

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 1 (“GENERAL REGULATIONS”), ARTICLE A (“PURPOSE, APPLICABILITY, AND INTERPRETATION”), SECTION 4 (“APPLICABILITY”), AND CHAPTER 3 (“OVERLAY ZONING DISTRICT REGULATIONS”), ARTICLE A (GENERAL PROVISIONS), SECTION 1 (“ZONING DISTRICTS ESTABLISHED”), SECTION 3 (“ALLOWED USES”), ARTICLE C (“SUREL MITCHELL WORK-LIVE-CREATE”), AND CHAPTER 6 (“ADMINISTRATION”), ARTICLE B (“SPECIFIC PROVISIONS”), SECTION 3 (“DESIGN REVIEW COMMITTEE”), SUBSECTION D (“REQUIRED FINDINGS”), ADDING SUBSECTION E (“LIMITATIONS OF DESIGN REVIEW AUTHORITY”), SECTION 8 (“MINOR PLANNED UNIT DEVELOPMENT”), SUBSECTION C (“ALLOWED USES”), AND CHAPTER 7 (“REFERENCES”), ARTICLE A (“DEFINITIONS”), SECTION 2 (“DEFINITIONS OF TERMS”); REPEALING ORDINANCE NO. 867-07 IN ITS ENTIRETY; REPEALING THE PORTION OF ORDINANCE NO. 944-12 THAT MOVED AND AMENDED THE SUREL MITCHELL WORK-LIVE-CREATE OVERLAY DISTRICT; 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 PORTIONS OF 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 1 (“General Regulations”), Article A (“Purpose, Applicability, and Interpretation”), Section 4 (“Applicability”), and Chapter 6 (“Administration”), Article B (“Specific Provisions”), Section 3 (“Design Review Committee”), Subsection D (“Required Findings”), Section 8 (“Minor Planned Unit Development”), Subsection C (“Allowed Uses”), and Chapter 7 (“References”), Article A (“Definitions”), Section 2 (“Definition of Terms”) provides required findings and definitions for design review applications; and

WHEREAS, the Work-Live-Create (WLC) Neighborhood Overlay District was initially adopted on the 24th day of April 2007, by Ordinance No. 867-07; and

WHEREAS, the current Title 8 (“Development Code”), Chapter 3 (“Overlay Zoning District Regulations”), Article A (“General Provisions”), Section 1 (“Zoning Districts Established”), Section 3 (“Allowed Uses”), Article C (“Surel Mitchel Work-Live-Create”), moved and

amended the WLC Neighborhood Overlay District on the 14th day of May, 2012, by Ordinance No. 944-12; and

WHEREAS, the City Council for the City of Garden City intends to repeal the WLC Overlay Zoning District; 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 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. 867-07, which was added on the 24th day of April, 2007, is hereby repealed.

SECTION 3. Ordinance No. 944-12, which was added on the 14th day of May, 2012, is hereby amended to eliminate the WLC Neighborhood Overlay District.

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

SECTION 5. The fact that some provisions of the official municipal code for the City of Garden City have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said official Code. All other ordinances shall continue in full force and effect unless specifically repealed or amended.

SECTION 6. The current Title 8 (“Development Code”), Chapter 1 (“General Regulations”), Article A (“Purpose, Applicability, and Interpretation”), Section 4 (“Applicability”) is hereby amended to read as follows:

8-1A-4 APPLICABILITY:

The regulations of this title shall apply and govern development and use of all properties: a) within the corporate limits of the city; and b) within the area of city impact, based on mutual agreement between the city and Ada County.

A. No person or public agency shall construct, alter, move a structure; or change the use of a structure; or undertake any development unless:

1. The proposed use, structure, division of property, or modification to a division of property complies with this title, is not illegal, and provides safety as defined herein; and

2. Any required approval is first obtained as provided by chapter 6, “Administration”, of this title, and any applicable conditions of approval are met.

SECTION 7. The current Title 8 (“Development Code”), Chapter 3 (“Overlay Zoning District Regulations”), Article A (“General Provisions”), Section 1 (“Zoning Districts Established”) is hereby amended to eliminate the WLC Overlay Zoning District.

8-3A-1 ZONING DISTRICTS ESTABLISHED:

The purpose of the overlay districts is to provide an incentive to implement the comprehensive plan and preserve the rights of property owners. The city hereby establishes the following overlay zoning districts:

- ~~Surel Mitchell work-live-create (WLC)~~
- Neighborhood commercial node (NCN)
- Transit oriented development (TOD)
- Green Boulevard corridor (GBC)

SECTION 8. The current Title 8 (“Development Code”), Chapter 3 (“Overlay Zoning District Regulations”), Article A (“General Provisions”), Section 3 (“Allowed Uses”) is hereby amended to eliminate the WLC Overlay Zoning District.

8-3A-3 ALLOWED USES:

- A. Table 8-3A-1 of this section lists allowed uses in the overlay zones.
- B. If a proposed use of property is not specifically listed in table 8-3A-1 of this section, the use shall be prohibited, except if the planning official determines that the proposed use is equivalent to a permitted or conditional use. The planning official’s determination shall be based on the criteria set forth in section 8-2B-2 of this title.
- C. For uses that may fall into more than one category, the planning official shall determine the most appropriate category based on the more restrictive standards.

**TABLE 8-3A-1
ALLOWED USES IN THE OVERLAY ZONING DISTRICTS**

| | WLC | NCN | TOD | GBC |
|----------------------|-----|----------------|-----|-----|
| Accessory use | P | P | | |
| Agriculture | P | P | | |
| Amusement center | C | P ¹ | | |
| Animal care facility | C | C | | |

| | WLG | NCN | TOD | GBC |
|---|-----|-----|-----|-----|
| Artist studio | P | P | | |
| Bed and breakfast | P | P | | |
| Bicycle sales, service, storage, rental | P | P | | |
| Building material, garden and equipment | G | C | | |
| Church or place of religious worship | G | C | | |
| Club | G | C | | |
| Commercial entertainment facility | G | C | | |
| Daycare, center | P | P | | |
| Daycare, neighborhood | P | P | | |
| Daycare, personal | P | P | | |
| Drinking establishment, full service | G | C | | |
| Drinking establishment, limited service | P | P | | |
| Drive-through establishment | - | | | |
| Dwelling unit, accessory | P | P | | |
| Dwelling unit, group | P | C | | |
| Dwelling unit, multiple-family | P | P | | |
| Dwelling unit, single-family attached | P | P | | |
| Dwelling unit, single-family detached | P | P | | |
| Dwelling unit, two-family | P | P | | |
| Eating establishment, full service | G | C | | |
| Eating establishment, limited service | P | P | | |
| Equipment rental, sale and service | G | | | |
| Financial institution | P | P | | |
| Food products, small scale processing | P | P | | |
| Food store | G | C | | |

| | WLG | NCN | TOD | GBC |
|--|-----|-----|-----|-----|
| Fuel sales | G | | | |
| Health club | P | C | | |
| Healthcare and social service | P | P | | |
| Home occupation | P | P | | |
| Hospital | G | | | |
| Industry, information | P | C | | |
| Industry, flex | - | | | |
| Industry, light | - | | | |
| Kennel, hobby | P | | | |
| Laboratory - medical, dental, optical | P | P | | |
| Laundromat, self-service cleaner | P | P | | |
| Laundry and dry cleaning, commercial plant | G | | | |
| Laundry and dry cleaning establishment | G | C | | |
| Lending institution | - | | | |
| Lodging | P | P | | |
| Manufactured/mobile home park | G | C | | |
| Mortuary | G | C | C | C |
| Motorcycle sale, service, storage, rental | G | | | |
| Nursery | P | P | | |
| Nursing and residential care | G | C | | |
| Parking facility | G | C | | |
| Personal service | P | P | | |
| Professional service | P | P | | |
| Public service facility | G | C | | |
| Public uses | G | C | | |

| | WLG | NCN | TOD | GBC |
|---|-----|-----|-----|-----|
| Recreational vehicle park | Ⓔ | | | |
| Research and development | Ⓔ | P | P | P |
| Retail production | Ⓔ | C | C | P |
| Retail store | Ⓔ | P | | |
| School | Ⓔ | C | | |
| Service provider | - | | | |
| Storage facility, self-service | - | | | |
| Storage facility or yard | Ⓔ | | | |
| Storage yard, commercial recreational vehicle | - | | | |
| Temporary use | Ⓔ | P | | |
| Tobacco entertainment facility | Ⓔ | C | | |
| Tobacco retail | Ⓔ | P | | |
| Vehicle sales and rental | Ⓔ | C | | |
| Vehicle service | Ⓔ | C | | |
| Vehicle washing facility | - | | | |
| Warehouse and storage, wholesale | Ⓔ | | | |
| Wireless communication facility | - | | | |

* Indicates uses that are subject to specific land use provisions as set forth in chapter 2, article C of this title.

1. Indoor only.

SECTION 9. The current Title 8 (“Development Code”), Chapter 3 (“Overlay Zoning District Regulations”), Article C (“Sarel Mitchell Work-Live-Create”) is hereby repealed in its entirety to eliminate the WLC Overlay Zoning District.

SECTION 10. That portions of Title 8 (“Development Code”), Chapter 6 (“Administration”), Article B (“Specific Provisions”), Section 3 (“Design Review Committee”), Subsection D (“Required Findings”), Garden City Code be, and the same is hereby amended, to read as follows:

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

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

1. The proposed design shall comply with all design standards in this Title is in conformance with the purpose of the zoning district and all dimensional regulations of that district;
2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site adheres to standards for the protection of health, safety, and general welfare;
3. The proposed design shall be compatible with or improve the public's use 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, canals, and other surface irrigation creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city;
4. The proposed design shall be compatible with the neighborhood in scale and intensity improves the accessibility of development to nonmotorized and public modes of transportation;
5. The proposed design shall not create an adverse impact on the surrounding neighborhood supports a development pattern in nodes rather than strip commercial along arterial corridors;
6. The proposed architecture and site improvements shall have facades, features, materials and building form, and other physical improvements that are compatible with or enhance the neighborhood; design supports a compact development pattern that enables intensification of development and changes over time; and
7. The proposed design and landscape shall improve the design and function of the site and be consistent with southwest Idaho climatic conditions; and provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and that encourage pedestrian activity.
8. The proposed design shall be compatible with applicable natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, and historic structures.

SECTION 11. That portions of Title 8 (“Development Code”), Chapter 6 (“Administration”), Article B (“Specific Provisions”), Section 3 (“Design Review Committee”), Subsection E (“Limitations Of Design Review Authority”), Garden City Code be, and the same is hereby added, to read as follows:

E. Limitations Of Design Review Authority: Except for development on substandard lots of record, the design review consultant(s) is prohibited from requiring reductions in height, density or floor area ratio, or other general bulk regulations.

SECTION 12. The current Title 8 (“Development Code”), Chapter 6 (“Administration”), Article B (“Specific Provisions”), Section 8 (“Minor Planned Unit Development”), Subsection C (“Allowed Uses”) is hereby amended to eliminate the WLC Overlay Zoning District.

8-6B-8.C ALLOWED USES:

1. Uses allowed in a minor PUD shall include all residential uses that adhere to the provisions for a minor PUD as set forth in this chapter.
2. Uses allowed shall be: attached and detached single-family; townhouse, two-family duplex; or multiple-family dwelling units; cottages; co-housing development; or any combination of these housing uses. ~~Work-live units in compliance with the provisions set forth in chapter 3, article C, “Sarel Mitchell Work-Live-Create” overlay district, of this title and small scale commercial uses are also allowed in structures fronting on a public street.~~

SECTION 13. The current Title 8 (“Development Code”), Chapter 7 (“References”), Article A (“Definitions”), Section 2 (“Definitions of Terms”) is hereby amended to eliminate the WLC Overlay Zoning District, and adds other definitions.

8-7A-2 DEFINITIONS OF TERMS:

| | |
|---------------------|--|
| <u>BOISE RIVER:</u> | <u>A 102-mile-long tributary of the Snake River.</u> |
| <u>MIXED USE:</u> | <u>The use of a property, properties, or structure that include residential and other uses which are designed to intentionally interact.</u> |
| <u>SAFETY:</u> | <u>Security from harm, danger, risk, injury, and loss.</u> |
| <u>WATERWAYS:</u> | <u>Streams and watercourses, including manmade waterways such as canals and irrigation ditches.</u> |
| <u>WETLANDS:</u> | <u>Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence</u> |

of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include saturated swamps, marshes, bogs and similar areas.

~~WORK-LIVE-CREATE
PROPERTY:~~

~~The use of a structure and/or site that combines a commercial or manufacturing activity allowed in the overlay district with a residential living space. The spaces may be combined within one (1) space, attached to one another, or separated but located on the same property.~~

SECTION 14. If any provision or section of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

SECTION 15. That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

SECTION 16. This Ordinance shall be in full force and effect 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:

APPROVED:

Lisa M. Leiby, City Clerk

John G. Evans, Mayor

EXHIBIT "A"

**STATEMENT OF GARDEN CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO. 1024-22**

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. 1024-22 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

**SUMMARY OF ORDINANCE NO. 1024-22
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. 1024-22 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 1 (“GENERAL REGULATIONS”), ARTICLE A (“PURPOSE, APPLICABILITY, AND INTERPRETATION”), SECTION 4 (“APPLICABILITY”), AND CHAPTER 3 (“OVERLAY ZONING DISTRICT REGULATIONS”), ARTICLE A (GENERAL PROVISIONS), SECTION 1 (“ZONING DISTRICTS ESTABLISHED”), SECTION 3 (“ALLOWED USES”), ARTICLE C (“SUREL MITCHELL WORK-LIVE-CREATE”), AND CHAPTER 6 (“ADMINISTRATION”), ARTICLE B (“SPECIFIC PROVISIONS”), SECTION 3 (“DESIGN REVIEW COMMITTEE”), SUBSECTION D (“REQUIRED FINDINGS”), ADDING SUBSECTION E (“LIMITATIONS OF DESIGN REVIEW AUTHORITY”), SECTION 8 (“MINOR PLANNED UNIT DEVELOPMENT”), SUBSECTION C (“ALLOWED USES”), AND CHAPTER 7 (“REFERENCES”), ARTICLE A (“DEFINITIONS”), SECTION 2 (“DEFINITIONS OF TERMS”); REPEALING ORDINANCE NO. 867-07 IN ITS ENTIRETY; REPEALING THE PORTION OF ORDINANCE NO. 944-12 THAT MOVED AND AMENDED THE SUREL MITCHELL WORK-LIVE-CREATE OVERLAY DISTRICT; 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 PORTIONS OF 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 the Development Code to provide objective standards for required design review findings, and amends the procedures and definitions applicable to design review, to provide clarity and increase uniformity in building regulation provisions. Additionally, this Ordinance repeals the Work-Live-Create (WLC) Neighborhood Overlay District. 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 the date of its passage, approval, and publication. A copy of the full text of the Ordinance is available at the city clerk’s office, 6015 N. Glenwood Street, Garden City, Idaho 83714. Examination may be requested in writing or in person during regular business hours of the city clerk’s office, from 8:00 a.m. until 5:00 p.m., pursuant to Section 50-901A(4), Idaho Code.

DATED this 12th day of September, 2022.

ATTEST:

APPROVED:

Lisa M. Leiby, City Clerk

John G. Evans, Mayor