

When Recorded Return to:

Garden City Development Services Department  
6015 Glenwood Street  
Garden City, Idaho 83714

**ORDINANCE NO. 1035-22**

**BY THE COUNCIL: HELLER, JACOB, JORGENSEN, PAGE**

**AN ORDINANCE BY THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION PROVIDING FOR REZONE OF CERTAIN REAL PROPERTY DESCRIBED HEREIN FROM R-3 MEDIUM DENSITY RESIDENTIAL TO C-2 NEIGHBORHOOD COMMERCIAL CLASSIFICATION; AMENDING THE ZONING MAP OF THE CITY OF GARDEN CITY TO REFLECT SAID CHANGE; PROVIDING FOR SERVABILITY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Garden City, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho; and

**WHEREAS**, pursuant to Chapter 65, Title 67, Idaho Code, the City of Garden City has the authority to adopt, establish and amend a Zoning Ordinance; and

**WHEREAS**, the real property located at 520 E. 40<sup>th</sup> St. in Garden City, particularly described as City, Lot 19 & 20, Block 2 Fairview Acres Subdivision No. 7, Ada County Tax Parcel # R2734560180, more fully depicted on the Legal Description, **Exhibit A**, are presently zoned R-3 (Medium Density Residential) under the zoning ordinance of Garden City; and

**WHEREAS**, Brooklyn Park LLC have requested a rezone of the property to C-2 (Neighborhood Commercial) under the zoning ordinance of Garden City; and

**WHEREAS**, the City Council of the City of Garden City has determined that the zone change is in accordance with the Comprehensive Plan of the City of Garden City; and

**WHEREAS**, the City Council of the City of Garden City has determined that the zoning map amendment complies with the regulations outlined for the C-2 (Neighborhood Commercial) Zoning District; and

**WHEREAS**, the City Council of the City of Garden City has determined that the zoning map amendment is not materially detrimental to the public health, safety, or welfare of the community; and

**WHEREAS**, the City Council of the City of Garden City has determined that the zoning map amendment will not create an adverse impact upon the delivery of services.

**WHEREAS**, the Mayor and Council have determined that good cause exists for amending the official zoning map of the City of Garden City.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GARDEN CITY, ADA COUNTY, IDAHO:**

**SECTION 1:** The real property particularly described as Ada County Tax Parcel # R2734560180 more fully depicted on the, **Exhibit A**, and Fairview Acres Subdivision No. 7 Subdivision page 1 depicting lot 19 & 20 block 2, are hereby rezoned to C-2 (Neighborhood Commercial).

**SECTION 2:** The official Zoning Map of the City of Garden City, Idaho is hereby amended to reflect the foregoing change in zoning classification.

**SECTION 3:** If any provision or section of this Ordinance shall be held to be invalid by a court of component 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 4:** That the summary of the Ordinance, attached hereto as **Exhibit B** is hereby approved as to both form and content.

**SECTION 5:** 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 6:** This ordinance shall be in full force and effect from and after passage, approval, publication of the ordinance.

**ADOPTED** by the City Council and **APPROVED** by the Mayor of the City of Garden City, Idaho, this 28<sup>th</sup> day of November 2022.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Lisa Leiby  
CITY CLERK

\_\_\_\_\_  
John G. Evans  
MAYOR

EXHIBIT "B"

**STATEMENT OF GARDEN CITY ATTORNEY  
AS TO ADEQUACY OF SUMMARY  
OF ORDINANCE NO. 1035-22**

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. 1035-22 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. 1035-22  
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 November 28, 2022, that Ordinance No. 1035-22 entitled:

**AN ORDINANCE BY THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION PROVIDING FOR REZONE OF CERTAIN REAL PROPERTY DESCRIBED HEREIN FROM R-3 MEDIUM DENSITY RESIDENTIAL TO C-2 NEIGHBORHOOD COMMERCIAL CLASSIFICATION; AMENDING THE ZONING MAP OF THE CITY OF GARDEN CITY TO REFLECT SAID CHANGE; PROVIDING FOR SERVABILITY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

This ordinance rezones a certain real property, located at 520 E. 40<sup>th</sup> St. in Garden City, particularly described as City, Lot 19 & 20, Block 2 Fairview Acres Subdivision No. 7, Ada County Tax Parcel # R2734560180 from R-3 Medium Density Residential to C-2 Neighborhood Commercial.

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:  
IDAHO:

CITY OF GARDEN CITY,

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

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

DRAFT

# EXHIBIT A

Lot 19 & 20, Block 2 Fairview Acres Subdivision No. 7

