

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”), AND CHAPTER 5 (“LAND DIVISION REGULATIONS”), ARTICLE C (“SPECIAL DEVELOPMENT PROVISIONS”), SECTION 5 (“NONRESIDENTIAL SUBDIVISIONS”), AND 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 ORDINANCE CREATING OR REGULATING THE DESIGN REVIEW COMMITTEE; 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 Development Code regarding Design Review, 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 originally codified on the 3rd day of March 1997, by Ordinance No. 685, which established the design review process and guidelines; and

WHEREAS, the Design Review process has been modified over the years; and

WHEREAS, the City Council for the City of Garden City intends to convert the Design Review Committee to Design Review Consultant(s); and

WHEREAS, the City Council for the City of Garden City intends to amend the procedures and definitions applicable to design review, to be interpreted and applied consistently with Ordinance No. 1024-22.

BE IT ORDAINED BY THE MAYOR AND CITY 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. 685, which was added on the 3rd day of March, 1997, and subsequent Ordinances governing the Design Review Committee, are hereby amended to replace the Design Review Committee with Design Review Consultant(s).

SECTION 3. All other Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 4. 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 5. That portions of Title 8 (“Development Code”), Chapter 2 (“Base Zoning District Regulations”), Article C (“Land Use Provisions”), Section 13 (“Drive-Through Establishment”), Subsection B (“Building Design and Site Layout”), 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:

11. Design review ~~committee approval~~ consultant(s) 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 6. That portions of Title 8 (“Development Code”), Chapter 2 (“Base Zoning District Regulations”), Article C (“Land Use Provisions”), Section 29 (“Mortuary”), Subsection B (“Design”), 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(s) 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 7. That portions of Title 8 (“Development Code”), Chapter 2 (“Base Zoning District Regulations”), Article C (“Land Use Provisions”), Section 46 (“Wireless Communication Facility”), Subsection F (“Other Regulations Apply”), 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(s) and the process set forth in section 8-6B-3 of this title.

SECTION 8. 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(s) 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(s) 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 9. That portions of Title 8 (“Development Code”), Chapter 4 (“Design and Development Regulations”), Article A (“General Provisions”), Section 9 (“Waterways”), Subsection B (“Pressurized Irrigation; Irrigation Ditches, Laterals, Canals, And Drains”), 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(s) 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 10. 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”), Subsection B (“Accessory Structures”), 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(s) 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(s) 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 11. That portions of Title 8 (“Development Code”), Chapter 4 (“Design and Development Regulations”), Article C (“Design Provisions for Nonresidential Structures”), Section 5 (“Prohibitions”), Subsection A (“Stylized Buildings”), 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 are ~~will be reviewed on a case-by-case basis by the design review committee~~ consultant(s) to assure compliance with these plans and goals.

Figure 8-4C-16
Example Of Stylized Building



SECTION 12. 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”), Subsection A (“Design and Layout of Parking Areas”), 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(s) 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.

SECTION 13. 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(s) 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(s) decisions will be considered by the Garden City council.~~

SECTION 14. That portions of Title 8 ("Development Code"), Chapter 4 ("Design and Development Regulations"), Article F ("Sign Provisions"), Section 12 ("Regulations for Specific Sign Categories"), Subsection D ("Freestanding and Monument Signs"), 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(s) as per 8-6B-3 of this Title.

SECTION 15. 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(s).

SECTION 16. That portions of Title 8 (“Development Code”), Chapter 5 (“Land Division Regulations”), Article C (“Special Development Provisions”), Section 5 (“Nonresidential Subdivisions”), Subsection B (“Standards”), 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(s) 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 17. 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 when an appeal is not made but the city council determines in a public meeting, within fifteen (15) days of final decision, that there may be significant adverse impact to the city as a result of the final decision, making the city affected or aggrieved by the final decision, by the planning and zoning commission regarding any non-administrative action, conditional use permits, which would be final unless appealed. Such council reviews are not de novo.

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.

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:~~

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.

D. Design Committee Review Consultant(s):

1. Duties Of The Design Committee Review Consultant(s): The design committee review consultant(s) shall work in partnership with applicants on design review matters. The committee design review consultant(s) shall act as consultant(s) 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(s) 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 being experts in design review and as set forth in policy passed by resolution. Per the discretion of the planning official, the type and number of design review consultants to review applications shall be determined, but will not become a governing body as defined in Idaho Code.

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	<u>Design Review Consultant(s) (DRC*) Consultation Required</u>	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>	DC/PZ	CC	PH	
Conditional use		None	PZ	PH	CC
Conditional use, revocation		None	<u>CC-PZ</u>	PH	<u>CC</u>
Design review, administrative: dwelling unit, single or two-family design; alterations under 25%		None	PO	A	<u>DC 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>	<u>DC</u> <u>PO/CC</u>	<u>AN/PH</u>	<u>CC</u>

Development agreement or amendment		PZ	CC	PH	
Development amendment code	<u>DRC</u>	<u>DG/PZ</u>	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>DG</u> <u>PO/CC</u>	AN/ <u>PH</u>	<u>CC</u>
Planned unit development	<u>DRC</u>	<u>DG/PZ</u>	CC	PH	
Plat, boundary line amendment		None	PO	A	CC
Plat, final		PO	CC	PH	
Plat, condominium		PO	CC	A	
Plat, preliminary	<u>DRC</u>	<u>DG/PZ</u>	CC	PH	
Plat, preliminary and final combined	<u>DRC</u>	<u>DG/PZ</u>	CC	PH	
Signs		None	PO	A	<u>DG</u> <u>PZ</u>
Signs, master plan or design review	<u>DRC</u>	None	<u>DG-PO</u>	A	CC
Site layout template (minor PUD)		None	<u>DG</u> <u>CC</u>	AN/ <u>PH</u>	<u>CC</u>
Specific area plan	<u>DRC</u>	<u>DG/PZ</u>	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 Committee DRC* = Design Committee—Review Consultant(s) only provides comment recommends when design is affected by the application

SECTION 18. 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(s) 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(s)~~ workloads, the planning official shall find the application as complete for review or require additional information to be submitted.

SECTION 19. 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. The applicant may request an exception of one (1) or more required application requirements. Should the Planning Official approving body determine ~~one (1) or more required~~ such application requirement(s) are unnecessary, the Planning Official may grant the applicant's request for exception. ~~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	Topographic Survey	Grading Plan	Soils Report	Hydrology Report	Engineering Drawing And Specifications	Natural Hazard And Resources Analysis	Dedications And Easements	Covenants And Deed Restrictions	Will Serve Letter	Sub. Name and Reservation	Approved Address
Annexation		X	X			X	X				X					X	X				X
Comprehensive plan amendment	X					X					X					X					
Conditional use	X		X																X		
Design review committee consultant(s)	X		X				X	X	X	X	X	X							X		X
Development agreement		X																			
Development code amendment	X																				

Floodpl ain/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 develop ment		X	X		X	X	X	X	X		X	X	X		X	X	X	X	X			
Planned unit develop ment, minor			X				X	X	X	X	X	X		X	X	X	X	X			X	
Plat, amend ment	X	X	X		X		X		X							X	X					
Plat, condomi nium	X						X										X					
Plat, final		X			X					X	X	X	X	X		X	X	X			X	
Plat, prelimin ary	X	X	X		X		X	X	X						X				X	X		
Plat, prelimin ary and final combine d		X	X		X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Site layout							X	X	X													

templat e																						
Specific area plan	X	X	X			X	X				X					X	X					X
Varianc e	X		X				X															X
Zoning map amend ment	X	X	X			X	X				X					X	X					

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

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SECTION 20. 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 applicant shall post on the property 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 persons to be considered interested parties.

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

5. The neighborhood meeting must occur at least 15 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. The decision shall be sent to all interested parties.

~~E. G. If the determination is a recommendation for public hearing, or if person(s) with standing object to the denial, if there are objections, 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.~~

~~F. 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.

~~G. 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 21. 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(s) for any administrative application governed by chapter 4 of this title, for a decision when staff has a question as to whether applicable standards or purposes have been met.

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

SECTION 22. 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:

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 8-6A-5	<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	X	X	X	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(s) 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(s) 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 ~~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 timely received ~~twenty-four (24) hours~~ in advance of the public hearing, shall be entered into the record of the hearing.

d. When a design review consultation is required as part of an application that requires a public hearing, verbal public testimony regarding design will be heard by the planning and zoning commission at the planning and zoning commission's scheduled hearing.

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 Idaho 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 23. 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 (1) have standing under the Idaho Local Land Use Planning Act; and (2) testified orally or 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 a 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.

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:

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:

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 24. 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 as more specifically described below. ~~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 ("Design and Development Regulations") shall be reviewed as follows:-

1. The following development shall be reviewed by the design review consultant(s) 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(s) 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(s) recommendation as defined by this title.

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

3. Any applications that are noncompliant with code will be denied.

D.C.—Procedures: Design Review Consultant(s)

~~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(s) consultation is required, the consultation shall be timely scheduled with the consultant(s) as established by resolution.

~~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 expert(s) to assist the decision maker 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(s) and the applicant. Timely written public comment shall be incorporated into the materials reviewed during the consultation.~~ ~~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(s) 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.~~

SECTION 25. 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 26. 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(s)", of this chapter and adopted through a public hearing process as set forth in section 8-6A-7 of this chapter.

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(s) as approved by the planning official and the following findings:

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

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

bc. The layout demonstrates innovation and creativity in residential lot development;

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

de. 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;

ef. The layout provides for interconnectivity within blocks and between lots of record; and

fg. 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.

SECTION 27. 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:

CONSULTATION: A meeting or correspondence with the design review consultant(s) and applicant, but not with a governing body as defined by Idaho Code, wherein relevant items will be addressed.

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.

DESIGN: Any physical attribute of a site or building, including but not limited to site context, block frontages and community framework, location, vehicular and nonvehicular circulation and connections, parking, open space, service areas, landscaping, architectural character, blank wall treatments, lighting, and building massing, elements, and materials.

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

SECTION 29. 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 30. That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

SECTION 31. 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 12th day of September, 2022.

ATTEST:

Lisa M. Leiby, City Clerk

APPROVED:

John G. Evans, Mayor

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EXHIBIT A
**STATEMENT OF GARDEN CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO. 1026-22**

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. 1026-22 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 12th day of September, 2022.

Charles I. Wadams
City Attorney

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**SUMMARY OF ORDINANCE NO. 1026-22
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 September 12, 2022, that Ordinance No. 1026-22 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”), AND CHAPTER 5 (“LAND DIVISION REGULATIONS”), ARTICLE C (“SPECIAL DEVELOPMENT PROVISIONS”), SECTION 5 (“NONRESIDENTIAL SUBDIVISIONS”), AND 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 ORDINANCE CREATING OR REGULATING THE DESIGN REVIEW COMMITTEE; PROVIDING FOR SEVERABILITY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This Ordinance amends the Development Code to modify the Design Review application process and refine the function of the Design Review by replacing the Design Review Committee with Design Review Consultant(s). The purpose of these amendments is to simplify the Design Review process to better achieve its intended purpose.

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 12th day of September, 2022.

ATTEST:

CITY OF GARDEN CITY, IDAHO:

Lisa M. Leiby, City Clerk

John G. Evans, Mayor

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