

AN ORDINANCE AMENDING TITLE 8 GARDEN CITY DEVELOPMENT CODE AMENDING TITLE 8 [DEVELOPMENT CODE] CHAPTER 6 [ADMINISTRATION] ARTICLE A [GENERAL PROVISIONS] SECTION 2 [DUTIES AND AUTHORITY] SUBSECTION B [PLANNING AND ZONING COMMISSION], AMENDING TITLE 8 [DEVELOPMENT CODE] CHAPTER 6 [ADMINISTRATION] ARTICLE A [GENERAL PROVISIONS] SECTION 2 [DUTIES AND AUTHORITY] SUBSECTION D [DESIGN COMMITTEE], AMENDING TITLE 8 [DEVELOPMENT CODE] CHAPTER 6 [ADMINISTRATION] ARTICLE A [GENERAL PROVISIONS] TABLE 8-6A-1 [AUTHORITIES AND PROCESSES] AND PROVIDING AN EFFECTIVE DATE FOR ADOPTION.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GARDEN CITY, IDAHO:

SECTION 1: GARDEN CITY CODE 8-6A-2 DUTIES AND AUTHORITY B PLANNING AND ZONING COMMISSION IS AMENDED BY THE FOLLOWING PROVISIONS:

B. Planning and Zoning Commission: The planning and zoning commission shall be the designated planning agency for the city. The commission shall be responsible for final action on site specific permits and appeal body as defined by this title and for recommendations to the council on land use legislation, comprehensive plan amendments, and other policy matters.

1. Duties of the commission regarding implementation of this title shall be as follows:
 - a. Provide for citizen meetings, hearings, surveys, or other methods to obtain advice on the planning process, comprehensive plan, and implementation;
 - b. Promote a public interest in and understanding of the commission's activities;
 - c. Make recommendations to the council concerning the comprehensive plan, planning process, or implementation of the comprehensive plan;
 - d. Initiate proposed amendments to this title and conduct a biannual review of the complete development code;
 - e. Conduct public hearings, make decisions and recommendations to the council based on the required findings and standards for applications as set forth in article B, "Specific Provisions", of this chapter; and

f. Serve as the review authority in appeals of decisions of the planning official.

g. The commission may, at its discretion, delegate some of its functions to the commission chair, a commission subcommittee, or to the planning official.

~~2. Membership Requirements of The Planning And Zoning Commission:~~

~~a. The council in creating a commission shall provide that the geographical area and interests of the city are broadly represented on the commission.~~

~~b. The commission membership shall consist of five (5) voting members, all appointed by the mayor and confirmed by majority vote of the council.~~

~~c. An appointed member of the commission must have resided in the city for two (2) years immediately preceding his/her appointment, and must remain a resident of the city during the service on the commission.~~

~~d. One (1) commission seat may be filled by a city property owner or city business owner. The member must have owned property in the city or must have operated a business in the city for two (2) years immediately preceding his/her appointment, and must remain a property or business owner in the city during the service on the commission.~~

~~e. Members shall be selected without respect to political affiliation.~~

~~f. Commission members shall not be entitled to any compensation.~~

3. Term of Office for Planning And Zoning Commission Members:

a. Members of the commission shall serve a term of three (3) years.

b. No person shall serve more than two (2) full consecutive terms without a majority vote by the city council.

c. Vacancies occurring otherwise than through the expiration of terms shall be filled in the same manner as the original appointment.

d. Members may be removed for cause by a majority vote of the council.

e. Members shall be selected without respect to political affiliation.

4. ~~Organization of The Planning And Zoning Commission:~~

- ~~a. The commission shall elect a chairman on an annual basis.~~
- ~~b. The commission may establish subcommittees, advisory committees, or neighborhood groups to advise and assist in carrying out their responsibilities. The commission may appoint nonvoting ex officio advisors as may be deemed necessary.~~
- ~~c. Written bylaws consistent with this title and other laws of the state for the transaction of business of the commission shall be adopted.~~
- ~~d. A record of meetings, hearings, resolutions, studies, findings, permits and actions taken shall be maintained. All meetings and records shall be open to the public.~~
- ~~e. At least one (1) regular meeting shall be held each month for not less than nine (9) months in a year.~~
- ~~f. A majority of voting members of the commission shall constitute a quorum.~~

5. Conflict Of Interest:

- a. A member of the commission shall not participate or be present for any proceeding or action when the member or his employer, business partner, business associate or any person related to him by affinity or close relationship has an actual or potential economic interest in the procedure or action.
- b. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered.
- c. A knowing violation of this subsection shall be a misdemeanor.
- d. The quorum of any meeting shall not be affected by a member leaving the hearing room while the matter which constitutes a conflict is being presented or heard.

SECTION 2: GARDEN CITY CODE 8-6A-2 DUTIES AND AUTHORITY D DESIGN COMMITTEE IS AMENDED BY THE FOLLOWING PROVISIONS:

D. Design Committee:

1. Duties of The Design Committee: The design committee shall work in partnership with applicants on design review. The committee shall act as the decision maker on design applications unless otherwise herein defined, and serve as an expert on all matters of design that come before the city.

~~2. Authority: The design committee shall be formed by the council and shall be composed of five members, three of whom shall be appointed by the council and two shall be appointed by the planning commission.~~

~~3. Term Of Office: The term of office for design committee community member shall be three (3) years, staggered among the committee members. Vacancies occurring otherwise than through the expiration of terms shall be filled in the same manner as the original appointment. Members may be removed for cause by a majority vote of the council.~~

~~4. Meetings: All meetings of the committee will be public and notice of the meetings shall be posted at city hall at least one (1) day before the meeting. A quorum shall consist of the planning official and two (2) community members. A record of meetings and actions taken shall be maintained.~~

SECTION 3: GARDEN CITY CODE Table 8-6A-1 [AUTHORITIES AND PROCESSES] IS AMENDED BY THE FOLLOWING PROVISIONS:

Permit/Decision	Recommending Authority	Final Decision Maker	Process	Appeal Body
Annexation	PZ	CC	PH	
Change of use to a permitted use	None	PO	A	PZ
Comprehensive plan amendment	DC ⁺ /PZ	CC	PH	
Conditional use	None	PZ	PH	CC
Conditional use, revocation	None	CC	PH	
Design review, administrative: dwelling unit, single- or two-family design; alterations under 25%	None	PO	A	DC
Design review: nonresidential structures and/or sites, and more	None	DC	AN	CC

than two attached or adjacent dwelling units				
Development agreement or amendment	PZ	CC	PH	
Development code amendment	DC*/PZ	CC	PH	
Floodplain/floodway	None	PO	A	PZ
Manufactured/mobile home	None	PO	A	PZ
Master Site Plan	DC	CC	PH	CC
Minor land division	None	PO	AN	CC
Modifications to an approved permit	Same decision maker and process as initial approval			
Nonconforming setback extensions	None	DC	AN	CC
Planned unit development	DC/PZ	CC	PH	
Plat, boundary line amendment	None	PO	A	CC
Plat, final	PO	CC	PH	
Plat, condominium	PO	CC	A	
Plat, preliminary	DC/PZ	CC	PH	
Plat, preliminary and final combined	DC/PZ	CC	PH	
Signs	None	PO	A	DC
Signs, master plan or design review	None	DC	A	CC
Site layout template (minor PUD)	None	DC	AN	CC
Specific area plan	DC/PZ	CC	PH	
Variance	None	PZ	PH	CC
Zoning district amendment	PZ	CC	PH	

CC = Council

A

= Administrative

PO = Planning Official AN = Administrative with Public Notice
PZ = Commission PH = Public Hearing
DC = Design Committee DC* = Design Committee only recommends when design is affected by the application

SECTION 4: If any one or more sections or subsections of these Chapters are for any reason held to be invalid or unconstitutional, such shall not affect the validity of the remaining portions of these Chapters and the same are and shall remain in full force and effect.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval and publication thereof.

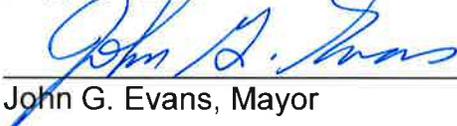
SECTION 6: PASSED by the City Council and **APPROVED** by the Mayor of the City of Garden City, Idaho, this 22nd day of April, 2019.

ATTEST:



Lisa M. Leiby, City Clerk

APPROVED:



John G. Evans, Mayor



**STATEMENT OF GARDEN CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO. 1004-19**

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. 1004-19 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 22nd day of April, 2019.


Charles I. Wadams
City Attorney

**SUMMARY OF ORDINANCE NO. 1004-19
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 April 22, 2019, that Ordinance No. 1004-19 entitled:

AN ORDINANCE AMENDING TITLE 8 GARDEN CITY DEVELOPMENT CODE AMENDING TITLE 8 [DEVELOPMENT CODE] CHAPTER 6 [ADMINISTRATION] ARTICLE A [GENERAL PROVISIONS] SECTION 2 [DUTIES AND AUTHORITY] SUBSECTION B [PLANNING AND ZONING COMMISSION], AMENDING TITLE 8 [DEVELOPMENT CODE] CHAPTER 6 [ADMINISTRATION] ARTICLE A [GENERAL PROVISIONS] SECTION 2 [DUTIES AND AUTHORITY] SUBSECTION D [DESIGN COMMITTEE], AMENDING TITLE 8 [DEVELOPMENT CODE] CHAPTER 6 [ADMINISTRATION] ARTICLE A [GENERAL PROVISIONS] TABLE 8-6A-1 [AUTHORITIES AND PROCESSES] AND PROVIDING AN EFFECTIVE DATE FOR ADOPTION

This ordinance amends Garden City Code Title 8 by updating criteria related to membership requirements and organization of the Planning and Zoning Commission and Design Review Committee. The responsibilities, duties and authority granted to the Planning and Zoning Commission and Design Review Committee remain enumerated in the Garden City Code as required by the Idaho Code.

Additionally, this ordinance includes amendments to Table 8-6A-1, in Garden City Code Title 8, to only require a Design Review Committee recommendation for comprehensive plan amendments and development code amendments when the proposed amendment affects design.

Finally, this ordinance amends Table 8-6A-1, in Garden City Code Title 8, to indicate the City Council is the final decision maker for master site plans, with no administrative appeal body.

The effective date of the ordinance is from and after 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 22nd day of April, 2019.

ATTEST:



Lisa M. Leiby, City Clerk

CITY OF GARDEN CITY, IDAHO:



John G. Evans, Mayor

