dominant frontage condition;
    3. Service, loading, or refuse areas facing the Boise River Greenbelt.

Figure 8-8B-5.4 Greenbelt Adjacency



G. PATHWAY INTERFACE

The following design standards shall apply to bicycle and multiuse pathways including, but not limited to the Thurman Mill Canal Multiuse 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 may include groundcover, grasses, perennials, shrubs, and trees, provided it is designed and maintained to preserve visibility, safety, travel, and access for pedestrians and bicyclists. At a minimum:

C. Landscaping shall not exceed eighteen inches (18”) in height within 2’ of the travel way; and

D. Landscaping shall provide a minimum canopy clearance of seven and one-half feet (7.5’) above grade within 2’ of the travel way.

4. Canopy Clearance Over Pathway

A. A minimum vertical clearance of eight feet (8’) shall be maintained over the full width of the paved pathway.

B. Tree canopies, architectural projections, lighting, and similar features shall be designed and maintained to comply with the required vertical clearance.

H. PARKING

1. Applicability and Default Standard

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

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

1. May be located off-site within 250 feet of the residence so as long as it is dedicated to the residence;

2. Is not required to be covered.

2. Parking Deviations

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

B. Applicability

1. Deviations from the parking standards of **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.

Is this throughout the district? No covered parking required at all?

ok w/ this as long as off site parking is contained within the District or a permanent shared agreement is secured

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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. 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-FUTURE PARK

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 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. Public open space shall be evaluated based on its usability, accessibility, comfort, programming, and public benefit rather than solely on its size.
3. Applicability: The standards of this section apply to all Public Open Space-Future Park areas and other public open spaces required within the Heron Commons SAP District.
4. Minimum Requirement: Each property shall provide Qualified Public Open Space equal to a minimum of twenty-five percent (25%) of the gross total area of the property, unless reduced through a Regulatory Master Plan.
5. Through an approved Regulatory Master Plan, public open space requirements may be modified in accordance with Subsection 12, Regulatory Master Plan Flexibility, provided the required findings can be made.
6. Qualified Open Space: Qualified open spaces are areas that are permanently available for public use, recreation, gathering, passive enjoyment, or community activity and that are designed and improved for those purposes. The required area shall consist primarily of usable landscaped open areas, plazas, parks, recreation areas, civic gathering spaces, multiuse pathways that are separate from motor vehicle traffic, greenbelt connections, or similar spaces designed for public use and recreation. To qualify toward the minimum public open space requirement, an area shall:
   A. Be publicly owned or subject to a recorded public access easement benefiting the general public;
   B. Be open and accessible to the public during hours established by the City or approved through the Regulatory Master Plan;
   C. Be designed and improved for public use with amenities such as landscaping, seating, plazas, lawns, recreation areas, playgrounds, public art, gathering areas, shade structures, or similar features;
   D. Be visible and directly accessible from a public street, public pathway, the Primary Pedestrian Spine, or the Boise River Greenbelt;

how will this work on smaller properties will all in SAP be required to provide open/public space ? on only on parcel w/ future park identified?

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E. Contain at least two public-use amenities such as seating, shade structures, play features, lawns designed for recreation, public art intended for interaction, picnic facilities, exercise features, gathering areas, water features, or similar public-serving improvements; and

F. Be of sufficient size and configuration to support meaningful public use. Newly designated, set aside, or provided land between the Boise River and the Boise River Greenbelt through Greenbelt relocation, corridor expansion, setback design, restoration activities, or other approved methods may be counted toward the qualified public open space requirement. Such areas shall be designed and managed to prioritize ecological function and long-term river corridor health. Such areas shall not be reserved for the exclusive use of any individual, tenant, resident, property owner, homeowners' association, or private organization.

7. Non-Qualifying Open Space: The following areas may be present on a site but shall not be counted toward the minimum Public Open Space/Future Park requirement, except where expressly provided otherwise in this section.

   A. Public streets, the Primary Pedestrian Spine, alleys, sidewalks, and vehicular travel lanes except for widened areas specifically designed as plazas, overlooks, gathering spaces, or recreation areas;

   B. Parking areas and parking maneuvering areas;

   C. Drive aisles and loading areas;

   D. Landscape buffers required for screening or setbacks; unless designed to function as usable public space;

   E. Required setbacks shall not count toward open space requirements unless intentionally designed, improved, and equipped to support meaningful public use and activity;

   F. Areas consisting primarily of ornamental landscaping, building separation, unused lawn, or circulation space shall not be considered qualified public open space unless they include amenities or design features that support active or passive public use;

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G. Stormwater detention, retention, drainage, utility, or flood-control facilities, except where such facilities are integrated into usable public open space;
H. Private yards, private courtyards, private recreation facilities, or areas restricted to residents, tenants, guests, or customers;
I. Areas occupied by buildings or structures, except shade pavilions, gazebos, public restrooms, public art installations, and similar amenities supporting public use.
J. Dispersed fragments of property that do not provide an active or passive use.

8. 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.**
9. Implementation: Unless otherwise provided through an approved Regulatory Master Plan, each property shall independently satisfy the minimum public open space requirement established by this Section.
10. 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.
11. Design Standards: Required open space shall be designed to:
    A. Be figural space, as defined in this Code;
    B. Be usable, functional, and cohesive with adjacent development and the surrounding public realm;
    C. Provide contiguous areas of sufficient size, dimension, and configuration to function as meaningful, usable public amenities;
    D. Provide a cohesive and unified design that supports its intended use and activity;

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E. Support meaningful public use through design elements that reinforce comfort, usability, and a sense of place;

F. Accommodate a variety of users and age groups through features such as seating, shade, play opportunities, gathering areas, accessible routes, passive recreation opportunities, and other amenities that support use by children, families, older adults, and persons with disabilities; and

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

12. Regulatory Master Plan Flexibility

A. Public open space obligations may be allocated, transferred, consolidated, grouped, reduced, distributed, or otherwise satisfied among one or more properties and ownerships within the Heron Commons SAP District. The Regulatory Master Plan shall identify the public open space obligation assigned to each participating property and the location where such obligation will be satisfied.

B. An approved Regulatory Master Plan may establish mechanisms for the allocation, transfer, reimbursement, cost-sharing, maintenance, funding, and long-term management of required public open space among participating property owners.

C. In lieu of providing public open space on an individual property, a Regulatory Master Plan may allow satisfaction of all or a portion of an open space obligation through contribution toward public open space located elsewhere within the SAP District, provided the resulting public open space is superior in location, usability, accessibility, and public benefit.

D. The amount of open space required on individual properties may be reduced below twenty-five percent (25%) where:

1. The resulting public open space provides a higher level of usability, activity, and community benefit;
2. The resulting public open space is consolidated into destination-quality spaces emphasizing gathering, recreation, and public activity; and

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3. The overall public open space system continues to achieve the purpose and intent of this section.

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8-8B-6 USE STANDARDS

A. ALLOWED USES

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.

1. 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 all property extending sixty feet (60') landward from the edge of the Boise River Greenbelt travelway.
      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 twenty-five feet (25') of the Boise River Greenbelt travelway.
         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

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

3. Regulatory Master Plan Authority
   A. An approved Regulatory Master Plan 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 Regulatory 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 Regulatory Master Plan shall be deemed authorized by right in accordance with the terms of the Regulatory 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 Regulatory 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 thirty feet of the Boise River Greenbelt travelway.

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

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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**.

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

Table 8-8B-7-1 Use		
	Property subject to the Boise River Greenbelt Adjacency Standards	**Property that is not subject to the Boise River Greenbelt Adjacency Standards**
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	C	P
Dwelling unit, single-family detached	C	C
Dwelling unit, two-family		C

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Table 8-8B-7-1 Use		
	Property subject to the Boise River Greenbelt Adjacency Standards	**Property that is not subject to the Boise River Greenbelt Adjacency Standards**
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	P	P
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

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Table 8-8B-7-1 Use		
	Property subject to the Boise River Greenbelt Adjacency Standards	**Property that is not subject to the Boise River Greenbelt Adjacency Standards**
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*		

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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. Plain Dwelling units, single-family located within sixty feet (60') of the Boise River Greenbelt travel way, shall comply with the following criteria:

1. Public Character: Development shall be designed and maintained to preserve the public nature of the Boise River Greenbelt and associated public access points. No site feature shall create the appearance that public property, public easements, or public access points are private.
2. Access and Connectivity:
   a. No fence, gate, wall, hedge, landscape feature, or other improvement shall obstruct, restrict, discourage, or interfere with lawful public access to the Boise River Greenbelt.
   b. Public access points, trail connections, and public easements shall remain visible and accessible.
   c. Development shall not be arranged in a manner that diverts, reroutes, or discourages use of public access facilities.
3. Screening:
   a. Landscaping shall not be installed or maintained in a manner that creates the appearance of a private extension of the Greenbelt corridor.
4. Signage:
   a. Signs stating or implying that public Greenbelt facilities, public open spaces, or public access points are private property shall be prohibited.
   b. Signs discouraging public use of public lands, public pathways, or public access easements shall be prohibited.
   c. Nothing in this section shall prohibit reasonable residential identification, address, safety, or wayfinding signage located on private property.
5. Building Orientation:

a. Dwelling units shall provide windows, porches, balconies, entrances, common open space, or other building features oriented toward the Greenbelt where practicable.
b. Blank walls exceeding twenty feet (20') in length facing the Greenbelt shall be prohibited.
c. Garages, utility areas, and service functions shall not face the Greenbelt.

6. Private Open Space:
   a. Private outdoor spaces shall be designed so as not to imply private ownership or control of adjacent public lands.

7. Ongoing Compliance:
   a. Property owners shall maintain all site improvements, landscaping, signage, and fencing in a manner that preserves public visibility, access, and the public character of the Boise River Greenbelt.

B. 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

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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.

If an existing residential property owner w/in the district wants to remain as is - they can, but what if they want to do an improvement or add an ADU would they then be expected to comply w/ the SAP + minimum density requirement?

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8-8B-7 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

1. 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.

2. Applicability

A. A Regulatory Master Plan shall be required for properties that are one (1) acre or more in size. For purposes of this section, contiguous properties under common ownership or control shall be considered a single property when determining whether the one (1) acre threshold is met.

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B. All other properties in the Heron Commons SAP District may be a part of a Regulatory Master Plan but are not required to be.

C. Any property within the Heron Commons SAP District that is not subject to an approved Regulatory Master Plan shall comply with all applicable standards of this Article as written. Such properties shall not utilize flexibility, modifications, reallocations, transfers, consolidations, alternative compliance provisions, or deviations that are available only through an approved Regulatory Master Plan.

D. Approval of a Regulatory Master Plan shall be required prior to:

1. Approval of any subdivision; or
2. Issuance of any building permit.

E. No development, including site development, on property required to obtain a Regulatory Master Plan shall proceed without an approved Regulatory Master Plan

3. Review Process

A. ~~The~~ An application for the Regulatory Master Plan shall be reviewed through the Administrative with Notice process. Noticing and authorities shall be the same as designated for the Design Review process.

B. The application for a Regulatory Master Plan shall require a public hearing before the City Council and the City Council will be the final decision maker.

C. Amendments to an approved Regulatory Master Plan shall be processed through Administrative with Notice process. Noticing requirements and decision-making authorities shall be the same as designated for the Design Review process.

~~A.~~D. 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.

4. Term

A. An approved Regulatory Master Plan shall remain valid for a period of ten years from the date of approval.

B. One or more extensions may be granted upon finding that:

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1. The requested timeframe reflects realistic development constraints, is not excessive or indefinite, and does not undermine the intent of the original approval;
2. The original findings supporting approval remain valid; and
3. Substantial progress toward implementation has been demonstrated.

5. The Regulatory Master Plan shall include:
   A. Public infrastructure framework identifying the street and pathway network.
   B. Open space framework identifying the location, size, and configuration of required public open spaces and any future park areas.
   C. Locations of shared service and access infrastructure.
   D. A plan identifying the general distribution, mix, and location of land uses and key activity areas.
   E. Development Intensity Standards including:
      1. Residential densities
      2. Non-residential floor area
      3. Employment-generating uses
      4. Activity generating uses
      5. Development intensity assumptions used to support district viability.
   F. Development standards, including building height and setbacks. Where applicable, standards shall include minimum density or floor area requirements.
   G. Parking deviations as established in **8-8B-5.H.2.**
   H. A phasing plan identifying the general sequence of development in relation to infrastructure and public open space delivery.
   I. Implementation standards establishing clear and objective criteria for determining consistency of subsequent development with the approved Regulatory Master Plan.
   J. Any requested modifications to applicable standards shall include:
      1. The requested modification or alternative; and
      2. Analysis that demonstrates that the proposal is consistent with the purpose and intent of the applicable standard and complies with this Code to a

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functionally equivalent or greater degree than strict application of the standard.

6. Alternative Compliance
   A. 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.

   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:

   1. Advances the purpose and intent of the Heron Commons SAP District;
   2. Achieves the purpose and intent of the applicable standard to an equal or greater degree than strict compliance;
   3. Maintains or improves the functionality and quality of the development;
   4. Does not create greater adverse impacts than strict compliance; and
   5. Remains consistent with the overall development framework established by the Regulatory Master Plan.

   B. Burden of Proof: The applicant shall bear the burden of demonstrating through substantial evidence that the proposed alternative satisfies the requirements of this Section.

   C. Limitations: Alternative methods of compliance shall not be approved where this Article expressly prohibits modification of an applicable code standard.

7. Regulatory Master Plan Modifications
   A. Except a prohibited by this Article, 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

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facilitate coordinated district-wide planning and implementation while advancing the purpose and intent of the Heron Commons SAP District.

B. Provided that each requested modification satisfies the requirements of Section 6, 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. Open space size, location, distribution and configuration.
   3. Parking supply, parking space dimensions, and parking locations.
   4. Building and site standards, and similar development standards.
   5. The Reed Street and 38th Street extensions.
   6. Other development standards, provided the decision maker finds that the modification is consistent with the purpose and intent of this Article and achieves the purpose of the applicable standard to an equal or greater degree than strict compliance.

C. The Regulatory Master Plan shall not allow for deviations to:
   1. Required findings.
   2. Life safety requirements.
   3. Flood protection.
   4. Administrative procedures that reduce the level of public notice, public participation, City review, transparency, or appeal rights otherwise provided by this Code.
   ~~4.~~5. The following connections and facilities shall be required and shall not be eliminated:
      a. A direct, safe, comfortable, and continuous public bicycle and pedestrian connection between the existing collector roadway segment of E. Adams Street west of 37th Street and the local roadway segment of E. Adams Street within the Waterfront District Subdivision. The connection shall remain publicly accessible and shall be independent of the Boise River Greenbelt. Access provided by the Boise River

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Greenbelt shall not satisfy, replace, or be counted toward fulfillment of this requirement.

b. A redundant emergency access connection to the Waterfront District that is independent of access provided by E. 36th Street.

c. A Primary Pedestrian Spine as a continuous public connection between Adams Street and the Boise River Greenbelt; and

d. Public access and connections to the Boise River Greenbelt.

~~5.~~6. Maximum heights or required setbacks.

~~6. Provisions required by applicable federal, state, or municipal regulations outside of Title 8 of this code.~~

D. 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.

8. Required Findings for Approval

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

~~A. 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.~~

~~B. The Master Plan demonstrates, through substantial and credible evidence, that the proposed mix of residential and non-residential uses and development intensity are sufficient to establish and sustain a functional, economically viable Mid Urban Mixed Use development over the long term. The evidence demonstrates a reasonable likelihood that non-residential uses of sufficient scale to support and maintain the development's Mid Urban Mixed Use character will be developed and sustained over time, and that the development will not function primarily as either a residential or non-residential development.~~

~~C. The plan establishes a mix of uses and a level of development intensity sufficient to support a functional and economically viable mixed-use district,~~

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~~efficiently utilize infrastructure, and maintain activity throughout all phases of development.~~

D. ~~The plan provides public open spaces that are functional, accessible, and proportionate to the scale of development; support frequent use by people of all ages and abilities through amenities, shade, comfort, accessibility, and activity opportunities; function as meaningful year-round public destinations; and are delivered concurrently with development. Any reduction in the amount of required public open space must result in public open space that provides a superior public benefit and is superior in one or more of the following: usability, accessibility, function, programming, or connectivity, when compared to strict application of the minimum requirement. Where public open space obligations are reallocated, transferred, consolidated, or distributed among multiple properties, the resulting public open space system shall be better integrated into the district and collectively provide an equal or greater public benefit than would be achieved through strict compliance with the minimum requirement.~~

E. ~~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.~~

F. ~~Each proposed modification or alternative method of compliance satisfies the standards of Section F, Alternative Compliance.~~

G. ~~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.~~

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~~H. The proposed Regulatory Master Plan demonstrates that any modification to the local circulation network maintains or improves district-wide public access, connectivity, public parking availability, and circulation for pedestrians, bicyclists, emergency services, and motor vehicles.~~

~~I. The proposed development is compatible existing adjacent neighborhoods established prior to [insert code adoption date] per standards set forth by this Article.~~

A. The proposed Regulatory Master Plan demonstrates that the development will implement the Mid-Urban Mixed-Use district, as herein defined, by providing a combination of residential, nonresidential, and civic uses in a configuration that creates an integrated urban environment and establishes a mix of residential, nonresidential, and civic uses within the Heron Commons (SAP) District, rather than a development pattern dominated by a single use category.

B. Any reduction is offset through additional amenities resulting in public benefit. The proposal meets the public open space standards of this Article or demonstrates that the public open space provided, in its overall design, location, accessibility, amenities, and function, achieves the intent of the public open space standards of this Article. Any modification to the quantity or configuration of public open space shall be offset by design features, amenities, or other enhancements that provide an equivalent, as herein defined, public benefit.

C. The proposed infrastructure demonstrates compliance with the requirements for public access, block dimensions, connectivity, parking access, pedestrian circulation, bicycle circulation, emergency access, motor vehicle circulation, and the extension of public infrastructure contained in this Article through interconnected public streets, public pathways, and public spaces, or provides an equivalent, as herein defined, of the applicable standards.

D. The landscaping plan incorporates class III tree species, except where smaller trees are necessary to accommodate site constraints, and creates shaded pedestrian environments, defines streets and public spaces, distinguishes

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pedestrian areas from motor vehicle travel areas, and promotes compatibility with adjacent neighborhoods by providing screening, enhancing privacy, and reducing the visual effects of building scale and height transitions. Landscaping adjacent to the Boise River Greenbelt incorporates trees, plant materials, and landscaping coverage that are compatible with the ecological and visual character of the Boise River.

E. The proposal meets the parking standards of Garden City Code 8-4D, Parking and Off-Street Loading Provisions or the parking analysis demonstrates that public parking is not included in the parking supply provided to meet projected parking demand, or that any public parking counted toward projected parking demand is secured through a formal agreement or other enforceable mechanism. Any proposed modification to the parking standards of this Article or Garden City Code 8-4D, Parking and Off-Street Loading Provisions demonstrates that at least 85 percent of projected peak parking demand will be served through on-site parking facilities, shared parking facilities, or other parking resources and that the modification will not increase parking impacts on surrounding properties, public streets, or nearby neighborhoods.

F. The proposal is compliant with all regulations of this Title or any proposed modifications—meet the standards of Section 6, Alternative Compliance, by demonstrating that the proposed alternative provides an equivalent, as herein defined, of the applicable standard, and does not create impacts that materially interfere, as defined herein, with the lawful use of nearby properties, adjacent neighborhoods existing on or before [insert code adoption date], public facilities, or the public.

9. Conformance and Subsequent Development
   A. All subsequent applications shall be consistent with the approved Regulatory Master Plan.
   B. 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.

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C. Major modifications, including changes to allowed uses, circulation, open space size or functionality , a reduction in 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;

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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.

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8-8B-8 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.

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Activation elements may include, but are not limited to:

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

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

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.

Boise River Greenbelt Travel Way

The improved portion of the Boise River Greenbelt intended for pedestrian and bicycle travel, including the paved pathway and any approved replacement thereof, but excluding adjacent landscaping, open space, buffer areas, and natural resource areas.

Circulation Network

The system of interconnected facilities that provide for the movement of pedestrians, bicyclists, transit users, and vehicles within, to, and from a site or district, including streets, sidewalks, pathways, trails, bicycle facilities, transit facilities, crossings, and other access connections.

Destination Use

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

Equivalent

Equal in value, effect, function, or benefit, but not identical.

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.

Landscape and Furniture Zone

A designated area within a street frontage, pathway, or Primary Pedestrian Spine that is reserved for landscaping, street trees, lighting, street furnishings, utilities, public art, signage, and similar improvements intended to support pedestrian comfort, safety, and functionality.

Materially Interfere

An adverse effect that prevents or impairs the lawful use of property or public facilities remaining after application of design standards required by this Title and any other mitigation measures proposed within the development application.

Mid Urban Mixed Use

An area intended to accommodate an integrated and balanced mix of residential and nonresidential uses in a compact, walkable urban form. Mid Urban Mixed Use areas are intended to function as complete neighborhoods that support daily living, employment, commerce, recreation, culture, civic activity, and access to public open spaces. Development should support a variety of housing opportunities, business activity, community gathering spaces, and destinations that serve both residents and visitors.

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Development shall include both residential and nonresidential uses in a manner that creates sustained activity and supports a mixed-use neighborhood environment. Development consisting entirely of residential uses, entirely of nonresidential uses, or containing only incidental supporting uses that do not meaningfully contribute to a mixed-use development pattern is inconsistent with the intent of a Mid Urban Mixed Use area.

Publicly Accessible

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

Public Art

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

Public Benefit

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

Public Open Space

Land or water areas permanently available for public use and enjoyment that are intentionally designed and improved for recreation, gathering, passive enjoyment, civic activity, environmental interpretation, or similar public purposes.

Public Realm

The network of publicly owned and publicly accessible spaces that support pedestrian movement, recreation, social interaction, and civic activity. The public realm includes public rights-of-way, road allowances, sidewalks, pathways, trails, parks, public squares,

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plazas, open spaces, waterfront areas, and other lands or spaces that are intended to be public or publicly accessible, regardless of ownership.

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Multimodal

Relating to or supporting more than one mode of transportation, including walking, bicycling, micromobility, public transit, motor vehicles, freight, and accessible mobility devices. Multimodal design emphasizes a coordinated transportation network that enables people of all ages and abilities to safely and efficiently travel using a variety of transportation options.

~~Multimodal~~ Multiuse Pathway

~~A pathway designed for both pedestrians and bicyclists that is physically separated from motor vehicle traffic and designed to provide safe, comfortable, convenient, and accessible travel while enhancing connectivity within the community. Sometimes referred to as shared-use pathway~~Defined by Idaho Code § 49-114(20).

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.

Walkable

Designed to support walking through a safe, accessible, comfortable, and interconnected network of sidewalks, pathways, trails, crossings, and public spaces. Walkable areas provide frequent and direct pedestrian connections between destinations and include pedestrian-oriented infrastructure and site design that encourage walking and support its use as a practical mode of transportation and community interaction.

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:

_____
Lisa Leiby
City Clerk

APPROVED:

_____
William L. Jacobs
Mayor

DRAFT

EXHIBIT "A"

STATEMENT OF GARDEN CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO. 1071-26

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. 1071-26 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. 1071-26
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. 1071-26 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:

_____
Lisa M. Leiby, City Clerk

CITY OF GARDEN CITY, IDAHO:

_____
William L. Jacobs, Mayor