

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”); 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”), CHAPTER 6 (“ADMINISTRATION”), ARTICLE B (“SPECIFIC PROVISIONS”), SECTION 3 (“DESIGN REVIEW COMMITTEE”), 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 ALL ORDINANCES OR PARTS THEREOF TO THE EXTENT THEY CONFLICT WITH THIS ORDINANCE; PROVIDING ALL OTHER ORDINANCES INCLUDED IN THE OFFICIAL CODE ARE STILL IN EFFECT NOTWITHSTANDING SOME PROVISIONS THEREOF BEING ELIMINATED; REPEALING ANY OTHER OFFICIAL CITY ACTION CREATING OR REGULATING THE SUREL MITCHELL WORK-LIVE-CREATE OVERLAY ZONING DISTRICT; PROVIDING FOR SEVERABILITY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, provisions of Title 50, Chapter 9, of the Idaho Code authorize publication of compiled ordinances of a municipality; and

WHEREAS, the current Title 8 (“Development Code”), Chapter 1 (“General Regulations”), Article A (“Purpose, Applicability, And Interpretation”), Section 4 (“Applicability”); 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”), and Chapter 6 (“Administration”), Article B (“Specific Provisions”), Section 3 (“Design Review Committee”), Section 8 (“Minor Planned Unit Development”), Subsection C (“Allowed Uses”), and Chapter 7 (“References”), Article A (“Definitions”), Section 2 (“Definition of Terms”) was amended or added on the 24 day of April 2007, by Ordinance No. 867-07, which created the Surel Mitchell Work-Live-Create (WLC) Overlay Zoning District; 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 24 day of April 2007, is hereby repealed.

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. 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 6. The current Title 8 (“Development Code”), Chapter 3 (“Overlay Zoning District Regulations”), Article A (“General Provisions”), Section 1 (“Zoning Districts Established”) is hereby amended to eliminate the 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 7. The current Title 8 (“Development Code”), Chapter 3 (“Overlay Zoning District Regulations”), Article A (“General Provisions”), Section 3 (“Allowed Uses”) is hereby amended to eliminate the 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		
Artist studio	P	P		
Bed and breakfast*	P	P		
Bicycle sales, service, storage, rental	P	P		
Building material, garden and equipment*	C	C		
Church or place of religious worship*	C	C		
Club*	C	C		
Commercial entertainment facility*	C	C		
Daycare, center*	P	P		
Daycare, neighborhood*	P	P		

	WLG	NCN	TOD	GBC
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		
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			

	WLG	NCN	TOD	GBC
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		
Recreational vehicle park*	G			
Research and development	P	P	P	P
Retail production	P	C	C	P
Retail store	P	P		
School*	G	C		
Service provider*	-			
Storage facility, self-service	-			
Storage facility or yard*	G			
Storage yard, commercial recreational vehicle	-			

	WLG	NCN	TOD	GBC
Temporary use*	P	P		
Tobacco entertainment facility*	C	C		
Tobacco retail	P	P		
Vehicle sales and rental*	C	C		
Vehicle service*	C	C		
Vehicle washing facility*	-			
Warehouse and storage, wholesale*	C			
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 8. The current Title 8 (“Development Code”), Chapter 3 (“Overlay Zoning District Regulations”), Article C (“Suren Mitchell Work-Live-Create”) is hereby repealed in its entirety to eliminate the WLC Overlay Zoning District.

SECTION 9. 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 10. 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, “Sue 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 11. 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:

ARCHEOLOGICAL SITE: A physical location in which evidence of prehistoric or historic activity is preserved as designated under Idaho Code § 67-4115.

BOISE RIVER: 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.

MIXED USE: The use of a property, properties, or structure that include residential and other uses which are designed to intentionally interact.

SAFETY: Security from harm, danger, risk, injury, and loss.

WATERWAYS: Streams and watercourses within the

jurisdiction of Garden City, including manmade waterways such as canals and irrigation ditches.

WETLANDS:

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.

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

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

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

SECTION 15. This ordinance shall be in full force and effect on _____, 2022, and 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

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.

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 _____, _____, 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"); 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"), CHAPTER 6 ("ADMINISTRATION"), ARTICLE B ("SPECIFIC PROVISIONS"), SECTION 3 ("DESIGN REVIEW COMMITTEE"), 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. 898-08 IN ITS ENTIRETY; REPEALING ALL ORDINANCES OR PARTS THEREOF TO THE EXTENT THEY CONFLICT WITH THIS ORDINANCE; PROVIDING ALL OTHER ORDINANCES INCLUDED IN THE OFFICIAL CODE ARE STILL IN EFFECT NOTWITHSTANDING SOME PROVISIONS THEREOF BEING ELIMINATED; REPEALING ANY OTHER OFFICIAL CITY ACTION CREATING OR REGULATING THE SUREL MITCHELL WORK-LIVE-CREATE OVERLAY ZONING DISTRICT; PROVIDING FOR SEVERABILITY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance repeals or amends Title 8 (“Development Code”), Chapter 1 (“General Regulations”), Article A (“Purpose, Applicability, And Interpretation”), Section 4 (“Applicability”); 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”), and Chapter 6 (“Administration”), Article B (“Specific Provisions”), Section 3 (“Design Review Committee”), Section 8 (“Minor Planned Unit Development”), Subsection C (“Allowed Uses”), and Chapter 7 (“References”), Article A (“Definitions”), Section 2 (“Definition of Terms”). This ordinance effectively repeals the Surel Mitchell Work-Live-Create Overlay Zoning District and related portions of code. This ordinance also amends portions of code associated with Design Review findings 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 _____, 2022, and the date of its passage, approval, and publication. A copy of the full text of the ordinance is available at the city clerk’s office, 6015 N. Glenwood Street, Garden City, Idaho 83714. Examination may be requested in writing or in person during regular business hours of the city clerk’s office, from 8:00 a.m. until 5:00 p.m., pursuant to Section 50-901A(4), Idaho Code.

DATED this ____ day of _____, 2022.

ATTEST:

CITY OF GARDEN CITY, IDAHO:

Lisa M. Leiby, City Clerk

John G. Evans, Mayor