

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 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 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”), 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 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 6.** 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**

	WLG	NCN	TOD	GBC
Accessory use*	P	P		
Agriculture*	P	P		
Amusement center*	G	P <sup>1</sup>		
Animal care facility*	G	C		
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		

	WLG	NCN	TOD	GBC
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			
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		

	WLG	NCN	TOD	GBC
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	-			
Temporary use*	P	P		
Tobacco entertainment facility*	G	C		
Tobacco retail	P	P		
Vehicle sales and rental*	G	C		
Vehicle service*	G	C		
Vehicle washing facility*	-			
Warehouse and storage, wholesale*	G			
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 7.** 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 8.** 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 Conference Required: A preapplication conference with the design committee is required and a second meeting with the design review committee is also required unless waived by the design review committee pursuant to the required findings as stated herein. Applicants are encouraged to schedule a preapplication meeting at the earliest point possible in the design of the project.

3. Purpose Of The Preapplication Conference: The purpose of the 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 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 preapplication conference.

4. Application Submittal: Based on the direction at the 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 does not result in non-compliance with any city, state, federal or other regulations or legal orders that are identified in the record through comments provided by city departments, other agencies, community organizations, or public comment.

~~3.2.~~ The proposed design adheres to standards for the protection of health, safety, and general welfare as defined herein;

~~4.3.~~ The proposed design aligns with the plans adopted by Garden City by ordinance or resolution; ~~creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city;~~

5.4. The proposed design provides safe, convenient, and usable bicycle and pedestrian access and movement to, from, within, and across the site improves the accessibility of development to nonmotorized and public modes of transportation;

6.5. The proposed design supports, preserves and enhances the public's use and enjoyment of existing and planned public spaces, including but not limited to the greenbelt and pathways, parks, roadways, open space, public facilities, Boise river and waterways, and canals. a development pattern in nodes rather than strip commercial along arterial corridors;

7.6. The proposed design is of a scale, intensity, and character that is harmonious with the neighborhood as envisioned in the Garden City Comprehensive Plan; supports a compact development pattern that enables intensification of development and changes over time; and

8.7. The proposed design addresses the function of the site so that the use of the property will not create a detrimental impact on the surrounding neighborhood. These attributes may include, but are not limited to a reasonable expectation of privacy for the neighborhood, inadequate parking or loading, refuse placement and collection location, location of noise amplification devices, etc.; provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and that encourage pedestrian activity.

9. The proposed design has facades, features, and other physical improvements that are similar to the visual character and quality and augment the appearance of the surrounding area.

10. The common area(s) and landscaping are designed to complement and enhance the design and function of the site; and

11. The development preserves natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, historic structures, and archeological sites. as determined by DEQ, IDWR, Army Corps, Fish and Game, [Boise River Enhancement Network (BREN)].

**SECTION 9.** 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, "Surel 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 10.** 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:**

**ACCESS LANE:** A travel surface that provides internal circulation within a site and may have the potential to provide access to adjacent properties. The access lane may be private or a public right-of-way in which it would also be called an "alley" or "minor local street."

**ACCESSORY STRUCTURE:** A detached structure that is incidental and subordinate to the principal structure and is located upon the same property. The term "accessory structure" shall include, but not be limited to, the following: private garage, storage structure, workshop, and/or greenhouse. The term shall not include additional structures for approved public, commercial, or industrial uses or insurable structures.

**AFFORDABLE HOUSING:** Housing that is affordable to persons with incomes that are eighty percent (80%) or less than the median income for the Treasure Valley area and that the housing is administered by an agency who qualifies persons for such housing.

**ALTERATIONS, STRUCTURAL:** Any change, other than incidental repairs, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams and girders.

**ANIMAL, FARM:** Animals other than household pets, including, but not limited to, cattle, horses, llamas, emus, ostriches, donkeys, mules, sheep, goats, chickens, pigs, and poultry.

**ANNEXATION:** The process by which the city's corporate boundary is expanded to incorporate additional

property pursuant to Idaho Code section 50-222.

APIARY:	A place where bee colonies are kept.
APPEAL:	Request for review of an interpretation of provisions of this title.
APPLICANT:	An individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes an application. The applicant need not be the owner of the property; however, he shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.
<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>
AREA OF SHALLOW FLOODING:	A designated AO, AH, AR/AO, or AR/AH zone on a community's flood insurance rate map (FIRM) with a 1 percent (1%) or greater annual chance of flooding to an average depth of one (1') to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evidence. Such flooding is characterized by ponding or sheet flow.
AREA OF SPECIAL FLOOD HAZARD:	See Special Flood Hazard Area (SFHA).
BASE FLOOD:	The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
BASE FLOOD ELEVATION (BFE):	A determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year. When the BFE has not been provided in a special flood hazard area, it may be obtained from engineering studies available from a federal, state or other source using FEMA-approved engineering methodologies. This elevation, when combined with freeboard, establishes the flood protection elevation.
BASE ZONING DISTRICT:	The underlying zoning district.

<b>BASEMENT:</b>	The story or level of a building which is partially or totally below ground level.
<b>BEE:</b>	Any stage of the life cycle of the common domestic honeybee.
<b>BIKE ROUTE/BIKE LANE:</b>	Any roadway specifically signed for bicycle use as a shared facility with motor vehicles.
<b>BLOCK:</b>	An area of land bounded by streets, right-of-way, waterway or other similar barrier.
<b><u>BOISE RIVER:</u></b>	<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 area number 16001C0168J.</u>
<b>BUILDING:</b>	Any structure with walls on all sides designed or intended for the support, enclosure, shelter or protection of persons, animals, or property of any kind.
<b>BUILDING HEIGHT:</b>	The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point thereof for flat roofs, to the deck line of mansard roofs, and the top of building walls for gable, hip and gambrel roofs.
<b>BUILDING, PRINCIPAL:</b>	A building in which is conducted the main or principal use of the lot on which said building is situated.
<b>BUILDING ZONE:</b>	The area within the public right-of-way adjacent to the private property line.
<b>CHANGE OF USE:</b>	An enlargement of the use through the addition of more square footage devoted to the use; or if a use changes from one category to another as listed in Table 8-2B-1, Allowed Uses In All Base Zoning Districts.
<b>CHANNEL:</b>	A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
<b>CHORD MEASUREMENT:</b>	A straight line measurement from the beginning point of a curvature to the end point of a curvature.
<b>CITY:</b>	The city of Garden City.

CLEANING, LAUNDRY AGENCY:	An establishment that is primarily involved in the dry cleaning or standard cleaning of items for patrons.
CLEAR VISION TRIANGLE:	A triangular area on a corner lot within which there are certain height limitations in order to provide sight distance for vehicles.
CO-HOUSING:	Attached or detached housing units clustered on a site, leaving more shared open space. The dwellings typically face each other across a pedestrian street or courtyard, with cars parked on the periphery. Often, the front doorway of every home affords a view of the common house that serves the entire development. The common house may include a lounge, kitchen and dining room, recreational facilities, workshops or laundry room.
COLONY:	Bees in any hive including queens, workers and drones.
COMMISSION:	The planning and zoning commission of Garden City.
COMMON AREA:	Land, complementary structures and/or improvements designed and intended for the common use or enjoyment of the residents of the development. The area can include, but is not limited to: turf areas, playgrounds, patios, courtyards, barbecue and picnic areas, water areas, and community gardens.
COMPREHENSIVE PLAN:	The adopted plan for Garden City pursuant to the Local Land Use Planning Act, Idaho Code section 67-6501.
CONDITIONAL USE:	A use that because of peculiar characteristics, size, operations, location with reference to surroundings, streets and existing improvements, or demands upon public facilities is allowed in a district subject to approval by the planning and zoning commission and subject to special requirements in accordance with section 8-6B-2 of this title and as enabled by Idaho Code section 67-6512.
CONDOMINIUM:	An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or in any combination

thereof; together with a separate interest in real property, in an interest or interests in real property or in any combination thereof, as defined under Idaho Code sections 55-101B and 55-1503.

**COTTAGE HOUSING:** Small size detached housing units between five hundred (500) square feet and one thousand five hundred (1,500) square feet.

**COUNCIL:** The city council of Garden City, Idaho.

**COVENANT:** A written promise or pledge.

**CULVERT:** A pipe or conduit that conveys water underground under a bridge, street, road or driveway, or land surface.

**DECISION MAKER:** The body or individual given authority by this code for decisions on planning applications and matters. The term "decision maker" may include, but is not limited to, the council, commission, design committee or planning official.

**DEDICATION:** The setting apart of land or interests in land for use by the public or others, by ordinance, resolution or entry in the official minutes or as by the recording of a plat. Dedicated land becomes public land upon the acceptance by the city, Ada County highway district, county or state.

**DENSITY:** A unit of measurement, the number of dwelling units per acre of land.

**DEVELOPMENT:** Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**DEVELOPMENT, LARGE SCALE:** A subdivision or land development the size of which consists of two hundred (200) or more lots or dwelling units or more than forty (40) acres of land.

**DEVELOPMENT SITE:** The area of development that may include one (1) or more or parts of a legal lot of record.

**DRIVEWAY, COMMON:** A shared access that serves two (2) or more lots.

DUSTLESS MATERIALS:	Hard surfaces used for driveways, loading and parking including, but not limited to, concrete, asphalt, grasscrete, pavers, bricks, and macadam.
EASEMENT:	A grant by a property owner to specific persons, or to the public, to use land for specific purposes, and also may be a right acquired by prescription.
ELEVATED BUILDING:	For insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
ELEVATION CERTIFICATE:	The elevation certificate is an important administrative tool of the NFIP. It is used to determine the proper flood insurance premium rate; it is used to document elevation information; and it may be used to support a request for a letter of map amendment (LOMA) or letter of map revision based on fill (LOMR-F).
ENGINEER:	Any person who is licensed in the state to practice professional engineering.
FAMILY:	<p>A. A person living alone or two (2) or more persons related by blood or marriage.</p> <p>B. A group of not more than ten (10) persons who need not be related by blood or marriage living together in a dwelling unit.</p> <p>C. Eight (8) or fewer unrelated mentally and/or physically handicapped or elderly persons residing in a dwelling under staff supervision; provided, that no more than two (2) staff members reside in the dwelling at any one (1) time.</p>
FENCE, PRIVACY:	A fence that is constructed of solid or opaque materials through which no views can be seen.
FERTILIZER:	Any substance containing one (1) or more recognized plant nutrient which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, and includes lime and gypsum. It does not include unmanipulated animal manure and vegetable organic waste derived material, or biosolids under 40 CFR 503.

FIRE AUTHORITY:	The city department or special district contracted to provide fire safety services to the city.
FLOOD OR FLOODING:	<p>A. A general and temporary condition of partial or complete inundation of normally dry land areas from:</p> <ol style="list-style-type: none"> <li>1. The overflow of inland or tidal waters.</li> <li>2. The unusual and rapid accumulation or runoff of surface waters from any source.</li> </ol> <p>Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph A.2 of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.</p> <p>B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph A.1 of this definition.</p>
FLOOD INSURANCE RATE MAP (FIRM):	An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).
FLOOD OF ONE HUNDRED (100) YEAR FREQUENCY OR ONE HUNDRED (100) YEAR FLOODPLAIN:	A flood event that has a one (1) in one hundred (100) chance (one percent (1%) probability) of being equaled or exceeded in any given year. The one hundred (100) year flood is also referred to as the one percent (1%) flood, since its annual exceedance probability is one percent (1%).
FLOODLIGHT:	A light fixture that produces up to one thousand eight hundred (1,800) lumens and is designed to flood a well defined area with light.

FLOODPLAIN ADMINISTRATOR:	The planning official or individuals authorized by the planning official or mayor of Garden City to administer and enforce the floodplain management regulations.
FLOODPLAIN DEVELOPMENT PERMIT:	Any type of permit that is required in conformance with the provisions of chapter 8-4H of this title, prior to the commencement of any development activity.
FLOODPLAIN MANAGEMENT:	The operation of an overall program of corrective and preventive measure for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
FLOODPLAIN MANAGEMENT REGULATIONS:	Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
FLOODPLAIN OR FLOOD PRONE AREA:	Any land area susceptible to being inundated by water from any source (see definition of "flooding").
FLOODWAY:	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
FLOOR AREA, INTERIOR:	The sum of the horizontal areas of several floors of a building measured from the interior walls.
FLOOR AREA RATIO:	The sum of the horizontal areas of the several floors inside the exterior walls of a building or portion thereof divided by the lot area.
GARAGE, PRIVATE:	An enclosed accessory building or an accessory portion of a principal building designed for shelter or storage of vehicles, owned or operated by the occupants of the principal building.
GRADE:	The elevation of the finished surface of the ground adjacent to the exterior wall of a building or structure. If a berm has been created



adjacent to the structure, or if the structure is built on top of a berm, grade will be considered the lowest point of the berm.

**GREENBELT, BOISE RIVER:** Land within seventy feet (70') of the six thousand five hundred (6,500) cfs flow line of the Boise River which may be owned by the city or over which the city may have a right of possession or use and: (A) which is designated by the city council to be retained in perpetuity for public use for purposes compatible with aesthetic, wildlife, education and recreational values of the Boise River; (B) which will provide for unrestricted, noncommercial access to the river; and (C) which will be developed and used to minimize water pollution, provide continuity of the public parks system, and create a buffer where necessary between conflicting land uses.

**GROSS FLOOR AREA (Applying to Floor Area Ratio):** The sum of the gross horizontal area of the several floors inside the exterior walls of a building or portion thereof.

**HEALTH AUTHORITY:** The Central District health department, the Idaho Department of Health and Welfare, the United States Environmental Protection Agency, and any agency as may succeed to any of their powers. The term "health authority" shall be liberally construed to include all of the adopted, approved or certified plans, rules, regulations, statutes or laws of the health authority.

**HEALTH, SAFETY, AND WELFARE:** The elements identified within the purpose statement of the Local Land Use Planning Act (LLUPA), Idaho Code Section 67-6502.

**HIGHWAY:** A street designated as a highway by the Idaho State Department of Transportation.

**HISTORIC STRUCTURE:** A structure that is:  
A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;  
B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic

district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior, or
2. Directly by the Secretary of the Interior in states without approved programs.

**HIVE:** A structure intended for the housing of a bee colony.

**IMPROVEMENT:** Any alteration to the land or other physical constructions associated with subdivision and building site developments.

**INTERESTED PARTY:** A person or entity who has specifically requested that the city inform them of a specific application, appeal or city project, or any person who provides written or oral testimony for a public hearing related to a specific application, appeal or city project not otherwise notified as provided by code.

**LEVEE:** A manmade structure, usually an earthen embankment, designed and constructed according to sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**LEVEE SYSTEM:** A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**LIVESTOCK:** Any horse, llama, bovine animal, sheep, goat, hog or domestic fowl.

**LIVING SPACE:** A single dwelling unit on one (1) or more floors, which contains an adequate sleeping area and access to cooking and sanitary facilities, in

	combination with, or on the same property with, a working space.
LOADING SPACE, OFF STREET:	An open off street hard surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors, trailers and miscellaneous freight, to avoid undue interference with public streets and alleys.
LOCAL GOVERNMENT:	Any county or city having planning and zoning authority to regulate land use within its jurisdiction.
LOT:	A part of a recorded subdivision intended as a unit for transfer of ownership.
LOT AREA:	The square footage enclosed within the boundary of a lot. Lot area is computed exclusively of any portion of the right-of-way of any public or private street.
LOT COVERAGE:	The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
LOT OF RECORD:	A lot which is part of a subdivision recorded in the office of the Ada County recorder.
LOT TYPES:	<p>Corner Lot: A lot located at the intersection of two (2) or more streets.</p> <p>Flag Lot: A lot which includes a narrow projection or "flagpole" to the dedicated public right-of-way.</p> <p>Interior Lot: A lot with only one (1) frontage on a street.</p> <p>Through Lot: A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.</p>
MANUFACTURED HOME:	A structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and

designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 USC section 5401 et seq. (Idaho Code section 39-4105.)

**MANUFACTURED HOME/MOBILE HOME PAD:** An improved area of ground equal to the perimeter and/or square footage of the manufactured/mobile home and on which the manufactured/mobile home shall be located.

**MANUFACTURED HOME/MOBILE HOME PARK:** Any parcel of ground upon which three (3) or more manufactured homes or mobile homes or other dwelling units occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation; but shall not include a plot of ground used for mobile home dealers exclusively for the display, storage or sale of manufactured/mobile homes.

**MANUFACTURED HOME/MOBILE HOME SPACE:** A parcel of ground within a mobile home park designated and intended for the accommodation of one (1) manufactured/mobile home including setbacks.

**MANUFACTURED/MODULAR BUILDINGS:** A prefabricated structure constructed according to HUD/FHA mobile construction and safety standards transportable in one (1) or more sections that is assembled in modular sections.

**MARKET VALUE:** The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (actual cash value); or tax assessed values.

**MINOR LAND DIVISION:** A record of survey for the division of a lot, tract or parcel of land into up to four (4) parcels for

the purpose of sale, or building development, containing the elements and requirements set forth in section 8-5C-6 of this title.

MIXED USE:

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

MOBILE HOME:

A factory assembled structure or structures generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. (Idaho Code section 39-4105.)

MONUMENT:

Any permanent marker either of concrete, galvanized iron pipe, or iron or steel rods, used to identify any tract, parcel, lot or street lines, as specified in Idaho Code section 50-1303.

MOTOR VEHICLE,  
JUNKED/ABANDONED:

Any automobile, truck or other motor vehicle which is inoperable and to which no significant repair or maintenance is attempted for any period exceeding thirty (30) days.

NATIONAL FLOOD  
INSURANCE PROGRAM  
(NFIP):

The NFIP is a federal program created by Congress to mitigate future flood losses nationwide through sound community-enforced building and zoning ordinances and to provide access to affordable, federally backed flood insurance protection for property owners.

NATIVE PLANT:

A plant that occurs naturally in the ecosystem in which it is being planted. Native plants identified by the "Idaho Native Plant Society Boise Area Species And Community List" or by a certified landscape architect as being appropriate to the ecology of the subject property.

NEW CONSTRUCTION:

Structures for which the "start of construction" commenced on or after the effective date hereof.

NONCONFORMING  
PROPERTY:

Any property that does not meet the minimum lot size requirements for the district in which the property is located or has never been subdivided.

NONCONFORMING  
STRUCTURE:

Any structure that legally existed prior to the adoption date of this code, or at the time of

annexation or rezone, which does not conform to the site area, coverage, setback, open space, height, or other regulations prescribing physical development standards for the district in which it is located.

**NONCONFORMING USE:** Any use that legally existed prior to the adoption date of this code, or at the time of annexation or rezone, which does not conform to the regulations of the district in which it is situated.

**NUCLEUS COLONY:** A smaller colony used for educational purposes, queen maintenance and rearing, or for use in the capture and future integration of a swarm into a viable colony. A nucleus colony is comprised of significantly fewer bees than a conventional colony and is contained in a structure that is approximately one-half (1/2) the size of a normal hive.

**OCCUPANCY PERMIT:** The approval to occupy a site which is granted after zoning and building requirements and conditions of approval, if any, have been met or bonded for.

**OPEN GRID PAVEMENT SYSTEM:** A permeable pavement surface that has strength for driving or parking vehicles.

**OPEN SPACE:** An area substantially open to the sky and suitable for outdoor recreation or enjoyment. The term "open space" may include, but is not limited to, parks, playgrounds, water areas, landscaping, patios, enclosed yards, sports courts, swimming pools, and picnic areas. The term shall not include impervious surface area such as parking and driveways.

**OPEN SPACE, COMMON:** Land within a development which is designed and intended for the use and enjoyment of the residents or the public.

**ORGANIC FERTILIZER:** A nonsynthetic fertilizer.

**ORIGINAL PARCEL OF LAND:** Any unplatted contiguous parcel of land held in one (1) ownership, or a lot or tract of land as recorded on any plat of record created prior to (1988), and on file in the office of the Ada County recorder.

**OUTDOOR ACTIVITY AREA:** An area not fully enclosed that is associated with the use, including storage, equipment,

	loading and docking, but excluding vehicle parking.
OUTDOOR MECHANICAL EQUIPMENT:	Heaters, pumps, HVAC, fan and similar noise emitting equipment.
OVERHEAD ELECTRICAL CONDUCTOR:	An electrical conductor that is either bare or insulated installed above the ground, excepting such conductors which are enclosed in rigid conduit or other material covering of equal strength.
OWNERSHIP:	The individual, firm, association, syndicate, partnership, or corporation having any interest in the land to be subdivided. This may include deed owners of record, optionees, contract purchases and trustees.
PATH:	A completely separated right-of-way designated primarily for use by nonmotorized transport.
PERFORMANCE BOND OR SURETY BOND:	A financial guarantee by an owner or developer to the city in the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.
PERMANENT USE:	A use that is in operation more than nine (9) months of the year.
PERSON:	Any individual, group of individuals, corporation, partnership, association, political subdivision, public or private agency, or entity.
PESTICIDE:	<p>A. Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest, plant, fungus or virus; or</p> <p>B. Any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and</p> <p>C. Any nitrogen stabilizer.</p>
PLANNED UNIT DEVELOPMENT:	Property planned as a whole that demonstrates innovation in design to protect natural features or create public amenities through more flexible standards, such as lot sizes, densities and setbacks, than those restrictions that would normally apply under these regulations.
PLANNING OFFICIAL:	An individual or designee having knowledge in the principles and practices of planning who is

appointed by the mayor and confirmed by the city council to administer this title. Also known as the zoning administrator, city planner or planning director.

**PLAT:** The drawing, mapping or planning of a subdivision, cemetery, town site or other tract of land or a replatting of such, including certifications, descriptions and approvals.

**Combined Preliminary And Final Plat:** A process that involves concurrent review and decision on a preliminary and final plat.

**Final Plat:** The final and formal presentation by drawings of an approved subdivision development, the original and one (1) copy of which are filed with the county clerk and recorder.

**Preliminary Plat:** The first formal presentation by drawings of a proposed subdivision.

**Sketch Plat:** A sketch preparatory to a preliminary plat that indicates all roads, parks, rights-of-way and public sites.

**PLAZA:** An open area adjacent to buildings and the street, or between buildings, that provides visual and pedestrian access onto the site. Plazas provide space for passive activities, such as resting, reading, picnicking, function as gathering places, and may contain a variety of intermittent activities, such as vendors and display stands.

**PRINCIPAL USE:** The main use of land or buildings as distinguished from a subordinate or accessory use.

**PRIVACY FENCE:** A fence that is constructed of solid or opaque materials through which no views through the fence can be seen.

**PRIVATE OPEN SPACE:** Porches, patios, decks, and enclosed yards. Landscaping, entryways, and other accessways are not private open space.

**PRUNE:** To cut or lop off superfluous, dead, diseased or damaged twigs, branches or roots to improve health, shape or growth.



REAL PROPERTY:	The land and that which is permanently affixed to the land.
RECREATIONAL VEHICLE:	A portable vehicle primarily designed as temporary living accommodations for recreational camping and travel use and as defined in Idaho Code section 49-119(R).
REGULATORY FLOOD:	A flood determined to be representative of large floods known to have occurred in Idaho and which may be expected to occur on a particular stream because of like physical characteristics. The regulatory flood is based upon a statistical analysis of stream flow records available for the watershed or an analysis of rainfall and runoff characteristics in the watershed. In inland areas, the flood frequency of the regulatory flood is once in every one hundred (100) years. This means that in any given year there is a one percent (1%) chance that a regulatory flood may occur or be exceeded.
REGULATORY FLOODWAY:	See "Floodway."
RESERVE STRIP:	A strip of land between a partial street and adjacent property, which is reserved or held in public ownership for future street extension or widening.
RESTRICTED USE CHEMICAL:	Any pesticide, pesticide use, soil sterilant or fertilizer classified for restricted use by the United States Environmental Protection Agency. Restricted use pesticides typically may not be applied by anyone not licensed to apply restricted use pesticides.
RIGHT-OF-WAY:	A strip of land reserved or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and landscaped areas.
RIPARIAN ZONE:	The area between the ordinary high water mark of the Boise River including tributaries where water comes from and flows back into the Boise River and the greenbelt and/or nature path; or where there is no greenbelt and/or nature path adjacent to the river or tributary, the area measured twenty-five feet (25') in width from the riverbank.

RIVERINE:	Relating to, formed by, or resembling a river (including tributaries, stream, brook, etc.)
SERVICE AREAS:	Trash and waste storage, trash enclosures, outdoor storage, utility vaults and boxes, and transformers.
SETBACK LINE:	A line established by this title, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located aboveground except as may be provided herein or in any code (fire, building, life safety, etc.) adopted by the city.
SIDEWALK:	That portion of the road outside the vehicle travel way which is improved for the use of pedestrian traffic.
SIGNIFICANT IMPROVEMENT:	Any repair, reconstruction or improvement to property the cost of which equals or exceeds twenty five percent (25%) of the tax assessed value either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, significant improvement is the value of all combined improvements within a five (5) year time frame.
SITE IDENTITY MARKER:	A sign, address, water feature, artwork, trellis, or entry feature that provides unique identification of the development.
SITE LAYOUT TEMPLATE:	A site design that shows a layout of building footprints, common areas, access lanes, and parking that is adopted by the city and that can be generally applied on a number of similarly situated sites.
SMALL SCALE COMMERCIAL USES:	Commercial uses one thousand (1,000) square feet or less and that are oriented toward a neighborhood market including the following: artist studio; bakery; childcare center; food store; healthcare and social services; laundromat, self-service; personal and professional services; restaurant-bar; and retail.
SOIL STERILANT:	A chemical that temporarily or permanently prevents the growth of all plants and animals.
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).

SPECIAL FLOOD HAZARD AREA (SFHA):

The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

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.

STATE:

The state of Idaho.

STORY:

The space between two (2) adjacent floor levels, or between the floor and the roof level.

STREET:

A public or private right-of-way which provides vehicle and pedestrian access to adjacent properties. The term "street" also includes the

terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, or place.

Street, Alley: A minor street providing secondary access at the back or side of a property otherwise abutting a street.

Street, Arterial: A street designated on the comprehensive plan for the purpose of carrying fast and/or high volume traffic.

Street, Collector: A street designated on the comprehensive plan for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.

Street, Cul-De-Sac: A street connected to another street at one (1) end only and provided with a turnaround space at its terminus.

Street, Frontage: A minor street, parallel to and adjacent to an arterial street to provide access to abutting properties.

Street, Minor: A street which has the primary purpose of providing access to abutting properties.

Street, Partial Or Half: A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

Street, Private: A street that is not accepted for public use which provides vehicle and pedestrian access.

**STRUCTURE:**

Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. The term "structure" includes buildings, storage tanks, manufactured and mobile homes, walls and fences.

**SUBDIVISION:**

The result of an act of dividing an original lot, tract or parcel of land into two (2) or more parts for the purpose of transfer of ownership or development; which may also include easements and the dedication of a public street or designation of private lanes or rights-of-way, and the addition to, or creation of, a cemetery.

However, this definition shall not apply to any of the following:

A. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not increase the original number of building sites in any block of the recorded plat;

B. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property;

C. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code;

D. Widening of existing streets to conform to the comprehensive plan, or as required by ACHD;

E. The acquisition of street rights-of-way by a public agency; and

F. The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land usage.

**SUBSTANTIAL ALTERATION:** An adjustment to an approved application that impacts the use of the property, adjacent properties or a reduction of improvements.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of its market value before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each flood event, on average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred. Legal nonconforming structures in the SFHA are allowed to remain until such time as they have "substantial damage" or become a "substantial improvement."

**SUBSTANTIAL IMPROVEMENT:**

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of actual repair work performed. Legal nonconforming structures in the SFHA are allowed to remain until such time as they have "substantial damage" or become a "substantial improvement." This term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of "historic structure"; provided, that the alteration will not preclude the structure's continued designation as a "historic structure" and the alteration is approved by variance.

**SURVEYOR:**

Any person who is licensed in the state as a public land surveyor to do professional surveying.

**TRANSPORTATION AUTHORITY:**

The jurisdiction having jurisdiction over the transportation facility. The transportation authorities in Garden City include Ada County Highway District, Idaho Transportation Department, Valley Regional Transit and Garden City.

**USE:**

The specific purposes for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

**USE, INTENSIFICATION:**

Any addition or change that adds more capacity, expands the operation or increases the physical size of an existing use.

**UTILITIES:**

Installations for conducting water, sewage, gas, electricity, telephone, television, storm, irrigation, and drainage water, and similar facilities providing service to and used by the public.

VARIANCE:	A modification of the requirements of this title as allowed by section 8-6B-9 of this title and enabled by Idaho Code section 67-6516.
VEGETATIVE COVER:	Turf, grass blocks or other low level ground cover which can be maintained with vehicles frequently driving or parking on the surface.
VEHICLE:	Every device in, upon or by which any person or property is or may be transported or drawn upon a public street or waterway. This includes boats, mobile homes, motor homes, trailers, motorcycles and bicycles unless otherwise stated.
VEHICLE, COMMERCIAL:	A vehicle, as defined by Idaho Code section 49-123, used for the transportation of persons or property by the owner of the vehicle for hire, compensation, or profit. A vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "commercial vehicle."
WALKWAY:	A public way, for pedestrian use only, whether or not along the side of a road.
WATER DEPENDENT:	A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.
<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>
WORK-LIVE-CREATE PROPERTY:	<del>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</del>

~~(1) space, attached to one another, or separated but located on the same property.~~

WORK SPACE:

An area for the production or sales of goods and services.

YARD:

A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three feet (3') above the general ground level of the graded lot upward; provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

Yard, Interior: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

Yard, Street Side: A yard extending from the principal building to the secondary street that adjoins the lot between the lines establishing the front and rear yards.

ZONE OF TRANSPARENCY:

The area on the ground floor of a building that is constructed of materials capable of emitting light so that images on the other side can be seen.

ZONING DISTRICT, BASE:

General district in which all properties are divided into residential, commercial or industrial uses and reflected on the zoning map.

ZONING DISTRICT, OVERLAY:

A special district which supplements or substitutes the requirements of the base zoning district in order to address particular circumstances on the site.

ZONING PERMIT:

A document issued by the administrator in accordance with and adherence to city ordinance, authorizing the uses of land and structures and the characteristics of the uses.



**SECTION 11.** 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 12.** That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

**SECTION 13.** 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 14.** 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 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 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