

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 GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 1 (“GENERAL REGULATIONS”), ARTICLE A (“PURPOSE, APPLICABILITY, AND INTERPRETATION”), SECTION 4 (“APPLICABILITY”); CHAPTER 3 (“OVERLAY ZONING DISTRICT REGULATIONS”), ARTICLE C (“SUREL MITCHELL WORK-LIVE-CREATE”), SECTION 3 (“GENERAL PROVISIONS”); TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 6 (“ADMINISTRATION”), ARTICLE B (“SPECIFIC PROVISIONS”) SECTION 3 (“DESIGN REVIEW COMMITTEE”); AND TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 7 (“REFERENCES”), ARTICLE A (“DEFINITIONS”), SECTION 2 (“DEFINITIONS OF TERMS”, BY AMENDING THE LANGUAGE TO CLARIFY CERTAIN REGULATIONS AND DEFINITIONS PERTAINING TO SUREL MITCHELL WORK-LIVE-CREATE STANDARDS AND DEFINITIONS AS WELL AS DESIGN REVIEW FINDINGS; REPEALING CONFLICTING CITY CODE PROVISIONS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

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

**SECTION 1.** 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 2.** That portions of Title 8 (“Development Code”), Chapter 3 (“Overlay Zoning District Regulations”), Article C (“Surel Mitchell Work-Live-Create”), Section 3 (“General Provisions”), Garden City Code be, and the same is hereby amended, to read as follows:

D. Combined Work-Live Space Requirements:

1. A Work-Live space shall contain both workspace and associated live space at a one (1) to one (1) ratio.

2. The live and workspaces may be combined within one (1) space, attached to one another, or separated but located on the same property.

3.4. The minimum interior floor area of a combined work-live space shall be five hundred (500) square feet.

4.2. The maximum interior floor area of a combined work-live space shall be five thousand (5,000) square feet.

5.3. Neither a living space nor a working space shall be less than twenty five percent (25%) of the combined floor area of the site.

6.4. A combined work-live space shall provide fire protection as required for a combined occupancy.

7.5. Combined work-live spaces over two thousand (2,000) square feet shall have two (2) exits as required for fire access.

8.6. Workspace activities that involve the use of hazardous materials or operations shall not be allowed in a combined work-live space without separation required under the international fire code.

E. Additional Requirements for Multiple Work-Live Spaces Requirements:

1. Each space shall contain both workspace and associated live space at a one (1) to one (1) ratio.

2.4. Multiple work-live spaces, either attached or detached, may be located on any lot subject to the other provisions of this title.

3.2. Each work-live space shall have a clearly defined separate access from other work-live units.

G. Parking:

1. One off street parking space shall be provided for each living space.

2. No off street parking is required for working spaces less than a cumulative of five hundred (500) square feet of interior floor area.

3. Cumulative wWorking spaces over five hundred (500) square feet of interior floor area shall be required to provide one parking space for every one thousand five hundred (1,500) square feet or portion thereof; ~~or the number of parking spaces needed to serve employees and patrons as determined by the planning and zoning commission.~~

4. Parking requirements may be fulfilled through any combination of the following:

- a. Parking spaces on the development site in compliance with subsection G5 of this section;
  - b. One on street parallel parking space in front of the development site;
  - c. All diagonal or right angle parking in front of the development site consistent with a streetscape plan adopted by the city;
  - d. Parking in a shared parking lot within three hundred feet (300') of the development site; and/or
  - e. Payment to the city of the cost for construction of a surface parking space.
5. All off street parking spaces shall be located to the rear of the principal building or otherwise screened so as to not be visible from the public right of way. Development sites that have fifty feet (50') or less of street frontage are exempt from this standard.
6. Parking and driveways are encouraged to be constructed of permeable materials to the extent possible.

**SECTION 3.** 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:**

- A. Purpose: The purpose of this section is to establish the specific process and findings for approval of design review applications.
- B. Applicability: This process shall apply to all 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 as set forth in chapter 4, article C of this title.
- C. Procedures:
  - 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.
  - 2. ~~Preapplication~~ Initial Design Conference Required: ~~An initial design preapplication~~ conference with the design committee is required. Applicants are encouraged to schedule an initial design conference ~~preapplication~~ meeting at the earliest point possible in the design of the project.

3. Purpose Of The Initial Design Preapplication Conference: The purpose of the initial design 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 initial design conference 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 initial design preapplication conference.

4. Application Submittal: Based on the direction at the initial design 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.

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.

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 committee 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 and based on the standards set forth in chapter 4, article C of this title, the design review committee shall make 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 aligns 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 safe, 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 preserves natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, historic structures, and archeological sites.

**SECTION 4.** That Title 8 (“Development Code”), Chapter 7 (“References”), Article A (“Definitions”), Section 2 (“Definitions of Terms”), Garden City Code be, and the same is hereby amended, to read as follows:

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

<u>ARCHEOLOGICAL SITE:</u>	<u>A physical location in which evidence of prehistoric or historic activity is preserved as designated under Idaho Code § 67-4115.</u>
<u>BOISE RIVER:</u>	<u>The portions of the large, natural moving body of water flowing in a channel which are located within the jurisdiction of Garden City as shown on FEMA's flood map.</u>
<u>SAFETY:</u>	<u>Security from harm, danger, risk, injury and loss.</u>
<u>WATERWAYS:</u>	<u>Streams and watercourses within the jurisdiction of Garden City, 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 of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include saturated swamps, marshes, bogs and similar areas.</u>
<u>WORK-LIVE-CREATE PROPERTY:</u>	<u>A mixed use property where the use of a structure and/or site that combines a commercial or manufacturing activity (business) allowed in the overlay district with an associated residential living space for the use of the owner or employee of the business. The spaces may be combined within one (1) space, attached to one another, or separated but located on the same property.</u>
<u>WORKING SPACE</u>	An area for the production or sales of goods and services.

**SECTION 5.** 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 6.** 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 7.** That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

**SECTION 8.** 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:

APPROVED:

\_\_\_\_\_  
Lisa M. Leiby, City Clerk

\_\_\_\_\_  
John G. Evans, Mayor

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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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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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 [MONTH] [DATE], 2022, that Ordinance No. 1024-22 entitled:

**AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 1 (“GENERAL REGULATIONS”), ARTICLE A (“PURPOSE, APPLICABILITY, AND INTERPRETATION”), SECTION 4 (“APPLICABILITY”); CHAPTER 3 (“OVERLAY ZONING DISTRICT REGULATIONS”), ARTICLE C (“SUREL MITCHELL WORK-LIVE-CREATE”), SECTION 3 (“GENERAL PROVISIONS”); TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 6 (“ADMINISTRATION”), ARTICLE B (“SPECIFIC PROVISIONS”) SECTION 3 (“DESIGN REVIEW COMMITTEE”); AND TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 7 (“REFERENCES”), ARTICLE A (“DEFINITIONS”), SECTION 2 (“DEFINITIONS OF TERMS”, BY AMENDING THE LANGUAGE TO CLARIFY CERTAIN REGULATIONS AND DEFINITIONS PERTAINING TO SUREL MITCHELL WORK-LIVE-CREATE STANDARDS AND DEFINITIONS AS WELL AS DESIGN REVIEW FINDINGS; REPEALING CONFLICTING CITY CODE PROVISIONS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

This ordinance amends Title 8, Chapter 1 (“General Regulations”), Article A (“Purpose, Applicability, And Interpretation”), Section 4 (“Applicability”); Chapter 3, Article C, Section 3, Title 8, Chapter 6, Article C, Section 3, and Title 8, Chapter 7, Article A, Section 2 of the Garden City Code. The goal of the ordinance is to clarify certain portions of the code pertaining to the Surel Mitchell Work-Live-Create overlay district standards, definitions and design review findings. The ultimate purpose of these amendments is to provide clarity and increase uniformity in building regulation provisions.

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

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