ORDINANCE 10XX-2X

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

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 8 ("DEVELOPMENT CODE"), CHAPTER 4 ("DESIGN AND DEVELOPMENT REGULATIONS"), ARTICLE A ("GENERAL PROVISIONS"), ARTICLE B ("DESIGN PROVISIONS FOR RESIDENTIAL STRUCTURES"), ARTICLE C ("DESIGN PROVISIONS FOR NONRESIDENTIAL STRUCTURES"), ARTICLE I ("LANDSCAPING AND TREE PROTECTION PROVISIONS"), ARTICLE L ("OPEN SPACE PROVISIONS"), ARTICLE M ("BOISE RIVER NATURAL RESOURCE"); AND CHAPTER 7 ("REFERENCES"), ARTICLE A ("DEFINITIONS"), SECTION 2 ("DEFINITIONS OF TERMS"); REPEALING CERTAIN PROVISIONS; ADDING NEW PROVISIONS; REPEALING ALL ORDINANCES OR PARTS THEREOF TO THE EXTENT THEY CONFLICT WITH THIS ORDINANCE; PROVIDING ALL OTHER ORDINANCES INCLUDED IN THE OFFICIAL CODE ARE STILL IN EFFECT NOTWITHSTANDING SOME PROVISIONS THEREOF BEING ELIMINATED; PROVIDING FOR SEVERABILITY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City of Garden City wishes to make changes to align with the intent of previously adopted Design Review processes; and

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

NOW, THEREFORE, in order to provide clearer standards and improve code administration;

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

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

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 That all other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

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 All other ordinances shall continue in full force and effect unless specifically repealed or amended.

SECTION 4. That Title 8, Chapter 4, Article A, Section 4 ("Outdoor Lighting"), Subsection A.3, Garden City Code, be, and the same is hereby revised to read as follows:

3. Lighting shall be located, oriented, and shielded. to limit lighting that trespasses into adjacent residential properties or onto the Greenbelt and Nature Path. ~~Ways to mitigate light trespass include, but are not limited to:~~ All outdoor lighting shall meet the following performance and design standards:

~~a. Lights may be on a timer or sensor activated lights.~~

~~b. Lights should be minimum 85 degree full cutoff type luminaires.~~

~~c. The maximum lumen output should be 260 lumens.~~

~~d. The height of a freestanding light fixture in a residential district should not exceed nine feet in height.~~

a. Light Trespass Limit: Outdoor lighting shall be designed and positioned so that the illumination measured at any point along an adjacent residential property line does not exceed 0.1 foot-candles.

b. Shielding: All outdoor light fixtures shall be fully shielded (producing zero uplight, or 0% of total lumens emitted at or above the horizontal plane).

c. Lumen Caps by Fixture Type:

   i. Standard residential wall mounted fixtures shall not exceed 850 lumens (approx. equivalent to a 60W incandescent) per fixture.

   ii. Security floodlights exceeding 850 lumens shall be equipped with motion sensors and automatic shut-off timers with a maximum duration of 5 minutes per activation.

   iii. Commercial or mixed-use exterior lighting shall be justified by site safety plans and utilize fully recessed or shielded optics.

d. Color Temperature (CCT): To protect nocturnal wildlife and dark skies near the Greenbelt, all outdoor light sources shall have a correlated color temperature of 3000K or lower (warm white).

e. Time limitation: Non-essential commercial, industrial, and signage lighting shall be turned off, dimmed by at least 50%, or placed on motion sensors no later than 11:00 PM or business closing (whichever is later).

f. Height Limits: The height of a freestanding light fixture adjacent to a dwelling should not exceed nine feet in height, measured from grade to the top of the fixture.

SECTION 5. That Title 8, Chapter 4, Article B, Section 3 ("Dwelling Units, General Provisions"), Subsection C.3, Garden City Code, be, and the same is hereby revised to read as follows:

3. The number of required amenities depends on the size of development as follows:
   a. Developments with three (3) to fifteen (15) dwelling units shall provide: ~~at least four class A amenities, or two class B amenities, or two class A and one class B amenities, or one class C amenity.~~
      a. Four (4) Class A amenities; or
      b. Two (2) Class B amenities; or
      c. Two (2) Class A amenities and one (1) Class B amenity; or
      d. One (1) Class C amenity.
   ~~b.~~ For each additional one (1) to ~~fifteen (15)~~ fifty (50) dwelling units the development must provide: ~~two (2) class A amenities or one (1) class B or one (1) class C amenity shall be provided.~~
      a. Two (2) Class A amenities; or
      b. One (1) Class B amenities; or
      c. One (1) Class C amenity.
   c. If more than three amenities are provided, amenities shall be selected from at least two (2) categories of amenities.
   d. If more than five (5) amenities are provided, amenities shall be selected from each of the three (3) categories of amenities.
   e. A development shall not be required to provide more than:
      a. Eight (8) Class A amenities; or
      b. Four (4) Class B amenities; or
      c. Four (4) Class A amenities and two (2) Class B amenity; or
      d. Two (2) Class C amenities.

4. Amenities that are not identified in the table may be allowed as approved by the decision maker.

5. Improvements that are proposed to satisfy Required PUD enhanced improvements shall not be utilized to fulfill the requirements of this section.

SECTION 6. That Title 8, Chapter 4, Article B, Section 5 (“Single-Family and Two-Family Dwelling Units”), Subsection A.4., Garden City Code, be, and the same is hereby revised to read as follows:

A. Building Design:

4. All elevations adjacent to public streets that are greater than twenty feet (20') in length must contain:

a. ~~Thirty~~ Twenty percent (~~3~~20%) or more of the first story of the structure ~~measured from the adjacent grade to a height of twenty feet (20') in height~~ dedicated to windows; and

b. Fifteen percent (15%) or more of each additional building story shall be dedicated to windows; and

c. Shall have a direct and permanent pathway that connects to the sidewalk and an entrance with decorative posts or roof, or covered porch; and

d. In addition to the required windows, elevations shall address the public right of way through additional windows, building material changes in type, texture, size, or color, setbacks, wall plane offsets, roof overhang, and landscaping. Examples of ways to address the public right-of-way are below and also found in section 8-4C-3A.

SECTION 7. That Title 8, Chapter 4, Article C, Section 2 (“Applicability”), Subsection E, Garden City Code, be, and the same and is hereby revised to read as follows:

E. Exceptions: This ~~chapter~~ article does not apply to any new accessory structure that is less than 25% the assessed value of the principal structure and is not located in the front or street side yard.

SECTION 8. That Title 8, Chapter 4, Article C, Section 3, (“General Provisions for Nonresidential Development”), Subsection E.4.c of the Garden City Code and the same and is hereby revised to read as follows:

4. Colors: Colors used on building exteriors should integrate a building's various design elements or features.

a. Accent colors should use color combinations that complement each other.

b. Use accent colors in a way to enhance or highlight building design, and not in a manner that creates clutter or otherwise detracts from building design.

c. ~~The use of bright colors should be avoided. Softer, muted or earth.~~ Exterior color palettes should generally consist of softer, muted, or earth-tone colors that are compatible with the architectural character of the surrounding neighborhood.

d. Colors should be compatible with the architectural character of the surrounding buildings and neighborhood.

SECTION 9. That Title 8, Chapter 4, Article C, Section 3, ("General Provisions for Nonresidential Development"), Subsection E ("Objective 5") of the Garden City Code be the same and is hereby revised to read as follows:

6.Terminal views visible from the public realm. Where an internal street, drive aisle, or pedestrian way creates a terminal view visible from the public realm, the terminus of the view shall be defined by a building, landscaped area that includes at least one tree, public art, site amenity, or significant natural feature. Refuse enclosures, loading areas, utility facilities, and security or screening fences shall not satisfy this requirement.

SECTION 10. That Title 8, Chapter 4, Article C, Section 4 ("Special Provisions for Specific Nonresidential Development"), Subsection A.2, Figure 8-4C-9 Methods to Provide Roofline Variations, of the Garden City Code is and the same and is hereby revised to be:

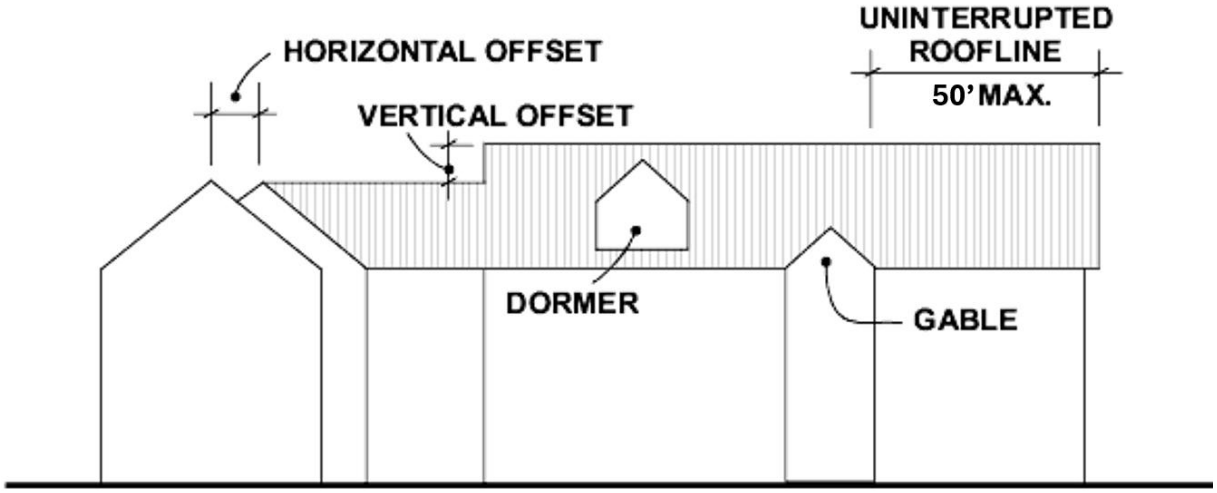
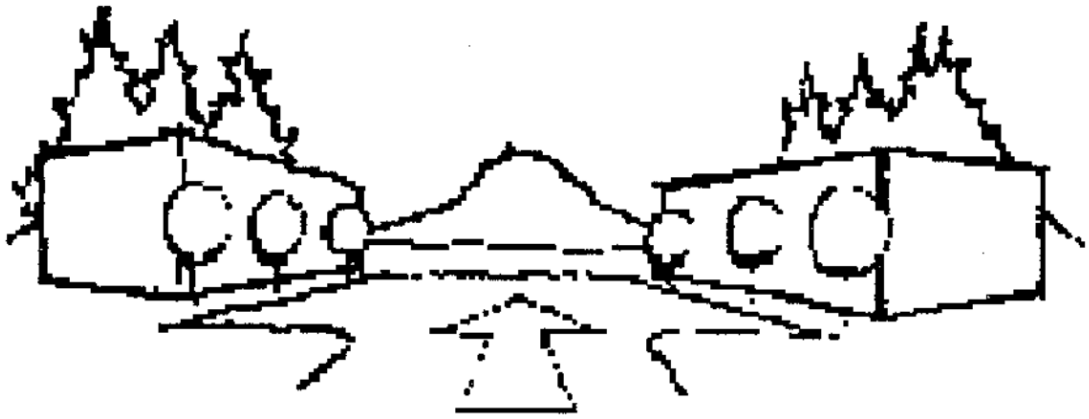


Figure 8-4C-9 Methods to Provide Roofline Variations

SECTION 11. That Title 8, Chapter 4, Article C, Section 4 ("Special Provisions for Specific Nonresidential Development"), Subsection B.3 ("Terminal Views"), of the Garden City Code is hereby repealed:

~~Terminal Views: Terminal views within the site should be provided to landscaping, landmarks or significant site features.~~

~~Figure 8-4C-12 Terminal View Examples~~



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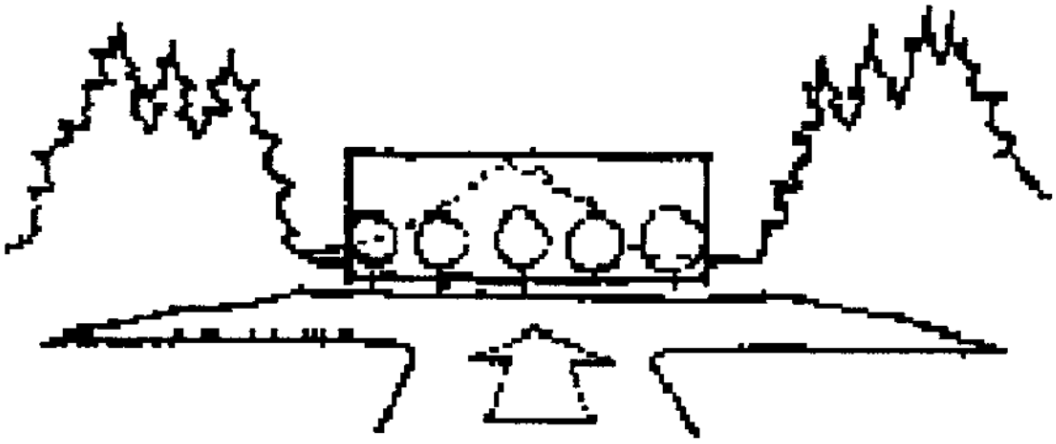

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SECTION 12. That Title 8, Chapter 4, Article C, Section 3 (“General Provisions For Nonresidential Development.”), Subsection A.4, Garden City Code, be, and the same and is hereby revised to read as follows:

4. First Floor Facades: First floor facades that face a public street, or the Greenbelt shall include elements to activate the ground floor. The facade should include surfaces in windows, showcases, displays, plaza, or pedestrian access elements as follows: for front façade at least 50%, for other facades visible from the public right-of-way at least 30%. Facades located on an interior property line (excluding street-side setbacks) with a setback of zero feet are exempt from the ground-floor activation requirements of this subsection. Where such facades are visible from a public right-of-way and no structure exists on the adjoining property, the facade shall incorporate public art, a mural, or other City-approved visual treatment. This requirement shall cease upon construction of an adjacent structure that obscures the facade from public view.

SECTION 13. That Title 8, Chapter 4, Article I, Section 3 ("General Landscaping Standards and Irrigation Provisions"), Subsection C, Garden City Code, be, a and the same and is hereby revised to read as follows:

Landscape improvements shall follow water efficient design principles to facilitate water conservation ~~as set forth in the "Garden City Design And Construction Guide", as amended~~.

SECTION 14. That Title 8, Chapter 4, Article I, Section 3 ("General Landscaping Standards and Irrigation Provisions"), Subsection N, Garden City Code, be, and the same and is hereby revised to read as follows:

All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems ~~set forth in the "Garden City Design And Construction Guide"~~.

SECTION 15. That Title 8, Chapter 4, Article I, Section 3 ("General Landscaping Standards and Irrigation Provisions"), Subsection O, Garden City Code, be, and the same and is hereby revised to read as follows:

Required trees must be identified in the most current version of ~~"Tree Selection Guide For Street And Landscapes Throughout Idaho" by Boise parks and recreation department~~ Treasure Valley Tree Selection Guide or certified by a licensed landscape architect to be appropriate to the proposed location.

SECTION 16. That Title 8, Chapter 4, Article I, Section 4 ("Landscaping Provisions for Specific Uses"), Garden City Code, be, repealed and replaced with:

8-4I-4 Minimum Street Tree and Landscaping Standards

A. Street Tree Requirements

1. Applicability. Street trees shall be provided along all street frontages in accordance with this subsection.
2. Exemption for Narrow Lots. Lots with twenty-nine feet (29') of street frontage or less shall not be required to provide street trees.
3. Minimum Street Tree Requirement. A minimum of one (1) Class III tree shall be planted within the landscape and furniture zone, as herein defined, along each street frontage. One (1) additional Class III tree shall be provided within the landscape and furniture zone for each additional fifty (50) linear feet, or fraction thereof, of street frontage.
4. Attached Sidewalks. Where a sidewalk is attached to the curb and no landscape and furniture zone exists, required street trees may be planted on the interior side of the sidewalk.
5. Tree Spacing and Species. Street trees shall not be columnar in nature and shall be planted with adequate spacing to accommodate the mature spread and growth characteristics of the species.
6. Alternative Compliance. Where the required number of Class III street trees cannot be accommodated within the landscape and furniture zone, the applicant may provide Class II street trees within the landscape and furniture zone at a minimum rate of one (1) street tree per fifty (50) linear feet of street frontage. Any additional trees necessary to satisfy the equivalency requirements of this section shall be planted elsewhere on the site.
7. Street Tree Substitutions. To encourage the establishment of larger canopy trees:
   a. One (1) Class III tree may be substituted with two (2) Class II trees.
   b. One (1) Class III tree may be substituted with four (4) Class I trees.
   c. One (1) Class II tree may be substituted with two (2) Class I trees.

B. Minimum Landscaping Requirements

1. A minimum of five percent (5%) of the gross site area shall be provided as landscaped area.
2. Landscaped areas shall contain a minimum of:
    a. One (1) tree for every one thousand (1,000) square feet of landscaped area.
    b. One (1) foundation plant, as herein defined, for every one hundred fifty (150) square feet of landscaped area.
3. Trees shall be distributed throughout the site to provide shade, visual interest, and canopy coverage.
4. Foundation Plants shall be grouped and distributed throughout the site to create effective landscape composition and screening where appropriate.
5. Trees may be substituted for up to fifty percent (50%) of the required shrubs at a ratio of one (1) tree for ten (10) shrubs.

SECTION 17. That Title 8, Chapter 4, Article I, Section 6 (Parking Lot Landscaping Provisions”)**,** Subsection C.a, Garden City Code, is hereby revised to read as follows:

a. ~~Trees shall be planted with access to at least five (5) square feet of area and three (3) in depth of quality soil prepared to the specifications set forth in "Garden City Design And Construction Guide".~~ Trees shall be provided with sufficient soil volume to support the mature size of the species. At a minimum, Class I trees shall have access to one hundred fifty (150) cubic feet of soil, Class II trees shall have access to three hundred (300) cubic feet of soil, and Class III trees shall have access to six hundred (600) cubic feet of soil.

SECTION 18. That Title 8, Chapter 4, Article I, Section 7 (Tree Preservation Provisions”)**,** Subsection C, Garden City Code, be, and the same and is hereby revised to read as follows:

C. Standards:

1. Site development shall make all feasible attempts to maintain existing trees four inch (4") caliper or greater within their design.

2. Existing trees that are retained shall be protected from damage to bark, branches, and roots during construction ~~in accordance with the provisions set forth in the "Garden City Design And Construction Guide"~~.
3. Any tree damaged during construction shall be replaced in accordance with ~~subsection C5 of this section~~**§ 10-2-16** TREE MAINTENANCE AND REPLACEMENT.
4. Construction, excavation, or fill occurring within the drip line of any existing tree shall be avoided. Specific requirements for construction within the drip line of existing trees are as follows:
    a. Impervious paving surfaces shall remain outside of the drip line of existing trees.
    b. Grade changes greater than six inches (6") are prohibited within the drip line of existing trees.
    c. A fence or barrier that encloses the entire area beneath the tree canopy shall be in place prior to construction.
    d. New underground utilities to be placed within the drip line of existing trees shall be installed in accord with subsection D of this section.
5. Mitigation shall be required for all existing trees four inch (4") caliper or greater that are removed or damaged from the site.
    a. Mitigation is required ~~for all such trees removed within eighteen (18) months prior to issuance of the building permit for construction on the site or damaged during construction.~~ In accordance with **§ 10-2-16** TREE MAINTENANCE AND REPLACEMENT.
    b. Mitigation shall be replacement of the total calipers lost on site up to an amount of one hundred percent (100%) replacement. (Example: Two 10-inch caliper trees removed may be mitigated with four 5-inch caliper trees, five 4-inch caliper trees, or seven 3-inch caliper trees.)
    c. Mitigation trees are in addition to all other landscaping required by this article.
    d. No mitigation is required in the following:

i. existing prohibited trees by this code ~~as specified in the "Garden City Design And Construction Guide" within the street buffer or parking lot~~;

ii. existing dead, dying, or hazard trees certified prior to removal by a certified arborist;

iii. trees that are required to be removed by another governmental agency ~~having jurisdiction over the project~~.

6. Existing trees that are retained or relocated on a site may count toward the required landscaping.

SECTION 19. That Title 8, Chapter 4, Article I, Section 7 ("Tree Preservation Provisions")**,** Subsection D.1**,** Garden City Code, be, and the same and is hereby revised to read as follows:

Overhead Utilities: Only class I trees ~~as set forth in the "Garden City Design And Construction Guide" recommended plant list~~ may be planted under or within ten (10) lateral feet of any overhead utility wires.

SECTION 20. That Title 8, Chapter 4, Article I, Section 9 ("Landscape Maintenance Provisions")**,** Garden City Code, be, repealed.

SECTION 21. That Title 8, Chapter 4, Article L, Section 4 ("Common Open Space Standards for Residential Developments"), Garden City Code, be, and the same and is hereby revised to read as follows:

A. Minimum Requirement: For any new residential or mixed-use development; subdivision; planned unit development; or conditional use of more than two dwelling units in size: A minimum of 250 square feet of common open space shall be provided for each unit up to a maximum requirement of twenty percent 20% of the site.

B. Qualified Open Space: The following may qualify to meet the common open space requirements:

1. Any open space, that is active or passive in its intended use, that is not less than 400 square feet in area, with a length and width dimension of 20 feet can be adjusted by the decision maker so as long as the quality of the open space is not diminished. Open space includes but is not limited to:

    a. Recreation area;

b. Community garden;
c. Ponds or water features;
d. Plaza.

2. Additions to a public park, greenbelt or other public open space area;
3. A landscape buffer with a minimum of eight feet between the street and sidewalk and 78 feet in linear distance with required street trees and seating;
4. Stormwater detention facilities when designed in accord with article A, "General Provisions," of this chapter; and
5. Pedestrian pathways of at least five feet in width and 80 feet in length along canals, watercourses or similar channels; or through the middle of long blocks. Required sidewalks adjacent to public right of way do not qualify as common open space unless designed as a multi-use path that is physically buffered from the motor vehicular travel lane.

C. Qualified Open Space Limitations and Allowances: The following limitations and allowances apply to common open space requirements:

1. In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units.
2. Common open space areas shall not be adjacent to collector or arterial streets unless separated from the street by a constructed barrier at least four feet in height.
3. Vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space.
4. Up to 125 square feet of the required common open space per single-family dwelling unit may be substituted to be private open space for space for that unit.
5. <u>Passive open space shall not consist solely of rock mulch and isolated shrubs. The space shall serve a defined ecological, environmental, stormwater, habitat, educational, or aesthetic purpose.</u>

D. Location Requirements:

1. Common open space must be accessible from the dwelling units.
2. Common open space may be achieved on site or by enhancing other public or semi-public spaces.

a. Common open space that creates a usable open space, with an adjacent development, will be allowed a 10% reduction of the required open space.
    i. To receive the 10% reduction, the open space shall be unrestricted and contiguous to the adjacent development. The reduction will only be applied to the area that is unrestricted and contiguous to the adjacent development.
b. Common open space that creates or improves a public open space will be allowed a 25% reduction of the required open space.

3. The space must be within 1/4 mile of the development and there must be a continuous sidewalk, dedicated bicycle path, or multi-use path that connects the development to the open space.
4. The reduction will only be applied to the area provided to the public. For example, if a site requires 100 square feet of open space, with 80 square feet not dedicated to the public, and 20 square feet dedicated to the public, the 25% reduction will only be applied to the 20 square feet that is dedicated to the public.

E. Maintenance:

1. All common open space shall be the responsibility of an owners' association for the purpose of maintaining the common area and improvements thereon; or
2. Land designated as common open space may be conveyed to the city, where the city agrees to accept conveyance and maintenance.

SECTION 22. That Title 8, Chapter 4, Article L, Section 5 ("Private Open Space Standards for Residential Developments"), Subsection A, Garden City Code, be, and the same is hereby amended as follows:

A. Private Open Space Requirements: For any new development with three or more dwellings: A minimum of fifty (50) ~~80~~ square feet of private, usable open space shall be provided for the benefit of each dwelling.

1. This requirement can be satisfied through a variety of private or semiprivate means including but not limited to outdoor porches, patios, rooftop gardens, decks, balconies, recreational areas, or enclosed yards. The required fifty (50) square feet may be provided in one space or a combination of qualifying spaces.
2. The minimum dimension of any qualifying space calculated as private open space shall contain at least twenty-five (25) feet and be five (5') ~~six~~ feet in each direction.

3. Landscaping, entryway and other accessways shall not count toward this requirement.

SECTION 23. That Title 8, Chapter 4, Article M, Section 4 ("Natural Resource Protection Standards"), Subsection A.1, Garden City Code, be, and the same and is hereby revised to read as follows:

1. New development and substantial improvement shall be required to adhere to the standards identified in this Section.

SECTION 24. That Title 8, Chapter 7, Article A, Section 2 (Definition of Terms"), Garden City Code, be, and the same is hereby amended to include the following definitions:

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.

ACTIVE OPEN SPACE

An outdoor area designed and improved for recreation, exercise, gathering, play, or organized activity. Examples include playgrounds, sports courts, picnic areas, plazas, community gardens, dog parks, and lawn areas intended for active use.

ACTIVATION ELEMENTS

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

Activation elements may include, but are not limited to:

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

- Outdoor gathering spaces or activity areas that support regular human use.

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

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.

FOUNDATION PLANT

A perennial plant, including shrubs, ornamental grasses, sedges, and similar landscape species that typically attains a mature height of between two feet (2') and fifteen feet (15') and is intended to provide structure, screening, texture, seasonal interest, or ground coverage.

LANDSCAPE AND FURNITURE ZONE

A designated area within a street frontage, path, or pathway 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.

MULTIUSE PATHWAY

Defined by Idaho Code § 49-114(20).

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.

PASSIVE OPEN SPACE

An outdoor area intended primarily for visual interest, habitat creation, stormwater functions, environmental benefits, or informal enjoyment. Examples include pollinator gardens, wetlands, native habitat areas, seasonal gardens, four-season gardens, winter-interest gardens, and similar landscaped areas designed around a cohesive theme.

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

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.

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 25: 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 26. All other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 27. 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 28. 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 29. That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

SECTION 30. 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 _____ 202__.

ATTEST:

_____
Lisa Leiby
City Clerk

APPROVED:

_____
William L. Jacobs
Mayor

EXHIBIT "A"

STATEMENT OF GARDEN CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO. 10XX-27

The undersigned, Charles I. Wadams, in his capacity as City Attorney of the City of Garden City, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. 10XX-27 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 _____ 2027

_____
Charles I. Wadams
City Attorney

SUMMARY OF ORDINANCE NO. 10XX-27
OF THE CITY OF GARDEN CITY, IDAHO

PUBLIC NOTICE IS HEREBY GIVEN that the City of Garden City, Idaho, adopted at its regular meeting of _____ _____, 2027, that Ordinance No. 10XX-27 entitled:

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 8 ("DEVELOPMENT CODE"), CHAPTER 4 ("DESIGN AND DEVELOPMENT REGULATIONS"), ARTICLE A ("GENERAL PROVISIONS"), ARTICLE B ("DESIGN PROVISIONS FOR RESIDENTIAL STRUCTURES"), ARTICLE C ("DESIGN PROVISIONS FOR NONRESIDENTIAL STRUCTURES"), ARTICLE I ("LANDSCAPING AND TREE PROTECTION PROVISIONS"), ARTICLE L ("OPEN SPACE PROVISIONS"), ARTICLE M ("BOISE RIVER NATURAL RESOURCE"); AND CHAPTER 7 ("REFERENCES"), ARTICLE A ("DEFINITIONS"), SECTION 2 ("DEFINITIONS OF TERMS"); REPEALING CERTAIN PROVISIONS; ADDING NEW PROVISIONS; REPEALING ALL ORDINANCES OR PARTS THEREOF TO THE EXTENT THEY CONFLICT WITH THIS ORDINANCE; PROVIDING ALL OTHER ORDINANCES INCLUDED IN THE OFFICIAL CODE ARE STILL IN EFFECT NOTWITHSTANDING SOME PROVISIONS THEREOF BEING ELIMINATED; PROVIDING FOR SEVERABILITY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance is intended to clarify, refine, and improve the administration of existing design and development standards. The amendments are generally intended to provide greater objectivity, consistency, and predictability in code application while maintaining the underlying policy intent of the adopted standards. The amendments also establish reasonable caps and limitations on certain requirements to ensure that compliance obligations remain proportional and practicable for larger developments.

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 _____, 2027.

ATTEST:

_____
Lisa M. Leiby, City Clerk

CITY OF GARDEN CITY, IDAHO:

_____
William L. Jacobs, Mayor