

BY THE COUNCIL: BEAUMONT, HIGGINS, MITCHELL, AND SOUZA

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING OR REPEALING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 3 (“OVERLAY ZONING DISTRICT REGULATIONS”), ARTICLE A (“GENERAL PROVISIONS”), SECTIONS 1 (“ZONING DISTRICTS ESTABLISHED”) AND 3 (“ALLOWED USES”), AND ARTICLE E (“BOISE RIVER AND GREENBELT”), AND CHAPTER 6 (ADMINISTRATION), ARTICLE A (“GENERAL PROVISIONS”), SECTION 2 (“DUTIES AND AUTHORITY”), SUBSECTION E (“TABLE 8-6A-1”), AND CHAPTER 7 (“REFERENCES”), ARTICLE A (“DEFINITIONS”), SECTION 2 (“DEFINITION OF TERMS”); REPEALING ORDINANCE NO. 996-18 IN ITS ENTIRETY; REPEALING THE PORTION OF ORDINANCE NO. 1004-19 THAT ELIMINATED AN APPELLATE BODY FOR MASTER SITE PLANS; 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; REPEALING ANY OTHER OFFICIAL CITY ACTION CREATING OR REGULATING THE BOISE RIVER GREENBELT OVERLAY ZONING DISTRICT; 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 current Title 8 (“Development Code”), Chapter 3 (“Overlay Zoning District Regulations”), Article A (“General Provisions”), Sections 1 (“Zoning Districts Established”) and 3 (“Allowed Uses”), and Article E (“Boise River and Greenbelt”), and Chapter 6 (Administration), Article A (“General Provisions”), Section 2 (“Duties and Authority”), Subsection E (“Table 8-6A-1”), and Chapter 7 (“References”), Article A (“Definitions”), Section 2 (“Definition of Terms”) was amended or added on the 12th day of February, 2018 by Ordinance No. 996-18, which created the Boise River and Greenbelt (BRG) Overlay Zoning District; and

WHEREAS, the boundary of the BRG Overlay Zoning District is listed, by specific parcels and in the district map, in Resolution No. 1044-18, which was adopted on 12th day of February 2018; and

WHEREAS, the current Title 8 (“Development Code”), Chapter 6 (Administration), Article A (“General Provisions”), Section 2 (“Duties and Authority”), Subsection E (“Table 8-6A-1”) was amended on the 22nd day of April, 2019 by Ordinance No. 1004-19, which eliminated an appellate body for master site plans that could be required in the BRG Overlay Zoning District; and

WHEREAS, the City Council for the City of Garden City intends to repeal the BRG Overlay Zoning District.

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

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

SECTION 2. Ordinance No. 996-18, which was adopted on the 12th day of February 2018, is hereby repealed.

SECTION 3. The portion of Ordinance No. 1004-19 that eliminated an appellate body for master site plans that could be required in the BRG Overlay Zoning District, which was adopted on the 22nd day of April, 2019, is hereby repealed.

SECTION 4. All other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 5. 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 6. The current Title 8 (“Development Code”), Chapter 3 (“Overlay Zoning District Regulations”), Article A (“General Provisions”), Section 1 (“Zoning Districts Established”) is hereby amended to eliminate the BRG Overlay Zoning District.

SECTION 7. The current Title 8 (“Development Code”), Chapter 3 (“Overlay Zoning District Regulations”), Article A (“General Provisions”), Section 3 (“Allowed Uses”) is hereby amended to eliminate the BRG Overlay Zoning District in both the text and in Table 8-3A-1.

SECTION 8. The current Title 8 (“Development Code”), Chapter 3 (“Overlay Zoning District Regulations”), Article E (“Boise River and Greenbelt”) is hereby repealed in its entirety to eliminate the BRG Overlay Zoning District.

SECTION 9. The current Title 8 (“Development Code”), Chapter 6 (Administration”), Article A (“General Provisions”), Section 2 (“Duties and Authority”), Subsection E (“Table 8-6A-1”), is hereby amended to eliminate the Master Site Plan from the table.

SECTION 10. The current Title 8 (“Development Code”), Chapter 7 (“References”), Article A (“Definitions”), Section 2 (“Definition of Terms”) is hereby amended to eliminate the definitions of “River Activated,” and “Wetlands/Critical Habitat.”

SECTION 11. Resolution No. 1044-18, which was adopted on 12th day of February 2018, and included the boundary of the BRG Overlay Zoning District by specific parcels and in the district map, site development examples, design examples, and native plants of the Boise River, is hereby repealed or withdrawn.

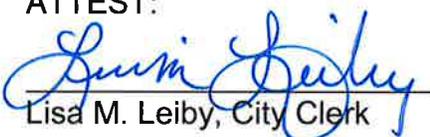
SECTION 12. If any provision or section of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

SECTION 13. That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

SECTION 14. Pursuant to an affirmative vote of one-half (1/2) plus one (1) of the members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with and accordingly, this Ordinance is passed and adopted.

SECTION 15. This ordinance shall be in full force and effect on 7/12, 2019, and from and after passage, approval, and publication.

PASSED by the City Council and **APPROVED** by the Mayor of Garden City, Idaho, this 8th day of July, 2019.

ATTEST:

Lisa M. Leiby, City Clerk

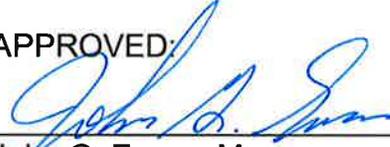
APPROVED:

John G. Evans, Mayor

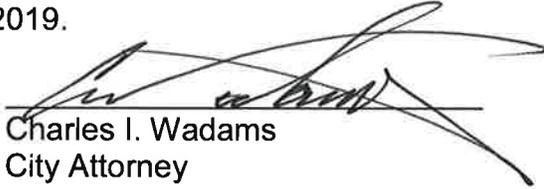


EXHIBIT "A"

**STATEMENT OF GARDEN CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO. 1008-19**

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. 995-18 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 8th day of July, 2019.


Charles I. Wadams
City Attorney

**SUMMARY OF ORDINANCE NO. 1008-19
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 July, 8, 2019, that Ordinance No. 1008-19 entitled:

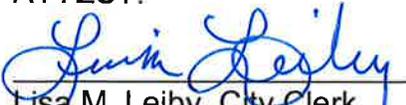
AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING OR REPEALING GARDEN CITY CODE TITLE 8 ("DEVELOPMENT CODE"), CHAPTER 3 ("OVERLAY ZONING DISTRICT REGULATIONS"), ARTICLE A ("GENERAL PROVISIONS"), SECTIONS 1 ("ZONING DISTRICTS ESTABLISHED") AND 3 ("ALLOWED USES"), AND ARTICLE E ("BOISE RIVER AND GREENBELT"), AND CHAPTER 6 (ADMINISTRATION), ARTICLE A ("GENERAL PROVISIONS"), SECTION 2 ("DUTIES AND AUTHORITY"), SUBSECTION E ("TABLE 8-6A-1"), AND CHAPTER 7 ("REFERENCES"), ARTICLE A ("DEFINITIONS"), SECTION 2 ("DEFINITION OF TERMS"); REPEALING ORDINANCE NO. 996-18 IN ITS ENTIRETY; REPEALING THE PORTION OF ORDINANCE NO. 1004-19 THAT ELIMINATED AN APPELLATE BODY FOR MASTER SITE PLANS; 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; REPEALING ANY OTHER OFFICIAL CITY ACTION CREATING OR REGULATING THE BOISE RIVER GREENBELT OVERLAY ZONING DISTRICT; PROVIDING FOR SEVERABILITY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance repeals the Boise River and Greenbelt Overlay Zoning District.

The effective date of the ordinance is 7/12, 2019, and 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 8th day of July, 2019.

ATTEST:



Lisa M. Leiby, City Clerk

CITY OF GARDEN CITY, IDAHO:



John G. Evans, Mayor



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AFFIDAVIT OF PUBLICATION

| Account # | Ad Number | Identification | PO | Amount | Cols | Depth |
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| 264046 | 0004294337 | SUMMARY OF ORDINANCE NO. 1008-19 OF TH | NO. 1008-19 | \$90.68 | 1 | 9.00 In |

Attention: Lisa Leiby
 GARDEN CITY CITY OF
 6015 GLENWOOD ST
 GARDEN CITY, ID 837141347

VICTORIA RODELA, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

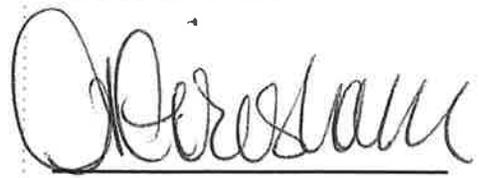
1 Insertions
 Beginning issue of: 07/12/2019
 Ending issue of: 07/12/2019



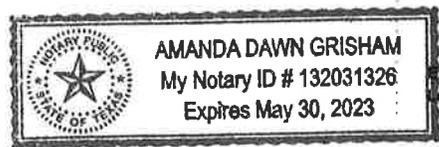
 (Legals Clerk)

ORD 1008-19
 100-51-0000-640-00

On this 12th day of July in the year of 2019 before me, a Notary Public, personally appeared before me Victoria Rodela known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

**SUMMARY OF ORDINANCE
NO. 1008-19
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 July 8, 2019, that Ordinance No. 1008-19 entitled: **AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING OR REPEALING GARDEN CITY CODE TITLE 8 ("DEVELOPMENT CODE"), CHAPTER 3 ("OVERLAY ZONING DISTRICT REGULATIONS"), ARTICLE A ("GENERAL PROVISIONS"), SECTIONS 1 ("ZONING DISTRICTS ESTABLISHED") AND 3 ("ALLOWED USES"), AND ARTICLE E ("BOISE RIVER AND GREENBELT"), AND CHAPTER 6 (ADMINISTRATION), ARTICLE A ("GENERAL PROVISIONS"), SECTION 2 ("DUTIES AND AUTHORITY"), SUBSECTION E ("TABLE 8-6A-1"), AND CHAPTER 7 ("REFERENCES"), ARTICLE A ("DEFINITIONS"), SECTION 2 ("DEFINITION OF TERMS"); REPEALING ORDINANCE NO. 996-18 IN ITS ENTIRETY; REPEALING THE PORTION OF ORDINANCE NO. 1004-19 THAT ELIMINATED AN APPELLATE BODY FOR MASTER SITE PLANS; 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; REPEALING ANY OTHER OFFICIAL CITY ACTION CREATING OR REGULATING THE BOISE RIVER GREENBELT OVERLAY ZONING DISTRICT; PROVIDING FOR SEVERABILITY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

This ordinance repeals the Boise River and Greenbelt Overlay Zoning District.

The effective date of the ordinance is July 12, 2019, and 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