

BY THE COUNCIL: HELLER, JACOBS, JORGENSEN, AND PAGE

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 2 (“BASE ZONING DISTRICT REGULATIONS”), ARTICLE C (“LAND USE PROVISIONS”), SECTION 13 (“DRIVE-THROUGH ESTABLISHMENT”); SECTION 29 (“MORTUARY”); SECTION 46 (“WIRELESS COMMUNICATION FACILITY”); CHAPTER 4 (“DESIGN AND DEVELOPMENT REGULATIONS”), ARTICLE A (“GENERAL PROVISIONS”), SECTION 3 (“FENCES AND WALLS”); SECTION 9 (“WATERWAYS”); ARTICLE B (“DESIGN PROVISIONS FOR RESIDENTIAL STRUCTURES”), SECTION 3 (“SINGLE-FAMILY AND TWO-FAMILY ATTACHED AND DETACHED RESIDENTIAL DWELLING UNITS”); ARTICLE C (“DESIGN PROVISIONS FOR NONRESIDENTIAL STRUCTURES”), SECTION 5 (“PROHIBITIONS”); ARTICLE D (“PARKING AND OFF STREET LOADING PROVISIONS”), SECTION 3 (“PARKING DESIGN AND IMPROVEMENT STANDARDS”); ARTICLE F (“SIGN PROVISIONS”), SECTION 4 (“PERMIT REQUIRED”); SECTION 12 (“REGULATIONS FOR SPECIFIC SIGN CATEGORIES”); SECTION 15 (“NONCONFORMING SIGNS”); CHAPTER 5 (“LAND DIVISION REGULATIONS”), ARTICLE C (“SPECIAL DEVELOPMENT PROVISIONS”), SECTION 5 (“NONRESIDENTIAL SUBDIVISIONS”); CHAPTER 6 (“ADMINISTRATION”), ARTICLE A (“GENERAL PROVISIONS”), SECTION 2 (“DUTIES AND AUTHORITY”); SECTION 3 (“GENERAL APPLICATION PROCESS”); SECTION 4 (“REQUIRED APPLICATION INFORMATION”); SECTION 5 (“ADMINISTRATIVE PROCESS WITH NOTICE”); SECTION 6 (“ADMINISTRATIVE PROCESS WITHOUT NOTICE”); SECTION 7 (“PUBLIC HEARING PROCESS”); SECTION 9 (“APPEALS AND CITY COUNCIL REVIEWS”); ARTICLE B (“SPECIFIC PROVISIONS”), SECTION 3 (“DESIGN REVIEW COMMITTEE”); SECTION 5 (“DEVELOPMENT CODE AMENDMENT”); SECTION 8 (“MINOR PLANNED UNIT DEVELOPMENT”); AND CHAPTER 7 (“REFERENCES”), ARTICLE A (“DEFINITIONS”), SECTION 2 (“DEFINITIONS OF TERMS”); 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 SUREL MITCHELL WORK-LIVE-CREATE 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 2 (“Base Zoning District Regulations”), Article C (“Land Use Provisions”), Section 13 (“Drive-through

Establishment”); Section 29 (“Mortuary”); Section 46 (“Wireless Communication Facility”); Chapter 4 (“Design And Development Regulations”), Article A (“General Provisions”), Section 3 (“Fences And Walls”); Section 9 (“Waterways”); Article B (“Design Provisions For Residential Structures”), Section 3 (“Single-family And Two-family Attached And Detached Residential Dwelling Units”); Article C (“Design Provisions For Nonresidential Structures”), Section 5 (“Prohibitions”); Article D (“Parking And Off Street Loading Provisions”), Section 3 (“Parking Design And Improvement Standards”); Article F (“Sign Provisions”), Section 4 (“Permit Required”); Section 12 (“Regulations For Specific Sign Categories”); Section 15 (“Nonconforming Signs”); Chapter 5 (“Land Division Regulations”), Article C (“Special Development Provisions”), Section 5 (“Nonresidential Subdivisions”); Chapter 6 (“Administration”), Article A (“General Provisions”), Section 2 (“Duties And Authority”); Section 3 (“General Application Process”); Section 4 (“Required Application Information”); Section 5 (“Administrative Process With Notice”); Section 6 (“Administrative Process Without Notice”); Section 7 (“Public Hearing Process”); Section 9 (“Appeals And City Council Reviews”); Article B (“Specific Provisions”), Section 3 (“Design Review Committee”); Section 5 (“Development Code Amendment”); Section 8 (“Minor Planned Unit Development”); and Chapter 7 (“References”), Article A (“Definitions”), Section 2 (“Definitions Of Terms”) was amended or added on the 3 day of March 1997, by Ordinance No. 685, which established the design review process and guidelines; and

WHEREAS, the City Council for the City of Garden City intends to repeal the Design Review Committee; and

WHEREAS, the City Council for the City of Garden City intends to amend the procedures, required findings, and definitions applicable to design review.

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

SECTION 1. That portions of Title 8 (“Development Code”), Chapter 2 (“Base Zoning District Regulations”), Article C (“Land Use Provisions”), Section 13 (“Drive-Through Establishment”), Garden City Code be, and the same is hereby amended, to read as follows:

8-2C-13 DRIVE-THROUGH ESTABLISHMENT:

B. Building Design and Site Layout:

1. All establishments providing drive-through service shall identify the stacking lane, menu and speaker location (if applicable), and window location on the conditional use permit application.
2. New drive-through windows and drive aisles shall be oriented toward the side or rear yards and not placed between the street right-of-way and the primary customer entrance.

3. Vehicle lanes shall be sited to minimize vehicle congestion, blockage, or rerouting on site and within the surrounding uses.

4. A drive-through establishment within a commercial center shall take access from a principal drive aisle within the commercial center. The drive-through shall be designed to minimize additional vehicle traffic congestion, blockage, rerouting, or pedestrian disruption, within the commercial center and on properties adjacent to the commercial center.

5. Service shall be provided to those who elect to walk or bike.

a. Service shall be available in an area that is protected from the weather and separate from vehicle stacking lanes.

6. Adequate trash receptacles shall be provided that comply with the requirements set forth in section 8-4A-5, Outdoor Service And Equipment Areas, of this title.

7. All site and vehicular lane lighting shall be down-shielded, screened or oriented to prevent spillage of light on any residence, residential zone, or public roadway.

8. Stacking lanes shall be screened from view of the public right-of-way, patios and pedestrian use areas with landscaping or a combination of plantings, structures, berming, or art to a minimum height of four feet (4') where not in conflict with a necessary clear vision triangle.

9. Any changes to the site design of an existing drive-through that adjoins a residence or residential zone, shall require that a minimum six-foot (6') high solid wall or fence, or plantings, structures, berming, or art to a minimum height of four feet (4') where no in conflict with a necessary clear vision triangle, shall be provided along any property line that adjoins a residence or residential zone.

10. Any changes to the site design of an existing drive-through that adjoins a residence or residential zone, shall require that any portion of the drive-through lane adjacent to a residence or residential zone be setback at least ten feet (10') from the residence or residential zone. The setback area shall be landscaped.

11. Design review ~~committee approval~~ consultant recommendation to the planning official, and an approval by the planning official of the building design and site layout is required prior to a Planning and Zoning Commission public hearing.

SECTION 2. That portions of Title 8 (“Development Code”), Chapter 2 (“Base Zoning District Regulations”), Article C (“Land Use Provisions”), Section 29 (“Mortuary”), Garden City Code be, and the same is hereby amended, to read as follows:

8-2C-29: **MORTUARY:**

B. Design:

1. The design of new structures or additions to existing structures shall be reviewed by the Garden City design review ~~committee~~ consultant for compatibility of scale and character with the intended land use and development in the vicinity.

2. At least twenty percent (20%) of the area within the required structure setbacks shall be open space, not used for buildings, parking areas or driveways.

SECTION 3. That portions of Title 8 (“Development Code”), Chapter 2 (“Base Zoning District Regulations”), Article C (“Land Use Provisions”), Section 46 (“Wireless Communication Facility”), Garden City Code be, and the same is hereby amended, to read as follows:

8-2C-46: **WIRELESS COMMUNICATION FACILITY:***

F. Other Regulations Apply: The site and structure design shall be subject to review by the design ~~committee~~ review consultant and the process set forth in section 8-6B-3 of this title.

SECTION 4. That portions of Title 8 (“Development Code”), Chapter 4 (“Design and Development Regulations”), Article A (“General Provisions”), Section 3 (“Fences and Walls”), Garden City Code be, and the same is hereby amended, to read as follows:

8-4A-3: **FENCES AND WALLS:**

A. Permit Required: Anyone constructing a fence or wall over six feet (6') in height shall first obtain design review ~~committee~~ consultant recommendation for approval followed by approval from the planning official and a building permit from the city prior to construction. Any fence located in the floodway shall secure a floodplain permit from the city prior to construction.

D. Prohibited Fencing Materials: The use of barbed wire, razor wire, boxes, sheet metal, old or decayed wood, broken masonry blocks, chain link, chain link with slats, or other like unsightly materials for fencing shall be prohibited unless an application is made to the design review ~~committee~~ consultant and is recommended to and approved by the planning official as and the committee finds the fence to be compliant with the following:

1. Implement the vision as set forth in the comprehensive plan; and
2. Demonstrate that the fence provides significant creativity and uniqueness, and the intent is not to merely evade the provisions set forth in this section, or can demonstrate that the fence is an established icon that enhances the community’s assets more than a fence complying with the requirements set forth in this section; and
3. Demonstrate that it is constructed of professional and durable materials, and are not intended to be of temporary nature.

SECTION 5. That portions of Title 8 (“Development Code”), Chapter 4 (“Design and Development Regulations”), Article A (“General Provisions”), Section 9 (“Waterways”), Garden City Code be, and the same is hereby amended, to read as follows:

8-4A-9: **WATERWAYS:**

B. Pressurized Irrigation; Irrigation Ditches, Laterals, Canals, And Drains:

1. Pressurized irrigation shall be provided in conformance with subsection 8-5A-5H of this title.

2. Irrigation ditches, laterals, canals, and drains shall be left open and used as a water amenity or linear open space unless it can be ~~reasonably demonstrated to the design review consultant and the planning official by the process set forth in 8-6B-3 that: in a way that the design review committee can determine through a design review committee level approval that:~~

a. The maintenance of the irrigation ditch, lateral, canal, or drain with any associated easement encumbers more than fifty percent (50%) of the property; or

b. The irrigation ditch, lateral, canal, or drain is located on the property in such a manner that a use of the property is infeasible; or

c. The irrigation ditch, lateral, canal, or drain is enclosed on both ends adjacent to the property, and the adjacent properties are fully developed in a manner that future opening of the enclosed irrigation ditch, lateral, canal, or drain is infeasible.

3. Irrigation ditches, laterals, canals, and drains do not require fencing. If fencing is installed, open fencing only is allowed, and privacy fencing is prohibited. All fencing shall be approved by the irrigation or drainage district.

4. For any irrigation or drainage ditch, piping or alteration of the ditch shall not impede the movement of the amount of water crossing the property prior to development or the amount of water delivered to downstream properties.

5. In no circumstances shall structures be built over irrigation ditches, laterals, canals and drains or within their dedicated easements.

SECTION 6. That portions of Title 8 (“Development Code”), Chapter 4 (“Design and Development Regulations”), Article B (“Design Provisions for Residential Structures”), Section 3 (“Single-Family and Two-Family Attached and Detached Residential Dwelling Units”), Garden City Code be, and the same is hereby amended, to read as follows:

8-4B-3: **SINGLE-FAMILY AND TWO-FAMILY ATTACHED AND DETACHED RESIDENTIAL DWELLING UNITS:**

B. Accessory Structures:

1. An accessory structure, other than an accessory dwelling unit, shall not be used by a person or entity other than the resident of the dwelling unit.
2. An accessory structure shall require design review ~~committee approval~~ consultant recommendation and subsequent approval by the planning official as set forth in 8-6B-3 of this code and approval of a conditional use permit if the structure is not designed to an "R" or "U" occupancy, as defined by or otherwise exempted from permit by the adopted building codes.
3. An accessory structure, unless built and approved as an accessory dwelling, shall not be utilized as a dwelling.
4. Accessory structures and all portions of the principal structure, such as an attached garage, that are utilized for residential accessory uses over a combined one thousand (1,000) square feet may not exceed the combined square footage of the principal dwelling unit without a design review ~~committee approval~~ consultant recommendation and planning official approval as set forth in 8-6B-3 of this code and subsequent ~~and~~ approval of a conditional use permit.

SECTION 7. That portions of Title 8 ("Development Code"), Chapter 4 ("Design and Development Regulations"), Article C ("Design Provisions for Nonresidential Structures"), Section 5 ("Prohibitions"), Garden City Code be, and the same is hereby amended, to read as follows:

8-4C-5: **PROHIBITIONS:**

A. Stylized Buildings: Garden City respects that independent businesses, corporations and franchises use specific architectural designs to identify their businesses and attract customers. The city encourages independent businesses, corporations and franchises to build locations in Garden City using architectural designs that comply with this code, conform to the city's comprehensive plan and goals, and complement surrounding structures. All new business, corporate and franchise designs will be reviewed on a case by case basis by the design review ~~committee~~ consultant to assure compliance with these plans and goals.

Figure 8-4C-16

Example Of Stylized Building



SECTION 8. That portions of Title 8 (“Development Code”), Chapter 4 (“Design and Development Regulations”), Article D (“Parking and Off Street Loading Provisions”), Section 3 (“Parking Design and Improvement Standards”), Garden City Code be, and the same is hereby amended, to read as follows:

8-4D-3: PARKING DESIGN AND IMPROVEMENT STANDARDS:

A. Design And Layout Of Parking Areas:

1. Required: All parking areas shall be designed and constructed to provide the type and number of off street parking spaces required by section 8-4D-5 of this article, and designed as required by this section.

2. General Provisions For Location Of Parking Areas:

a. No part of any parking area for more than ten (10) vehicles shall be closer than twenty feet (20') to any dwelling unit, school, hospital or other institution for human care located on an adjoining lot, unless separated by screen in compliance with the provisions as set forth in article I, "Landscaping And Tree Protection Provisions", of this chapter.

b. If a parking area is located on the same lot with a single-family dwelling unit, the parking area may be located within the front yard required for such building if approved by ~~the design committee~~ the planning official after a recommendation from the design review consultant as set forth by 8-6B-3 of this code and only if parking elsewhere is not feasible or possible.

c. Parking areas shall not be located closer than four feet (4') to any established street or alley right of way.

3. Location And Design Of Parking Spaces For Residential Uses:

a. Parking spaces for detached residential dwelling units shall be located on the same lot as the dwelling which the space is intended to serve.

b. Parking for attached residential dwelling units shall be located not more than three hundred feet (300') from the structure(s).

c. The size of the parking space for a residential unit shall be at least ten feet by twenty feet (10' x 20'). Garage spaces shall be measured from the exterior dimensions.

d. Other requirements apply to the location of garages and carports as set forth in article B, "Design Provisions For Residential Structures", of this chapter.

4. Nonresidential And Mixed Uses: Location of parking spaces and lots for nonresidential uses and mixed uses:

a. Parking shall be located not more than one-fourth (1/4) mile from the use, as allowed by the provisions set forth in section 8-4D-6 of this article.

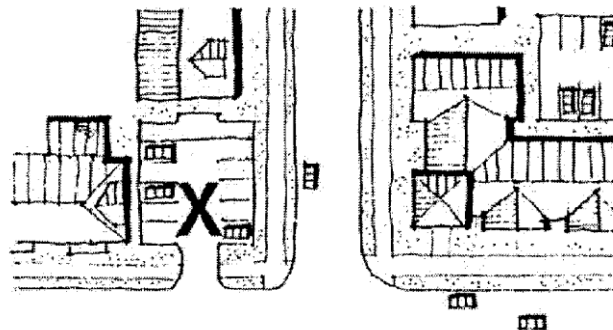
b. Parking lots shall not be located within forty feet (40') of a corner.

c. Parking spaces shall not interfere with the visibility and access to the main building entrance.

d. Off street parking spaces shall not be located in any required landscape area.

Figure 8-4D-1

Acceptable And Unacceptable Location For A Parking Lot



5. Other Requirements: Other requirements that apply to the location, layout and design of parking lots:

a. Parking lots shall be designed in compliance with the requirements as set forth in article C, "Design Provisions For Nonresidential Structures", of this chapter.

b. Parking lots shall be designed in accordance with article I, "Landscaping And Tree Protection Provisions", of this chapter.

6. Parking Area Dimensional Standards: Parking lot layouts shall conform to the layouts and specifications identified in the "Garden City Design And Construction Guide", as amended.

7. Parking Area Access Requirements:

a. Parking areas shall be designed in such a manner that any vehicle leaving or entering the parking area from, or onto, a public or private street shall be traveling in a forward motion. Except for an alley and parallel spaces, driveway configurations which require backing in, from, or out onto the street, are not allowed.

b. Parking areas shall be designed so that all vehicles are able to turn around within the site boundaries.

c. Access driveways for parking areas shall be located in such a way that any vehicle entering, or leaving, such an area shall be clearly visible by a pedestrian, or motorist, approaching the access or driveway from a public or private street. Access shall conform to the clear vision requirements in section 8-4E-3, "Public Street Connections", of this chapter and the vehicle and pedestrian circulation standards in section 8-4E-4, "Internal Circulation Standards", of this chapter.

8. Handicapped Parking: Parking areas shall conform to Americans with disabilities act (ADA) standards for parking spaces. Parking spaces and access lanes shall be marked including handicapped symbols and signs.

SECTION 9. That portions of Title 8 ("Development Code"), Chapter 4 ("Design and Development Regulations"), Article F ("Sign Provisions"), Section 4 ("Permit Required"), Garden City Code be, and the same is hereby amended, to read as follows:

8-4F-4: **PERMIT REQUIRED:**

B. Review And Approval: The planning official ~~or designee~~ shall review all complete sign applications, and shall approve only those found to be in compliance with all applicable requirements of this article. Should the sign not meet all conditions to be compliant with this article, the applicant may apply for a permit through the design review permitting process whereby the ~~The design review committee~~ consultant shall recommend approval, and the planning official shall approve only those signs found to be compliant with the following:

1. Adhere to section 8-4F-1, "Purpose," of this article; and
2. Implement the vision as set forth in the comprehensive plan; and

3. Establish that the property values and rights of any resident or business owner in Garden City will not be encumbered by the design of the sign; and
4. Demonstrate that the sign provides significant creativity and uniqueness, and the intent is not to merely evade the provisions set forth in this article; or can demonstrate that the sign is an established icon that enhances the community's assets more than a sign complying with the requirements set forth in this article; and
5. Demonstrate that they are constructed of professional and durable materials, and are not intended to be of temporary nature.

F. Appeal: Any person aggrieved by a decision on a sign permit may appeal the planning official's decision to the Garden City ~~design review committee~~ City Council pursuant to provisions in section 8-6A-9 of this title. ~~Appeals of the design review consultant decisions will be considered by the Garden City council.~~

SECTION 10. That portions of Title 8 ("Development Code"), Chapter 4 ("Design and Development Regulations"), Article F ("Sign Provisions"), Section 12 ("Regulations for Specific Sign Categories"), Garden City Code be, and the same is hereby amended, to read as follows:

8-4F-12: REGULATIONS FOR SPECIFIC SIGN CATEGORIES:

D. Freestanding And Monument Signs:

1. Interference: Freestanding and monument signs should not hamper or interfere with pedestrian access, bike or transit facilities.
2. Streetscape Standards: Freestanding and monument signs shall comply with and reflect all adopted streetscape standards.
3. Visibility Of Adjacent Signs: Freestanding and monument signs shall not be located in a manner so as to block the visibility of adjacent signs.
4. Pole Covers: Pole covers are required.
5. Maximum Number:
 - a. One freestanding or monument sign for every one hundred (100) linear feet of public street frontage or thirty thousand (30,000) square feet of parcel area up to a maximum of three (3) freestanding and/or monument signs per parcel.
 - b. One sign for parcels with less than one hundred (100) linear feet of public street frontage or thirty thousand (30,000) square feet of parcel area.

c. For parcels located on a corner, the calculation of linear feet shall be based on one hundred percent (100%) of the linear feet on the principal public street and fifty percent (50%) of the linear feet on the secondary public street.

d. Only one freestanding or monument sign shall be allowed per business per frontage, unless otherwise approved by the planning official after a recommendation of approval by the Garden City design review committee consultant as per 8-6B-3 of this Title.

6. Dimension And Location Standards: See table 8-4F-1 of this section.

	SD1 And SD2	SD3	SD4 And SD5	SD6
Maximum sign height		7'	12'	18'
Maximum height of structure		8'	14'	20'
Maximum depth		2'	2'	2.5'
Maximum sign area:				
Cabinet		Up to 15 sq. ft.	Up to 50 sq. ft.	Up to 50 sq. ft.
Channel letter sign		Up to 25 sq. ft.	Up to 50 sq. ft.	Up to 50 sq. ft.
Distinctive materials/design sign		Up to 35 sq. ft.	Up to 70 sq. ft.	Up to 60 sq. ft.
Minimum separation from any other freestanding or monument sign		50'	180'	180'
Minimum side yard setback		25'	25'	25'

a. The location standards shall pertain to all portions of the sign, footings, and supporting structures.

b. All portions of the footings and supporting structures aboveground may not be larger than forty percent (40%) of the size of the sign area.

c. All signs must comply with standards set forth by the transportation agency whose jurisdiction presides over the frontage being utilized.

d. Properties that do not have sufficient frontage to meet the minimum separation from signs on adjacent properties shall be allowed to have up to one freestanding or monument sign in districts that allow freestanding and monument signs provided that all other provisions of this article are met.

7. Exceptions: Monument signs may be allowed in SD1, SD2 or SD3 sign districts provided that:

a. They are for a residential or mixed use subdivision, manufactured home park, or multi-family complex greater than three (3) units where one or more of the units do not have street frontage; or a nonresidential use where one or more of the units does not have street frontage.

b. The monument sign has indirect illumination or is not illuminated, is made of distinctive materials, not greater than five feet (5') in height, including structure; one and one-half feet (1.5') in depth; the sign area is no greater than fifteen (15) square feet per face or thirty (30) square feet total; and set back three feet (3') or more from the property line.

c. The sign meets all other requirements of this subsection.

SECTION 11. That portions of Title 8 (“Development Code”), Chapter 4 (“Design and Development Regulations”), Article F (“Sign Provisions”), Section 15 (“Nonconforming Signs”), Garden City Code be, and the same is hereby amended, to read as follows:

8-4F-15: **NONCONFORMING SIGNS:**

E. The following nonconforming signs are exempt from this section:

1. Nonconforming signs on the national register of historic places or a state of Idaho or Ada County historic register.

2. Signs that have obtained approval from the planning official after a recommendation for approval by the design review committee consultant.

SECTION 12. That portions of Title 8 (“Development Code”), Chapter 5 (“Land Division Regulations”), Article C (“Special Development Provisions”), Section 5 (“Nonresidential Subdivisions”), Garden City Code be, and the same is hereby amended, to read as follows:

8-5C-5: **NONRESIDENTIAL SUBDIVISIONS:**

B. Standards:

1. A building envelope within which future building footprints will be located shall be shown on the lots.
2. Setbacks for all lots shall be from the property lines, not from common driveway easements.
3. Driveways, open space and other common areas may be included in an easement or on a common lot.
4. All nonresidential subdivisions shall be subject to the review of a site plan by the design review committee consultant for compliance with the provisions of section 8-4A-7, "Outdoor Service And Equipment Areas"; chapter 4, article C, "Design Provisions For Nonresidential Structures"; section 8-4D-3, "Parking Design And Improvement Standards"; and chapter 4, article E, "Transportation And Connectivity Provisions", of this title.

SECTION 13. That portions of Title 8 ("Development Code"), Chapter 6 ("Administration"), Article A ("General Provisions"), Section 2 ("Duties and Authority"), Garden City Code be, and the same is hereby amended, to read as follows:

8-6A-2: **DUTIES AND AUTHORITY:**

- A. Council: The council shall have the authority to set policy and legislation affecting land use and the administration of this title, including establishing application fees by resolution. The council shall act on recommendations from the commission in legislative matters, some quasi-judicial applications, and serve as the final authority on appeals. The council shall also have the authority to review any action taken through the Administrative Process with Notice or Public Hearing Process ~~by the planning and zoning commission regarding any non-administrative action, conditional use permits,~~ which would be final unless appealed.
- 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 reviews 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. 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.

3. The commissioners are appointed and governed by policies adopted by resolution and in accordance with Idaho Code Section 67-6504.

3. 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.~~

C. Planning Official: The planning official is responsible ~~shall be the administrative official~~ for the application of the development code. The planning official ~~or his/her authorized staff~~ shall administer and enforce this title and fulfill all the duties imposed by law including, but not limited to:

1. Interpret provisions in the enforcement and administration of this title;
2. Provide information to the public on planning, design, zoning, and subdivision matters;
3. Receive and examine applications including, but not limited to, the following:
 - a. With the consent of the owner, enter upon any property to make examinations and surveys;
 - b. Determine the completeness of applications in providing the required information;
 - c. Maintain records of all materials and correspondence related to land use applications; and
 - d. Maintain records of the commission ~~and council~~ hearings and actions thereon; and
 - e. Transmit to the commission or council all applications related to this title.
4. Review and act on administrative applications;
5. Serve as the local administrator for flood hazard protection program;
6. Review and act on minor amendments to an approved permit;
7. Review compliance with conditions set forth by decision maker; and
8. Recommend action to the council on all final plats that are in substantial conformance with the conditions of the preliminary plat.

D. ~~Design Committee~~ Review Consultant:

1. Duties Of The Design ~~Committee~~ Review Consultant: The design ~~committee~~ review consultant shall work in partnership with applicants on design review matters. The ~~committee~~ design review consultant(s) shall act as consultant to staff

~~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. The design committee review consultant shall adopt written bylaws consistent with this code and other laws of the state, which shall be adopted by resolution.~~

2. Design review consultant(s) shall be selected by the planning official as set forth in policy. Per the discretion of the planning official, the type and number of design review consultants to review an application shall be determined.

E. The following Table 8-6A-1 is a summary list of the actions that the city shall take in administration of this title, the body responsible for the action, and reference to the process under which the action shall be taken:

TABLE 8-6A-1
AUTHORITIES AND PROCESSES

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	<u>DRC</u> /PZ	CC	PH	
Conditional use	None	PZ	PH	CC
Conditional use, revocation	None	CC <u>PZ</u>	PH	<u>CC</u>
Design review, administrative: dwelling unit, single- or two-family design; alterations under 25%	None	PO	A	CC <u>PZ</u>
Design review, administrative with notice: nonresidential structures and/or sites, and more than two attached or adjacent dwelling units	None <u>DRC</u>	CC <u>DG</u> <u>PO/CC</u>	<u>AN/PH</u>	CC
Development agreement or amendment	PZ	CC	PH	
Development code amendment	<u>DRC</u> /PZ	CC	PH	
Floodplain/floodway	None	PO	A	PZ
Manufactured/mobile home	None	PO	A	PZ

Minor land division	None	PO	AN	CC
Modifications to an approved permit	Same decision maker and process as initial approval			
Nonconforming setback extensions	None	<u>DC</u> <u>PO/CC</u>	AN/ <u>PH</u>	<u>CC</u>
Planned unit development	<u>DRC</u> /PZ	CC	PH	
Plat, boundary line amendment	None	PO	A	CC
Plat, final	PO	CC	PH	
Plat, condominium	PO	CC	A	
Plat, preliminary	<u>DCDRC</u> /PZ	CC	PH	
Plat, preliminary and final combined	<u>DCDRC</u> /PZ	CC	PH	
Signs	None	PO	A	<u>DC</u> <u>PZ</u>
Signs, master plan or design review	None <u>DRC</u>	<u>DC</u> <u>PO</u>	A	CC
Site layout template (minor PUD)	None	<u>DC</u> <u>CC</u>	AN/ <u>PH</u>	<u>CC</u>
Specific area plan	<u>DRC</u> /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
DRC = Design DRC* = Design ~~Committee~~ Review
 Committee Consultant only recommends
 Review when design is affected by the
 Consultant application

SECTION 14. That portions of Title 8 (“Development Code”), Chapter 6 (“Administration”), Article A (“General Provisions”), Section 3 (“General Application Process”), Garden City Code be, and the same is hereby amended, to read as follows:

8-6A-3: **GENERAL APPLICATION PROCESS:**

B. Application Requirements:

1. All uses, structures, or work defined by this title as requiring review by council, planning and zoning commission, design ~~committee~~ review consultant or planning official must obtain the appropriate permit or permits prior to commencing the use, construction or alteration in or on any property within the Garden City boundaries.

2. All requests for permits and decisions in accordance with this title shall submit an application to the planning official on forms approved by the planning official and provided by the city.

~~3. Any significant changes to the application requirements, the planning official shall submit the changes to the commission at a public hearing.~~

3.4. At a minimum, the application shall require the following information:

a. Name, address and contact information of the applicant and the applicant's representative;

b. Proof of current ownership in the property which is the subject of the application or signed letter of authorization from the property owner for making the application;

c. Legal description of the property; and

d. Statement of project intent for making the application.

~~4.5.~~ Some requests for permits and decisions shall require additional application information.

~~5.6.~~ As determined by the planning official, some information may be submitted in an electronic format.

~~6.7.~~ All applications shall be accompanied by a filing fee in an amount established by council resolution.

C. Determination Of Completeness:

1. An application shall contain all information deemed necessary by the planning official to determine if the proposal will comply with the applicable requirements of this title. Incomplete applications will not be accepted.

2. Within thirty (30) days of receipt of an application, or such later time as reasonably appropriate consistent with ~~city staff or consultant~~ workloads, the

planning official shall find the application as complete for review or require additional information to be submitted.

3. No further action shall be taken on the application until such additional information and materials have been submitted. If the additional information is not submitted within thirty (30) days from the planning official's request, or a date mutually agreed upon by the applicant and the planning official, the application will be returned to the applicant.

4. The planning official shall issue a notice of application acceptance and completion either by letter to the applicant or by public notice of the pending public hearing or action on the application.

5. The planning official shall begin processing the application once the application is deemed complete.

SECTION 15. That portions of Title 8 ("Development Code"), Chapter 6 ("Administration"), Article A ("General Provisions"), Section 4 ("Required Application Information"), Garden City Code be, and the same is hereby amended, to read as follows:

8-6A-4: **REQUIRED APPLICATION INFORMATION:**

A. In order to be determined complete, applications for permits or decisions shall be accompanied by the information identified by an "X" in Table 8-6A-2 and described in detail in chapter 7, article B, "Description Of Application Requirements", of this title.

B. Should the decision maker ~~approving body~~ determine one (1) or more required application requirements are unnecessary, the applicant may request an exemption of such requirement.

C. The decision maker may require aAdditional information not identified in Table 8-6A-2 to determine compliance with regulations may be required.

TABLE 8-6A-2
REQUIRED APPLICATION INFORMATION

Permit/ Decision	Compliance Statement	Preliminary Title Report	Neighborhood Map	Sketch Plan	Subdivision Map	Master Plan	Site Plan	Land scap e Plan	Schematic Drawings	Lighting Plan	Topog raphic Surve y	Grading Plan	Soils Repor t	Hydr ology Repo rt	Engine ering Drawin g And Specifi cations	Natural Haza rd And Reso urces Analy sis	Dedic ations And Ease ments	Cove nants And Deed Restri ctions	Will Se rve Let	Sub. Name and Reser vation	Appro ved Addr esse s
Annexat ion		X	X			X	X				X					X	X				X
Compre hensive plan amend ment	X					X					X					X					
Conditio nal use	X		X																X		
Design review committ ee consulta nt	X		X				X	X	X	X	X	X							X		X
Develop ment		X																			

agreement																					
Development code amendment	X																				
Floodplain/way						X	X	X			X	X	X	X	X	X					
Minor land division		X	X	X	X		X		X	X	X	X	X	X	X	X	X	X	X	X	X
Planned unit development		X	X		X	X	X	X	X	X	X		X		X	X	X	X	X		
Planned unit development, minor			X				X	X	X	X	X	X	X		X	X	X	X			X
Plat, amendment	X	X	X		X		X		X							X	X				
Plat, condominium	X						X										X				
Plat, final		X			X						X	X	X	X	X		X	X	X		X

Plat, preliminary	X	X	X		X		X		X	X					X			X	X	
Plat, preliminary and final combined		X	X		X		X		X	X	X	X	X	X	X	X	X	X	X	X
Site layout template							X	X	X											
Specific area plan						X														X
Variance	X		X				X													X
Zoning map amendment	X	X	X			X	X			X					X	X				

X Denotes application information that may be waived depending on the nature of the request

SECTION 16. That portions of Title 8 (“Development Code”), Chapter 6 (“Administration”), Article A (“General Provisions”), Section 5 (“Administrative Process With Notice”), Garden City Code be, and the same is hereby amended, to read as follows:

8-6A-5: ADMINISTRATIVE PROCESS WITH NOTICE:

A. The purpose of this section is to outline the specific application process for actions with prior notice to adjoining property owners.

B. ~~Upon submittal the city’s acceptance of an application and determination that the application meets the requirements as set forth in section 8-6A-4, table 8-6A-2, of this article, the Planning Official shall issue a notice of intent to approve or deny the application a neighborhood meeting shall be scheduled by the applicant.~~

1. ~~The A notice of intent shall be sent to adjoining property owners within three hundred feet (300') and agencies with jurisdiction.~~

2. ~~The notice shall state that the decision will be final within fifteen (15) days unless there is a written objection submitted to the city stating the code has been misinterpreted or misapplied. The property shall be posted in accordance with the timing, location, language, and dimensional requirements of the city found in 8-6A(7).~~

3. ~~The notice and property posting shall identify the process for interested parties to have standing.~~

4. ~~The content of the notice and property posting shall be approved by the planning official.~~

5. ~~The neighborhood meeting must occur at least 12 days prior to a decision being rendered.~~

C. The decision maker may make the following determinations based on the applicable required findings:

a. Intent to approve as submitted;

b. Intent to approve with changes;

c. Request changes and resubmittal;

d. Recommend denial; or

e. Recommend public hearing.

D. Anyone who provides written comment to the City prior to the determination of the application has standing to request a hearing.

E. The decision shall be sent to all individuals with standing.

F. If the determination is a recommendation for denial or public hearing, or if there are objections by those who have standing, the application shall be reviewed and a decision rendered via by the appellant body following the public hearing provision set forth in section 8-6A-7 of this article.

G. D. Conditions of approval that are deemed necessary to protect the public health, safety, and welfare, and prevent undue adverse impacts on surrounding properties may be required.

H. E. Written findings of fact and conclusions of law in accord with Idaho Code section 67-6519 stating the reasons for the decision reached shall be provided to the applicant. All conditions of approval shall be attached to the written decision.

SECTION 17. That portions of Title 8 (“Development Code”), Chapter 6 (“Administration”), Article A (“General Provisions”), Section 6 (“Administrative Process Without Notice”), Garden City Code be, and the same is hereby amended, to read as follows:

8-6A-6: ADMINISTRATIVE PROCESS WITHOUT NOTICE:

A. The purpose of this section is to outline the specific application process for actions by the planning official ~~or his or her designee~~ with no required public notice.

B. Administrative decisions that do not require notice shall be submitted on a form determined by the planning official.

C. The planning official shall take action within ~~ten (10) days or such later time, but not to exceed~~ thirty (30) days, as reasonably appropriate consistent with staff workloads, of receipt of the request for an administrative decision.

D. The planning official may refer any administrative application to the planning and zoning commission, or the design ~~committee~~ review consultant for any administrative application governed by chapter 4 of this title, for a decision when it is unclear whether the applicable purpose or any standard is being adhered to.

D. E. The planning official shall respond in writing with the basis of his/her decision to the person making the request.

SECTION 18. That portions of Title 8 (“Development Code”), Chapter 6 (“Administration”), Article A (“General Provisions”), Section 7 (“Public Hearing Process”), Garden City Code be, and the same is hereby amended, to read as follows:

8-6A-7: PUBLIC HEARING PROCESS:

B. Public Notice Requirements: Applications that require a public hearing shall be noticed in accord with the noticing requirements identified in Table 8-6A-3, and the following relevant procedures:

1. Neighborhood Meetings:

- a. Neighborhood meetings shall be required for some applications prior to submittal of an application.
- b. Notice of the neighborhood meeting shall be provided by the applicant to all property owners of record within three hundred feet (300') of the exterior boundary of the application property. Notice of the meeting shall be either hand delivered or mailed to the recipients. Notice shall also be provided to the planning official.
- c. Notice of the meeting shall be provided at least ten (10) days prior to the meeting.
- d. The meeting shall be held on a weekday between five thirty o'clock (5:30) P.M. and eight o'clock (8:00) P.M. not more than three (3) months or less than one (1) day prior to the submittal of an application.

2. Radius Notice: At least fifteen (15) days prior to the public hearing, the city shall send a notice by first class mail of the time and place, and a summary of the application to property owners or purchasers of record (as listed in the current records of the Ada County assessor) owning property within three hundred feet (300') of the property being considered.

3. Posting On The Site: A public notice shall be posted by the applicant on the premises for which the permit is sought. The notice shall be posted not less than ten (10) days prior to the public hearing.

- a. Notice Form: The notice shall be in substantial compliance with the following form:

<p>CITY OF GARDEN CITY PUBLIC HEARING NOTICE THERE WILL BE A PUBLIC HEARING ON [DATE] AT [TIME] At CITY HALL 6015 GLENWOOD</p>
<p>Purpose: Property Location: Application By: Contact the City Planner at (208) 472-2921 with any questions</p>

- b. Notice Size: The notice(s) shall consist of a four foot by four foot (4' x 4') plywood or other hard surface mounted on two (2) four inch by four inch (4" x 4") posts.

c. Notice Lettering: Centered at the top of the four foot by four foot (4' x 4') notice(s) in six inch (6") letters shall be the words "City of Garden City Public Hearing Notice". The date of the hearing shall be in bold four inch (4") letters. The remainder of the notice shall be in two inch (2") letters. Each notice shall be painted white, and the letters shall be painted black and shall appear on both sides.

d. Notice Content: Each notice shall inform the public of the nature of the hearing, the date, time and address of the hearing location, a summary of the proposal to be considered, a city contact phone number, the location of the development and the name of the applicant, and if applicable, the proposed development.

e. Notice Placement: The notices shall be posted on the property being considered along each street that is adjacent to the subject property boundaries. The notice(s) shall be located on the property, outside of the public right-of-way. If the notice cannot be placed on the property and still be clearly visible, the notice may be placed within the right-of-way if the applicant can obtain the consent of the owner of the right-of-way. The notice shall be posted perpendicular to the street and mounted so that the bottom of the notice is at least three feet (3') above the ground.

f. Proof Of Posting: The applicant shall submit a notarized statement and a photograph of the posting to the city no later than seven (7) days prior to the public hearing attesting to where and when the notice(s) were posted. Unless the statement is received by such date, the hearing will be continued.

g. Notice Removal: The notice(s) shall be removed no later than three (3) days after the public hearing for which the notice(s) had been posted is ended.

4. Alternate Forms Of Notice: When mailed notice is required of two hundred (200) or more property owners, alternate forms of notice may be provided by the city as follows:

- a. Posting of the notice in three (3) conspicuous locations within the city;
- b. Making notice available to all forms of media for use as a public service announcement; or
- c. Paid advertisement of notice in local print media.

5. Legal Notice: At least fifteen (15) days prior to the public hearing, the city shall publish a public notice of the time, place and description of the application in the official newspaper of general circulation.

6. Public Service Announcement: At least fifteen (15) days prior to the public hearing, the city shall provide a public notice to other newspapers, radio and television stations serving the city for use as a public service announcement.

7. Agency Review; Notification To Agencies With Jurisdiction: At least fifteen (15) days prior to the public hearing, the city shall give notice to all political subdivisions providing services within the city, including the school district.

8. Transmittal To Other Agencies: The planning official may transmit the notice, application and other documents submitted for review and recommendation to city departments and other agencies and community organizations as adopted by commission resolution.

9. Failure To Notify: The failure to comply fully with the notification provision shall not invalidate the action, provided the spirit of the procedure is observed.

TABLE 8-6A-3
PUBLIC NOTICING REQUIREMENTS

Permit/ Decision	Neighborhood Meeting	Radius	Legal	On Site	Agencies	Public Service Announcement	Interested Parties
Administrative with notice		X			X		X
Appeal							X
Annexation or rezone	X	X	X	X	X	X	
Comprehensive plan or ordinance amendment ¹	X	X	X		X	X	
Conditional use ²	X	X	X	X	X		
Conditional use, revocation			X				
Design review commission process under <u>8-6A-5</u>	<u>X</u>	X		X	<u>X</u>		<u>X</u>

Development agreement	X	X	X	X	X		
Development agreement revocation			X		X		
Planned unit development	X	X	X	X	X		
Plat, amendment		X		X	X		
Plat, final		X		X	X		
Plat, preliminary	X	X		X	X		
Plat, preliminary and final combined	X	X	X	X	X		
Minor land division	X	X	X	X	X		
Site layout template							
Specific area plan	X					X	
Variance	X	X	X	X			
Zoning district boundary amendment ³	X	X	X	X	X	X	

Notes:

1. Comprehensive Plan Amendment: If the commission or design review committee consultant recommends a material change to the plan after the public hearing, the public notice for the council hearing shall include the recommendation.
2. When mailed notice is required for more than two hundred (200) or more people, the alternate noticing requirements as set forth in subsection B4 of this section may be substituted for mailed notice.

3. Zoning District Boundary Amendment: Notice may be sent to property owners beyond three hundred feet (300') of the external boundaries of the rezone area to those property owners who may be impacted by the rezone application.

C. ~~Design Review Committee~~ or Planning and Zoning Commission Public Hearing:

1. Hearing Date:

a. Within sixty (60) days of receipt of an application certified as complete, or as reasonably appropriate consistent with city staff ~~or consultant~~ workloads, the initial public hearing shall be conducted.

b. The time for review and action may be extended by making a finding that additional materials and/or information are required due to the complexity of the application or for other reasons deemed appropriate.

c. The decision maker may deny an application for which the public hearing has been continued repeatedly over an unreasonable period of time at the request of the applicant.

2. Public Hearing Testimony:

a. The decision maker shall hear public testimony from all persons interested in an application at the duly noticed public hearing.

b. The applicant shall offer competent evidence in support of the application sufficient to enable the decision maker to consider the matter and to make findings on the subject. The applicant has the burden of presenting all necessary and relevant information and evidence in support of the application.

c. Written statements, mailed or hand delivered to city hall and received twenty-four (24) hours in advance of the public hearing, shall be entered into the record of the hearing.

3. Decision:

a. After hearing the evidence and considering the application, the decision maker shall make their decision. The decision maker shall report the facts upon which it based its conclusion, the ordinance and standards used in evaluating the application, the actions, if any, that the applicant could take to obtain a permit, and whether a permit is granted, granted with conditions, or denied.

b. By the next regular scheduled meeting, the decision maker shall make its findings and decision.

D. Council Public Hearing:

1. Transmittal: Upon recommendation of approval or disapproval by the ~~reviewing~~ recommending body, the application, together with a complete copy of the ~~reviewing~~ recommending body's findings and report of action, shall be transmitted to the council.

2. Public Hearing: Within thirty (30) days of the ~~reviewing~~ recommending body completing its findings and report, the city shall notice a council public hearing.

a. The public notice shall be made in ~~the same manner in which the hearing was noticed before the commission, unless otherwise required by the Local Land Use Planning Act, Idaho Code section 67-6501 et seq~~ accordance with the Public Hearing Process.

b. Public notice shall also be sent, ~~by first class mail,~~ to all persons who appeared in person and provided a legible record of their name and address, or submitted testimony in writing before the reviewing body's proceedings. Such notification shall be made at least fifteen (15) days prior to the council meeting. ~~The failure or lack of notification of any parties of record shall not invalidate the action taken by the council on the application provided the spirit of this notification procedure is observed.~~

3. Public Hearing Testimony: At the hearing before the council, the council shall consider the record and report of the commission and may or may not elect to hear testimony of representatives of the applicant and any witnesses, including interested citizens affected by the proposed application.

4. Council Decision:

a. Upon conclusion of its review, the council shall take action on the application and adopt its findings of fact and conclusions by the next regular scheduled council meeting.

b. In its decision, the council shall base its findings upon the record and report of the commission and, if taken, testimony presented before it.

c. The council may sustain, modify with conditions, or reject the recommendations of the recommending authority ~~commission~~; or remand the application ~~to the reviewing body~~ for additional proceedings and findings.

SECTION 19. That portions of Title 8 ("Development Code"), Chapter 6 ("Administration"), Article A ("General Provisions"), Section 9 ("Appeals and City Council Reviews"), Garden City Code be, and the same is hereby amended, to read as follows:

8-6A-9: **APPEALS AND CITY COUNCIL REVIEWS:**

A. Standing To Appeal, City Council Review, Standard of Review, And Notice Of Appeal:

1. An applicant, the development services director, the public works director, the chief of police, and/or those who testified orally in writing excluding staff reports in front of the final decision maker at the lower hearing may appeal the action of the final decision maker. However, the development services director, the public works director, and the chief of police shall only have standing to appeal, as a representative and designee of the city, if he/she believes there may be significant adverse impact to the city as a result of the action of the final decision maker, making the city affected or aggrieved by the final decision. Such appeals are not *de novo*.
2. Any action taken by the planning and zoning commission regarding conditional use permits, which would be final unless appealed, may be reviewed and heard by the city council, when an appeal is not made but the city council determines in a public meeting, within fifteen (15) days of commission action, that there may be significant adverse impact to the city as a result of the final decision by the commission, making the city affected or aggrieved by the final decision. Such council reviews are not *de novo*.
3. An appeal shall be made on the form provided by the city and filed with the city clerk within fifteen (15) days after the action of the decision maker.
4. An appeal or council review shall stay all proceedings related to the application unless there is imminent peril to life and property, as determined by the commission or court order.

B. Review Authority: Appeals of commission or ~~design review committee~~ decisions are heard and decided by the council. Appeals of the planning official decisions are heard and decided by the commission, ~~unless related to chapter 4, "Design And Development Regulations", of this title. Planning official decisions pertaining to chapter 4, "Design And Development Regulations", of this title shall be heard by the design review committee.~~

C. Hearing Notice:

1. The city shall set the matter for hearing by the review authority at the next regularly scheduled meeting of the review authority if such scheduling provides reasonably adequate time for all parties involved to be prepared to conduct the hearing.
2. The city shall give notice of the time and place of the hearing on appeal or council review by sending mailing copies of the notice by ~~certified mail, postage prepaid~~, to the applicant or petitioner, the appellant and to any interested person who has filed a written request for notice with the city.

E. Decision:

1. After the hearing on the appeal or council review, the review authority shall make its decision and adopt findings of fact and conclusions.
2. In its decision, the review authority shall determine whether the application or petition should be granted, granted with conditions, remanded to the decision maker for additional proceedings and findings, or denied.
3. The city shall transmit a copy of the decision by the review authority together with a copy of its findings and conclusions to the decision maker; and shall transmit a copy of its decision, findings and conclusions of law to the appellant.
4. The decision on an appeal made by the commission or planning official ~~the design review committee~~ may be further appealed to the council.

The decision of the council shall be final.

SECTION 20. That portions of Title 8 (“Development Code”), Chapter 6 (“Administration”), Article B (“Specific Provisions”), Section 3 (“Design Review Committee”), Garden City Code be, and the same is hereby amended, to read as follows:

8-6B-3: **DESIGN REVIEW COMMITTEE:**

B. Objectives: The objectives of the design review process are to involve the city in the earliest possible time in the development and design of a project and to work with the applicant in an iterative process of review and design to better the design of a project. The review process is intended to be flexible and tailored to the needs of the project and the applicant.

C. Applicability: This process shall apply to all ~~development. nonresidential development and dwelling units where there are more than two (2) proposed units attached or detached that are adjacent to one another on separate properties or more than two (2) units or structures on a single site. The provisions apply to the various forms of development including: new construction, major and minor alterations, large-scale construction, and development in specific locations.~~ Provisions of Title 8, chapter 4 shall be reviewed as follows:-

1. The following development shall be reviewed by the design review consultant and utilize the Administrative with Notice procedures:

a. Nonresidential development:

i. New principal structures;

ii. Accessory structures visible from the right-of-way;

iii. Additions that add more than 25% of the gross floor area of an existing principal;

iv. Renovations visible from the right-of-way where more than 25% of the façade is altered, replaced, rehabilitated, or restored;

v. Site expansions or reconfigurations exceeding 25% of the existing site's gross square footage;

vi. Any improvement within seventy (70) feet of the Boise River's ordinary high water mark; and

vii. Developments requiring design review consultant consultation elsewhere in code.

b. Residential Development

i. More than two dwelling units on the same property, including, but not limited to multifamily dwelling units;

ii. Dwelling units where there are more than two (2) proposed units attached to one another on separate properties; and

iii. New detached accessory dwelling units.

2. The following development shall be reviewed under the procedures set forth in 8-6A-6 "Administrative Process Without Notice":

a. Nonresidential Development:

ii. Accessory structures not visible from the right-of-way;

iii. Structural additions that add up to 25% of the gross floor area of an existing principal structure and are not visible from the right of way;

iv. Renovations, visible from the right-of-way, where more than 25% of the façade is altered, replaced, rehabilitated, or restored so long as there are no reductions in glass; and

v. Site expansions or reconfigurations less than or equal to 25% of the existing site's gross square footage, where there is no additional curb cut, reduction in landscaping, or new structures.

b. Residential Development:

i. Up to two attached dwelling units on the same property; and

ii. Accessory structures that do not otherwise require design review consultant recommendation as defined by this title.

c. The thresholds identified are cumulative within a 24-month time period.

3. Any applications that are overtly noncompliant with code will be denied. Design review consultation will be required if there is question as to interpretation of code.

D.C. Procedures: Design Review Consultant

~~1. Objectives: The objectives of the design review process are to involve the city in the earliest possible time in the development and design of a project and to work with the applicant in an iterative process of review and design. The review process is intended to be flexible and tailored to the needs of the project and the applicant.~~

~~1. When design review consultant recommendation is required a consultation shall be scheduled with the consultant. 2. Preapplication Conference Required: A preapplication conference with the design committee is required. Applicants are encouraged to schedule a preapplication meeting at the earliest point possible in the design of the project.~~

~~2.3. Purpose Of The Preapplication Conference: The purpose of the consultation is for experts to assist staff by providing direction to the applicant on the city-adopted design criteria. The purpose of the preapplication conference is threefold: to provide direction, determine the level of review process and what application materials will be required. The committee will provide direction on the design objectives set forth in chapter 4, article C of this title that are most relevant to the application. The committee will make a determination if the application should be filed as an administrative or design committee level review. Based on the scope of the project and the project location, the committee will decide what information, plans and designs will be required for review of the application and when the materials shall be submitted. The direction provided by the committee at the preapplication meeting may be changed or reversed at any time during the process if the design or the scope of the projects changes. The design review committee may determine the application is ready for approval at the preapplication conference.~~

~~3. The consultation is between the design review consultant and the applicant. Timely written public comment shall be incorporated into the materials reviewed during the consultation. Oral public testimony regarding the application shall be accepted at public hearings where a determination is made. 4. Application Submittal: Based on the direction at the preapplication conference, the application for design review will be made for either an administrative or design committee~~

~~review. No application will be approved until the application materials required have been provided and fees have been paid.~~

~~4. The applicant may meet with the design review consultant one or multiple times before an application is ready for a recommendation. 5. Once the application has been formally accepted, the public notice of intent to approve should be sent out ten (10) days prior to the approval date to allow for public input and appeal period.~~

~~5. Appropriate fees for design review consultation shall be established by resolution. 6. Administrative Review: Applications for administrative review will follow the process set forth in section 8-6A-6, "Administrative Process Without Notice", of this chapter.~~

~~7. Design Committee Review: Applications for design committee review will follow the process set forth in section 8-6A-5, "Administrative Process With Notice", of this chapter. Applications for design committee review shall be scheduled for a meeting(s). The committee will meet with the applicant and review the submitted design until such time the committee believes the application complies with the required findings set forth in subsection D of this section. Based on the required findings, the committee shall take one (1) of several actions: (a) approve the application; (b) conditionally approve the application with the requirement that the committee review further design details; or (c) deny the application.~~

D. Required Findings: In order to approve a design review application after a recommendation by the design review consultant, and based on design standards adopted by the city the standards set forth in chapter 4, article C of this title, the decision maker shall make a determination on the following findings:

1. The proposed design is in conformance with the purpose and provisions of Chapters 1-4 and 6 of this Title, including but not limited to setbacks, design provisions, and overlay district provisions; of the zoning district and all-dimensional regulations of that district;

2. The proposed design is in conformance with the plans adopted by Garden City by ordinance or resolution; adheres to standards for the protection of health, safety, and general welfare;

3. The proposed design provides convenient and functional bicycle and pedestrian access and movement to, from, within, and across the site; creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city;

4. The proposed design preserves and enhances the public's use and enjoyment of existing and planned public spaces, including but not limited to the greenbelt and pathways, sidewalks, parks, roadways, open space, public facilities, Boise river and waterways, and canals; improves the accessibility of development to nonmotorized and public modes of transportation;

5. The proposed design is consistent with the Garden City Comprehensive plan for the relevant neighborhood in scale, intensity, and character; supports a development pattern in nodes rather than strip commercial along arterial corridors;
6. The proposed design is functional, in that the use of the property will not create a detrimental impact on the surrounding neighborhood. Such functionality may include but is not limited to features allowing a reasonable expectation of privacy for the neighborhood, adequate parking or loading, refuse placement and collection location, location of noise amplification devices, etc.; supports a compact development pattern that enables intensification of development and changes over time; and
7. The proposed architecture and site improvements have facades, features, and other physical improvements that are consistent with Garden City's comprehensive plan for the neighborhood; design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and that encourage pedestrian activity.
8. The outdoor common area(s) and landscaping improve the quality, value, and extent of the design and function of the site and is consistent with southwest Idaho climatic conditions; and
9. The proposed design and use preserve natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, historic structures, and archeological sites.

SECTION 21. That portions of Title 8 (“Development Code”), Chapter 6 (“Administration”), Article B (“Specific Provisions”), Section 5 (“Development Code Amendment”), Garden City Code be, and the same is hereby amended, to read as follows:

8-6B-5: DEVELOPMENT CODE AMENDMENT:

C. Procedures:

1. Development Code Amendment Initiated By The City: Any member of the council, the design review committee consultant(s), or the commission may propose to amend this title following notice and public hearing procedures set forth in article A, "General Provisions", of this chapter.
2. Development Code Amendment Not Initiated By The City: The prospective applicant for a development code amendment shall complete a pre-application conference with the planning official. The planning official shall make a recommendation to the commission on the merits of considering the applicant's request. The commission shall review the request at a public hearing and then determine if an application should be brought forward to amend the development code. Upon approval of the request by the commission, an application, fees, and

public notice in accord with article A, "General Provisions", of this chapter, shall be provided.

3. Public Hearings: The commission and council shall hold public hearings on the development code amendments as set forth in article A, "General Provisions", of this chapter.

4. Effective Date: The amendment shall become effective by a favorable vote of a majority of the members of the council.

SECTION 22. That portions of Title 8 ("Development Code"), Chapter 6 ("Administration"), Article B ("Specific Provisions"), Section 5 ("Minor Planned Unit Development"), Garden City Code be, and the same is hereby amended, to read as follows:

8-6B-8: MINOR PLANNED UNIT DEVELOPMENT:

D. General Provisions For The Site Layout Template:

1. Site Layout Template: All minor planned unit developments (PUDs) shall be based on an approved site layout template, prepared by a licensed architect and reviewed as set forth in section 8-6B-3, "Design Review ~~Committee~~ Consultant", of this chapter and adopted through a public hearing process as set forth in section 8-6A-7 of this chapter.

2. The site layout template shall provide for the following elements:

a. Location of proposed building footprints, common areas, private open space, paved areas, service areas, access lanes, parking, pedestrian walkways and linkages;

b. Calculation of the number of units, building stories, parking spaces and amount of common area; and

c. A plan that shows the opportunities for future connectivity with adjoining properties.

3. The site layout template shall meet the following criteria:

a. Fire access and protection shall be in compliance with the International Fire Code.

b. The common area shall be a minimum of eight percent (8%) of the site with a minimum dimension of twenty feet (20').

c. The minimum width of the access lane shall be twenty feet (20').

d. Interconnectivity shall be designed to allow for shared access or shared common area with adjoining property. Shared access may be one (1) of the following:

- (1) An access lane that has the ability to be widened or extended;
- (2) Multiple pedestrian connections;
- (3) A common area that has the ability to be widened or extended.

e. The minimum dwelling unit size shall be five hundred fifty (550) square feet.

f. Minimum Setbacks:

- (1) Between condominiums and multi-family structures without a firewall separation shall be ten feet (10').
- (2) Between townhouse structures shall be six feet (6').
- (3) To property lines external to the original lot of record shall be five feet (5').
- (4) To an internal access lane shall be five feet (5').

g. Maximum Building Height: Maximum building height shall be thirty feet (30'), except where requirements of the International Fire Code can be satisfied, a maximum height of fifty-five feet (55') shall be allowed.

h. Required Parking:

Units under 700 square feet in size	1 parking space
Units 700 to 1,000 square feet in size	1.5 parking spaces
Units over 1,000 square feet in size	2.0 parking spaces
Commercial space	1 unit per 1,000 square feet

- (1) Parking spaces shall be a minimum of ten feet by twenty feet (10' x 20') in dimension.
- (2) Required parking spaces shall be provided in a garage or carport, with the exception that required parking may be satisfied through surface parking spaces when the spaces are well integrated into the

site design and shielded from adjoining properties; or are provided in diagonal parking spaces wholly or partially on public property.

G. Required Findings:

1. The planning and zoning commission shall base their determination to adopt a site layout template based on the recommendation of the ~~design committee~~ review consultant as approved by the planning official and the following findings:

~~a. Recommendation from the design review committee;~~

~~a~~b. The layout is in conformity with the purpose and intent of this article and the city's comprehensive plan;

~~b~~e. The layout demonstrates innovation and creativity in residential lot development;

~~c~~d. The layout creates usable open space areas and the opportunity to create a sense of place and neighborhood on a site;

~~d~~e. The layout could provide for a variety of housing products that respond to changing demographics and housing needs including cottages, compact housing, residential courts, co-housing, and attached units;

~~e~~f. The layout provides for interconnectivity within blocks and between lots of record; and

~~f~~g. The layout creates an incentive for residential development that is designed with consideration for future development on adjoining lots and for combining lots of record.

2. The planning official or the planning and zoning commission shall base their determination to approve a minor PUD on the following findings:

a. The minor PUD is in general conformance with an adopted site layout template and any deviations are minor as defined in this section;

b. The minor PUD meets all the findings for a site layout template as set forth in this subsection G;

c. The minor PUD complies with requirements of the city and other agencies with jurisdiction; and

d. The minor PUD has been designed to minimize impacts on adjacent properties.

3. In approving a minor PUD, the decision maker may prescribe appropriate conditions and limitations in conformity with this title which:

- a. Minimize adverse impacts on adjacent properties; and
- b. Provide a guarantee for interconnectivity between the site and adjacent properties.

SECTION 23. That portions of Title 8 (“Development Code”), Chapter 7 (“References”), Article A (“Definitions”), Section 2 (“Definition of Terms”), Garden City Code be, and the same is hereby amended, to read as follows:

8-7A-2: **DEFINITIONS OF TERMS:**

DECISION MAKER: The body or individual given authority by this code for decisions on planning applications and matters. The term "decision maker" may include, but is not limited to, the council, commission, ~~design committee~~ or planning official.

PLANNING OFFICIAL: An individual having knowledge in the principles and practices of planning who is appointed by the mayor and confirmed by the city council to administer this title. Also known as the zoning administrator, city planner or planning director. The term planning official as utilized in this title extends to any person that the planning official designates to administer this title.

SECTION 24. 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 and sections of this Ordinance, which shall remain in full force and effect.

SECTION 25. All ordinances of the City of Garden City that conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 26. That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

SECTION 27. This Ordinance shall be in full force from and after passage, approval, and publication.

PASSED by the City Council and **APPROVED** by the Mayor of Garden City, Idaho, this _____ day of _____, 2022.

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. 1027-22**

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. 1027-22 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 _____, 2022.

Charles I. Wadams
City Attorney

**SUMMARY OF ORDINANCE NO. 1027-22
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 [MONTH] [DATE], 2022, that Ordinance No. 1027-22 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 2 (“BASE ZONING DISTRICT REGULATIONS”), ARTICLE C (“LAND USE PROVISIONS”), SECTION 13 (“DRIVE-THROUGH ESTABLISHMENT”); SECTION 29 (“MORTUARY”); SECTION 46 (“WIRELESS COMMUNICATION FACILITY”); CHAPTER 4 (“DESIGN AND DEVELOPMENT REGULATIONS”), ARTICLE A (“GENERAL PROVISIONS”), SECTION 3 (“FENCES AND WALLS”); SECTION 9 (“WATERWAYS”); ARTICLE B (“DESIGN PROVISIONS FOR RESIDENTIAL STRUCTURES”), SECTION 3 (“SINGLE-FAMILY AND TWO-FAMILY ATTACHED AND DETACHED RESIDENTIAL DWELLING UNITS”); ARTICLE C (“DESIGN PROVISIONS FOR NONRESIDENTIAL STRUCTURES”), SECTION 5 (“PROHIBITIONS”); ARTICLE D (“PARKING AND OFF STREET LOADING PROVISIONS”), SECTION 3 (“PARKING DESIGN AND IMPROVEMENT STANDARDS”); ARTICLE F (“SIGN PROVISIONS”), SECTION 4 (“PERMIT REQUIRED”); SECTION 12 (“REGULATIONS FOR SPECIFIC SIGN CATEGORIES”); SECTION 15 (“NONCONFORMING SIGNS”); CHAPTER 5 (“LAND DIVISION REGULATIONS”), ARTICLE C (“SPECIAL DEVELOPMENT PROVISIONS”), SECTION 5 (“NONRESIDENTIAL SUBDIVISIONS”); CHAPTER 6 (“ADMINISTRATION”), ARTICLE A (“GENERAL PROVISIONS”), SECTION 2 (“DUTIES AND AUTHORITY”); SECTION 3 (“GENERAL APPLICATION PROCESS”); SECTION 4 (“REQUIRED APPLICATION INFORMATION”); SECTION 5 (“ADMINISTRATIVE PROCESS WITH NOTICE”); SECTION 6 (“ADMINISTRATIVE PROCESS WITHOUT NOTICE”); SECTION 7 (“PUBLIC HEARING PROCESS”); SECTION 9 (“APPEALS AND CITY COUNCIL REVIEWS”); ARTICLE B (“SPECIFIC PROVISIONS”), SECTION 3 (“DESIGN REVIEW COMMITTEE”); SECTION 5 (“DEVELOPMENT CODE AMENDMENT”); SECTION 8 (“MINOR PLANNED UNIT DEVELOPMENT”); AND CHAPTER 7 (“REFERENCES”), ARTICLE A (“DEFINITIONS”), SECTION 2 (“DEFINITIONS OF TERMS”); 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 SUREL MITCHELL WORK-LIVE-CREATE OVERLAY ZONING DISTRICT; PROVIDING FOR SEVERABILITY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance amends Title 8, Chapter 2, Article C, Section 13; Section 29; Section 46; Chapter 4, Article A, Section 3; Section 9; Article B, Section 3; Article C, Section 5; Article

D, Section 3; Article F, Section 4; Section 12; Section 15; Chapter 5, Article C, Section 5; Chapter 6, Article A, Section 2; Section 3; Section 4; Section 5; Section 6; Section 7; Section 9; Article B, Section 3; Section 5; Section 8; And Chapter 7, Article A, Section 2, by amending the language to modify the Design Review application process and refine the function of the Design Review Committee. The purpose of these amendments is to simplify the Design Review process to better achieve the Design Review Committee's intended charge.

Finally, the ordinance provides for severability, repeals conflicting Code provisions to the extent of a conflict, and provides an effective date.

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 Idaho Code § 50-901A(4).

DATED this ____ day of _____, 2022.

ATTEST:

CITY OF GARDEN CITY, IDAHO:

Lisa M. Leiby, City Clerk

John G. Evans, Mayor