

BY THE COUNCIL: BEAUMONT, JORGENSEN, PAGE, SOUZA

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 2 (“BASE ZONING DISTRICT REGULATIONS”), ARTICLE A (“GENERAL PROVISIONS”), SECTION 1 (“BASE ZONING DISTRICTS ESTABLISHED”), AND ARTICLE B (“BASE ZONING DISTRICT PROVISIONS”), SECTION 1 (“PURPOSE”) AND SECTION 2 (“ALLOWED USES”), AND CHAPTER 6 (“ADMINISTRATION”), ARTICLE A (“GENERAL PROVISIONS”), SECTION 4 (“REQUIRED APPLICATION INFORMATION”), TABLE 8-6A-2 (“REQUIRED APPLICATION INFORMATION”) AND SECTION 7 (“PUBLIC HEARING PROCESS”), TABLE 8-6A-3 (“PUBLIC NOTICING REQUIREMENTS”), AND ARTICLE B (“SPECIFIC PROVISIONS”), SECTION 6 (“SPECIFIC AREA PLAN”), AND CHAPTER 7 (“REFERENCES”), ARTICLE A (“DEFINITIONS”), SECTION 2 (“DEFINITIONS OF TERMS”); AND 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; PROVIDING FOR A SEVERABILITY CLAUSE; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Garden City Code Title 8 (“Development Code”), Chapter 2 (“Base Zoning District Regulations”), Article A (“General Provisions”), Section 1 (“Base Zoning Districts Established”), Article B (“Base Zoning District Provisions”), Section 1 (“Purpose”) And Section 2 (“Allowed Uses”), And Chapter 6 (“Administration”), Article A (“General Provisions”), Section 4 (“Required Application Information”), Table 8-6A-2 (“Required Application Information”) And Section 7 (“Public Hearing Process”), Table 8-6A-3 (“Public Noticing Requirements”), And Article B (“Specific Provisions”), Section 6 (“Specific Area Plan”), And Chapter 7 (“References”), Article A (“Definitions”), Section 2 (“Definitions Of Terms”) were added on the 8<sup>th</sup> day of September 2008 by Ordinance No. 898-08; and

**WHEREAS**, the City of Garden City wishes to modify Specific Area Plan provisions to be a more useful and efficient tool; and

**WHEREAS**, deficiencies have been identified with the current Specific Area Plan regulations; and

**WHEREAS**, the City Council for the City of Garden City intends to amend Specific Area Plan and supportive provisions; and

**NOW, THEREFORE**, Specific Area Plan provisions and supportive provisions will be updated.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN CITY, ADA COUNTY, IDAHO:**

**SECTION 1.** That the foregoing recitals are hereby incorporated into this ordinance as if fully set forth herein.

**SECTION 2.** Title 8 (“Development Code”), Chapter 2 (“Base Zoning District Regulations”), Article A (“General Provisions”), Section 1 (“Base Zoning Districts Established”) is amended as follows:

**8-2A-1 BASE ZONING DISTRICTS ESTABLISHED:**

For the purposes of this title, the city is hereby divided into the following base zoning districts:

Base Districts	Map Symbol
Rural density residential	R-1
Low density residential	R-2
Medium density residential	R-3
Medium-high density residential	R-20
Mixed use	M
Highway commercial	C-1
General commercial	C-2
Light industrial	LI
<u>Specific area plan</u>	<u>SAPD</u>

**SECTION 3.** Title 8 (“Development Code”), Chapter 2 (“Base Zoning District Regulations”), Article B (“Base Zoning District Provisions”), Section 1 (“Purpose”) is amended as follows:

**8-2B-1 PURPOSE:**

A. Residential Districts: The purpose of the four (4) residential districts is to provide a full range of housing products within the city in areas that are exclusively for residential uses. The four (4) districts are contrasted by the density and housing products that are allowed within each district:

District	Maximum Density	Minimum Density	Typical Housing Types
Rural density residential district (R-1)	1 du/acre	N/A	Single-family detached dwelling units

District	Maximum Density	Minimum Density	Typical Housing Types
Low density residential district (R-2)	6 du/acre	N/A	Single-family detached and attached; and two-family dwelling units
Medium density residential (R-3)	35 du/acre	14 du/acre in TOD locations of the comprehensive plan or neighborhood commercial nodes unless successful obtainment of a conditional use permit	Single-family, two-family and multiple-family dwelling units
Medium-high density residential (R-20)	No max	14 du/acre unless successful obtainment of a conditional use permit	Multiple-family dwelling units
Mixed use (M)	No max	14 du/acre unless successful obtainment of a conditional use permit	Single-family attached and multiple-family dwelling units

B. Commercial: The purpose of the two (2) commercial districts is to provide a full range of commercial uses and services for both the residents of Garden City and the region. Location determines the type and form of commercial uses. More intense commercial activities are intended to be located along arterial streets in the highway commercial (C-1) district. Activities which are more compatible with mixed use or residential uses and minimally disruptive to the neighborhood are to be located in the general commercial (C-2) district.

C. Mixed Use: The mixed use (M) district allows for a mix of commercial and residential uses that are complementary of one another. The purpose is to accommodate and encourage further expansion and renewal in designated areas of the community. A variety of residential, office, and commercial uses are encouraged in an effort to provide a mix of activities necessary to establish a truly urban character. All densities of residential, professional offices, neighborhood services retail uses may be located within this designation.

D. Light Industrial (LI): The purpose of the light industrial (LI) district is to provide for employment centers of light manufacturing, offices, research and development, warehousing and distributing, and encourage the development of industrial uses which are clean, quiet, and free of hazardous or objectionable elements.

E. Specific Area Plan (SAP): The purpose of the Specific Area Plan (SAP) district is to provide a means to create zoning regulations and a master plan for unique areas and

developments where a different zoning district may not achieve desired results. An SAP district for a property shall implement provisions of, and be consistent with, the Garden City Comprehensive Plan Future Land Use Map and policies. Each SAP district includes its own non-transferable set of regulations.

**SECTION 4.** Title 8 (“Development Code”), Chapter 2 (“Base Zoning District Regulations”), Article B (“Base Zoning District Provisions”), Section 2 (“Allowed Uses”) is hereby amended as follows:

**8-2B-2 ALLOWED USES:**

A. Table 8-2B-1 lists allowed uses as permitted (P), conditional (C), or prohibited ( ) uses.

B. If a proposed use of property is not specifically listed in Table 8-2B-1, the use shall be prohibited, except if the planning official determines that the proposed use is equivalent to a permitted or conditional use. In making the determination, the planning official shall consider the following:

1. The impacts on public services and activities associated with the proposed use are substantially similar to those of one (1) or more of the uses listed in the applicable base districts as allowed;
2. The proposed use shall not involve a higher level of activity or density than one (1) or more of the uses listed in the applicable base districts as allowed;
3. The proposed use is within the same use category of an allowed use listed in the latest edition of the North American Industrial Classification System (NAICS), published by the United States Department of Commerce;
4. The proposed use is consistent with the purpose of the district in which the use is proposed to be located; and
5. The proposed use is in substantial conformance with goals and objectives of the comprehensive plan.
6. Should the use be determined equivalent to a use that requires a conditional use permit, the application shall be required to follow the procedures set forth for conditional use permits.

C. Uses that are listed followed by an asterisk (\*) are subject to the specific provisions for the use as set forth in article C, "Land Use Provisions", of this chapter. Any use that cannot comply with the provision as set forth in article C, "Land Use Provisions", of this chapter shall be subject to a conditional use permit as set forth in chapter 6, "Administration", of this title.

D. For uses that may fall into more than one (1) category, the planning official shall determine the most appropriate category based on the more restrictive standards.

E. Each Specific Area Plan district will have its own permitted, conditional, or prohibited uses identified.

**SECTION 5.** Title 8 (“Development Code”), Chapter 6 (“Administration”), Article A (“General Provisions”), Section 4 (“Required Application Information”), Table 8-6A-2 (“Required Application Information”) is hereby amended as follows:

**TABLE 8-6A-2  
REQUIRED APPLICATION INFORMATION**

Permit/Decision	Compliance Statement Preliminary Report	Title	Neighborhood Map	Sketch Plat	Subdivision Map	Master Plan	Site Plan	Landscape 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 Addresses
Annexation	X		X			X	X				X					X	X				X
Comprehensive plan amendment	X					X					X					X					
Conditional use	X		X																X		
Design review committee	X		X				X	X	X	X	X	X							X		X
Development agreement		X																			
Development code amendment	X																				
Floodplain/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
Planned unit development		X	X		X	X	X	X	X		X	X		X		X	X	X	X	X	
Planned unit development, minor			X				X	X	X	X	X			X		X	X	X	X		X
Plat, amendment	X	X	X		X		X		X								X	X			
Plat, condominium	X						X											X			
Plat, final		X			X						X	X	X	X	X		X	X	X		X

Permit/Decision	Compliance Statement	Title Preliminary Report	Neighborhood Map	Sketch Plat	Subdivision Map	Master Plan	Site Plan	Landscape 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 Addresses
Plat, preliminary	X	X	X		X		X		X	X						X			X	X	
Plat, preliminary and final combined		X	X		X		X		X	X	X	X	X	X	X	X	X	X	X	X	X
Site layout template							X	X	X												
Specific area plan	X	X	X			X	X				X					X	X				X
Variance	X		X				X														X
Zoning map amendment	X	X	X			X	X				X					X	X				

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

**SECTION 6.** Title 8 (“Development Code”), Chapter 6 (“Administration”), Article A (“General Provisions”), Section 7 (“Public Hearing Process”), Table 8-6A-3 (“Public Noticing Requirements”) is hereby amended as follows:

**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	X	X	X		X	X	

<b>Permit/ Decision</b>	<b>Neighborhood Meeting</b>	<b>Radius</b>	<b>Legal</b>	<b>On Site</b>	<b>Agencies</b>	<b>Public Service Announcement</b>	<b>Interested Parties</b>
ordinance amendment <sup>1</sup>							
Conditional use <sup>2</sup>	X	X	X	X	X		
Conditional use, revocation			X				
Design review commission		X		X			
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							

Permit/ Decision	Neighborhood Meeting	Radius	Legal	On Site	Agencies	Public Service Announcement	Interested Parties
Specific area plan	X	X	X	X	X	X	X
Variance	X	X	X	X			
Zoning district boundary amendment <sup>3</sup>	X	X	X	X	X	X	

Notes:

1. Comprehensive Plan Amendment: If the commission or design review committee 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.

**SECTION 7.** Title 8 (“Development Code”), Chapter 6 (“Administration”), Article B (“Specific Provisions”), Section 6 (“Specific Area Plan”) is hereby amended as follows:

**8-6B-6 SPECIFIC AREA PLAN:**

A. ~~A. Purpose: It is the intent of this section to describe the process for review and action on a specific area plan (SAP). This process will establish a workable framework for the development of large or phased projects.~~ Purpose: Establishing a Specific Area Plan District (SAPD) for a property provides a means to create zoning regulations and a master plan for unique areas and developments where a different zoning district may not achieve desired results.

Each SAPD includes its own non-transferable set of zoning regulations. The regulations may include design guidelines, site plan, infrastructure plan, phasing plan, and other elements. The type of uses, form standards, location and amount of development, and design criteria for a particular property shall be established by adopting the SAPD into the Development Code by Specific Area Plan Project Ordinance (SAPPO).

The goal of this section is to ensure the orderly planning and development of land, by requiring new development to:

1. Implement the goals and objectives of the city's comprehensive plan, as amended, including the future land use map, the land use designations and the land use goals and policies, if applicable;
2. Contribute to the social, economic and environmental sustainability of the city;
3. Develop in a manner that is highly respectful of the natural setting, that is at a human scale and ensures neighborhood compatibility;
4. Provide for a safe and comfortable integrated transportation system which prioritizes a pedestrian-bicyclist environment and mass transit and reduces vehicular trips;
5. Result in a contribution of amenities to the community including maintaining public access to the Boise River and recreational facilities;
6. Designate and protect open site area in perpetuity;
7. Provide for a mix of uses, including housing types;
8. If necessary, plan for the coordinated and phased construction of infrastructure, including public facilities and transportation system components; and
9. Remain consistent with the intent of this title.

B. Applicability: ~~The specific area plan process~~An SAP may be utilized ~~in all zones anywhere~~ within the city ~~and shall be required prior to the development or redevelopment of properties larger than ten (10) acres within the city~~on properties that would benefit from a master plan and phasing approach. An SAP application is encouraged for the development or redevelopment of properties defined in for specific sites as defined in the comprehensive plan as TOD Activity Nodes, or as, Neighborhood Destination Activity Nodes, or as Future Planning Areas. An SAP application shall be required prior to the development or redevelopment of propertied defined in the Comprehensive Plan as Future Planning Areas that are not incorporated into the city on or before the 11<sup>th</sup> day of January, 2021. ~~and for areas requesting annexation.~~

C. General Provisions:

- ~~1. The city may require that properties, whether contiguous or not, be processed under a single comprehensive SAP application.~~

2.1. Approval of an SAP application will constitute approval of a master plan meeting the elements of Section 8-7B-1.I, which establishes a framework to guide all future development within the area defined by the SAP application.

32. Development applications may be filed in conjunction with an SAP application; however, no construction shall commence on any component of an approved SAP application except upon receipt of design review, conditional use, variance, or subdivision approval consistent with the adopted SAPPO.

43. All development ~~of the~~ within an approved SAP application site shall be regulated by applicable provisions of this title and other code provisions in effect at the time the ~~development~~ SAP application is submitted and certified as complete by the city-, except as modified by the adopted SAPPO. Development applications may be processed concurrently and include, but are not limited to, design review, conditional use, variance, and/or subdivision-, ~~planned unit development~~. Omission of criteria from the SAPPO that are found elsewhere in the Development Code are not considered a conflict between the SAPPO and the Development Code.

#### 4. Specific Area Plan Application Components:

- a. The SAP application shall be comprehensive enough to adequately guide the development or redevelopment of a property to achieve the vision of the proposed SAP district.
- b. The SAP application shall identify street cross section design (excluding Ada County Highway District and Idaho Transportation Department adopted street sections), road alignments, setbacks, interface with adjacent neighborhood, allowed, conditionally allowed and prohibited uses, and general mix of uses and provide a general utility plan.
- c. The SAP application shall identify:
  - i. Setbacks, setback exceptions, lot coverage, and height;
  - ii. Density;
  - iii. Uses that are permitted, conditionally permitted, and prohibited. If any uses are different than GCC 8-7A-1 defined uses, the definition of such uses shall be provided.
- d. The SAP application should adhere to the general design standards concepts in Garden City Code specifically related to the development interface with street and public realms and street trees.
- e. The 70' minimum setback to the Ordinary High Water Mark of the Boise River cannot be amended.
- f. The provisions of the Development Code of Garden Code such as, but not limited to, relating to drainage and floodplain, shall govern all standards and/or processes that are not specifically identified, set forth, or modified by the SAP application.
- g. If there is a conflict between other provisions of the Development Code of Garden City and the adopted SAPPO regulations, the SAPPO regulations shall govern.

5. Design criteria shall repeat the standards of Garden City Code 8-4 in the SAP application unless there are proposed SAP application standards that would contradict existing City standards. The following SAP application components may be different than what is contained in existing City Code, but shall be included in the SAP application:

- a. Parking and off-street loading provisions required number and allowable sizes; and
- b. Design criteria including but not limited to:
  - i. Architectural guidelines;
  - ii. Transportation and connectivity;
  - iii. Sign provisions;
  - iv. Landscaping and tree protection; and
  - v. Open space

D. Procedures:

1. Neighborhood Meeting; Preapplication Conference: The applicant shall hold a neighborhood meeting prior to holding a preapplication conference with the city. A preapplication conference shall be held with the planning official and, as appropriate, other city and public agency staff in order for the applicant to become acquainted with the SAP application procedures and any related city requirements and schedules. The applicant shall be the owner(s) of the property. The owner may designate a representative to work with the staff, and the city allow for scoping the SAP application required elements. The staff will give preliminary feedback to the applicant based on information available at the preapplication conference and will inform the applicant of issues or special requirements which may result from the proposal. A preapplication conference is not the same as a formal review and may not result in all issues being identified.

~~2. Preapplication Meeting: After the preapplication conference, a preapplication meeting shall be held with the commission.~~

32. Application: The SAP application shall be submitted in accordance with article A, "General Provisions", of this chapter.

43. Public Hearings: ~~The commission and council shall hold public~~ Public hearings shall be held on the SAP application as set forth in article A, "General Provisions", of this chapter.

~~5. Commission Review And Action: The commission shall recommend approval or denial of an SAP. Such action shall be in the form of written findings of fact, conclusions of law and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held.~~

~~6. Council Review And Approval: As a condition to approval of an SAP, the council may enter into a development agreement as provided for in section 8-6B-4 of this article.~~

4. Official Zoning Map: Upon approval of the SAP application, the official zoning map of Garden City shall be amended showing the affected property zoned as an SAPD zone.

5. Development Code: Upon approval of the SAP application, this Title shall be updated to include the SAPPO.

~~6. Development applications that are clearly compliant with the design and use approvals identified in an approved SAP may shall be administered by staff as an administrative approval unless the application requires a subdivision of property as required by Garden City Code 8-6A-2, Table 8-6A-1 Authorities and Processes.~~

~~7. Major And Minor Amendments: An approved A previously adopted SAPD zone may be amended at any time using the process, and may be amended simultaneously with the processing of a development application. The planning official shall decide whether a proposed amendment is a "major" or "minor" amendment. In order to initiate an amendment, the applicant shall submit to the planning official an application on those items that would change if the proposed amendment were approved.~~

~~a. Major Amendments: Changes of that include the following types shall define an amendment as major: will follow the procedures for a Development Code Amendment:~~

~~(1)a. Changes which would modify or reallocate the allowable building height, allowed uses, mix of uses, or density of a development; or~~

~~(2)b. Changes which would substantially alter the ~~location~~function, use and enjoyment or amount of land dedicated to open space, amenities, trails, natural areas or public facilities; or~~

~~(3)c. Modify any other aspect of the SAPD zone that would significantly change ~~its~~the overall character of the SAPD zone; or~~

~~(4) d. A series of minor amendments that cumulatively change the overall character of the SAPD zone.; or~~

~~e. A change or series of changes that would change the character of the interface of the SAPD zone with the surrounding neighborhood; or~~

~~f. Any change that the planning official deems a major change to the intended nature of the SAPD zone.~~

8. Design Review ~~b. Minor~~ Amendments: Amendments that ~~are not major amendments shall be termed "minor amendments" and shall be include the following will be~~ reviewed by the ~~planning official. The planning official shall~~

~~approve, approve with conditions, or deny said amendments.~~Design Review Committee:

- a. Modifications to the layout and design elements, such as design guidelines, landscaping, and amenities, that do not modify SAPD zone regulations or the phasing plan; or
- b. Modifications to the infrastructure plan not tied to the phasing plan.

~~8. Recording Of An Approved SAP:~~

~~a. All approved SAPs, and all approved amendments to such SAPs, specifying the land within its boundaries, shall be recorded in the Ada County recorder's office with a notation that all land within such boundaries shall be subject to the provisions of such SAP.~~

~~b. All recorded SAPs and SAP amendments shall be binding upon the applicants and their successors and assigns, and shall guide the location of improvements and infrastructure of site specific applications. It is expressly understood that site specific applications shall be regulated by the zoning, subdivision and other code provisions in effect at the time any application for development, design review, conditional use, variance, or subdivision is submitted and certified as complete by the city.~~

~~9. Development Agreement: At the request of the applicant, a development agreement may be submitted to establish and set by mutual contract the zoning, open space dedications and/or SAP densities of an approved SAP. The specific area plan agreement shall be consistent with the comprehensive plan, the SAP approval and conditions, if any, and in a form approved by the city attorney. A development agreement may be applied for concurrently with an SAP application or at any time subsequent to the approval of an SAP application.~~

E. Required Findings: ~~The commission~~In order to grant approval of an SAP application, the deciding body shall make the following findings ~~in order to recommend approval of an SAP. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings. The commission, if~~ If denying an SAP application, the deciding body shall state findings as to why such application does not comply with one or more of the following findings:

1. The SAP application, as conditioned, is consistent with the city comprehensive plan, as amended, including the future land use map and the land use planning area guidelines and land use designations, if applicable;
2. The SAP application, as conditioned, meets the minimum requirements of this chapter;
3. The SAP application promotes the orderly planning and development of land, as set forth in the purpose for this process;

4. The SAP application will create a district that is identifiable as a distinct area of the city with a distinguishing character.

5. The SAP application has been noticed and public hearing held in accordance with this code;

6. The SAP application complies with all city zoning regulations and codes in effect at the time of the SAP application.

**SECTION 8.** Title 8 (“Development Code”), Chapter 7 (“References”), Article A (“Definitions”), Section 2 (“Definitions Of Terms”) is hereby amended as follows:

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

...

SOLAR REFLECTANCE INDEX (SRI): A measurement of the constructed surface’s ability to reflect solar heat, as shown by a small temperature rise. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is zero and a standard white (reflectance 0.80, emittance 0.90) is one hundred (100).

SPECIFIC AREA PLAN (SAP) The concept plan for a property, including a narrative and illustrations meeting the application requirements of 8-7B-1.l (Master Plan), plus the proposed unique permitted, conditional and prohibited land uses, and the form standards for land within the SAP.

SPECIFIC AREA PLAN PROJECT ORDINANCE (SAPPO) Any City-approved Specific Area Plan that is adopted by ordinance as a separate chapter in Garden City Development Code.

SPECIFIC AREA PLAN DISTRICT (SAPD) Following adoption of a SAPPO, the zoning map identification of the particular property on the zoning map as a Specific Area Plan District such as, e.g., SAPD-1.

START OF CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of

excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**SECTION 9.** That all other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

**SECTION 10.** That 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 11:** The Ordinance is hereby declared to be severable. Should any portion of this Article be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the Article before the declaration of partial invalidity.

**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:** This Ordinance shall be in full force and effect upon passage, approval, and publication.

**PASSED** by the City Council and **APPROVED** by the Mayor of the City of Garden City, Idaho, this **11<sup>th</sup> day of January, 2021.**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_

\_\_\_\_\_

Lisa Leiby  
CITY CLERK

John G. Evans  
MAYOR

EXHIBIT "A"

**STATEMENT OF GARDEN CITY ATTORNEY  
AS TO ADEQUACY OF SUMMARY  
OF ORDINANCE NO. 1018-20**

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. 1018-20 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 \_\_\_\_\_, 2020.

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Charles I. Wadams  
CITY ATTORNEY

**SUMMARY OF ORDINANCE NO. 1018-20  
OF THE CITY OF GARDEN CITY, IDAHO**

**PUBLIC NOTICE IS HEREBY GIVEN** that the City of Garden City, Idaho, adopted at its regular meeting on the 11<sup>th</sup> day of January, 2021, that Ordinance No. 1018-20 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 2 ("BASE ZONING DISTRICT REGULATIONS"), ARTICLE A ("GENERAL PROVISIONS"), SECTION 1 ("BASE ZONING DISTRICTS ESTABLISHED"), AND ARTICLE B ("BASE ZONING DISTRICT PROVISIONS"), SECTION 1 ("PURPOSE") AND SECTION 2 ("ALLOWED USES"), AND CHAPTER 6 ("ADMINISTRATION"), ARTICLE A ("GENERAL PROVISIONS"), SECTION 4 ("REQUIRED APPLICATION INFORMATION"), TABLE 8-6A-2 ("REQUIRED APPLICATION INFORMATION") AND SECTION 7 ("PUBLIC HEARING PROCESS"), TABLE 8-6A-3 ("PUBLIC NOTICING REQUIREMENTS"), AND ARTICLE B ("SPECIFIC PROVISIONS"), SECTION 6 ("SPECIFIC AREA PLAN"), AND CHAPTER 7 ("REFERENCES"), ARTICLE A ("DEFINITIONS"), SECTION 2 ("DEFINITIONS OF TERMS"); AND 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; PROVIDING FOR A SEVERABILITY CLAUSE; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

This ordinance updates Garden City's Specific Area Plan and its supportive provisions. The Specific Area Plan will become a base zoning district. The intent of the change is to provide a tool to implement the Comprehensive Plan future land designations of Transit

**ORDINANCE NO. 1018-20**

Oriented Development Nodes, Neighborhood and Destination Centers Activity Nodes, and Future Planning Areas. The change will address deficiencies with provisions that can create bias or the appearance thereof. Finally, this update is intended to provide better assurances to the public and decrease uncertainties for those investing in the community overall.

The effective date of the ordinance is from and after 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 11<sup>th</sup> day of January, 2021.

ATTEST:

CITY OF GARDEN CITY, IDAHO:

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Lisa M. Leiby, City Clerk

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John G. Evans, Mayor