

When Recorded Return to:

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

**ORDINANCE NO. 1041-23**

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

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

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

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

**WHEREAS**, the real property located at 510 E. 41<sup>st</sup> Street in Garden City, particularly described as PAR #0934 of Section 32 4N 2E and of Lot 8 block 16 Fairview Acres Subdivision No. 03, Ada County Tax Parcel # R2734520934, more fully depicted by the Legal Description, **Exhibit A**, is presently zoned C-2 (General commercial) under the zoning ordinance of Garden City; and

**WHEREAS**, the real property located at 521 E. 41<sup>st</sup> Street in Garden City, particularly described as Lots 27, 28, 29, 30 Block 15 Fairview Acres Subdivision No. 03 and portion of SW4SE4 Section 32 4N 2E Parcel 2 Record of Survey 13033, Ada County Tax Parcel # R2734520790, more fully depicted by the Legal Description, **Exhibit B**, is presently zoned R-3 (Medium Density Residential) under the zoning ordinance of Garden City; and

**WHEREAS**, the real property located at 408 E. 40<sup>th</sup> Street in Garden City, particularly described as, Lots 3 and 4 Block 15 Fairview Acres Subdivision No. 03 and portion of Lot 14 Block 2 Fairview Acres Sub No. 07 Parcel 2 Record of Survey 13033, Ada County Tax Parcel # R2734520795, more fully depicted on the Legal Description, **Exhibit C**, is presently zoned R-3 (Medium Density Residential) under the zoning ordinance of Garden City; and

**WHEREAS**, the real property located at 508 E. 40<sup>th</sup> Street in Garden City, particularly described as, Lots 17 and 18 Block 2, Fairview Acres Subdivision No. 07, Ada County Tax Parcel #R2734560160, more fully depicted on the Legal Description, **Exhibit D**, is presently zoned R-3 (Medium Density Residential) under the zoning ordinance of Garden City; and

**WHEREAS**, the real property located at 4044 N. Adams Street in Garden City, particularly described as, Northwesterly 100' of Lots ½ Block 15 excluding right-of-way Fairview Acres Subdivision No. 03 #0740-B #0740-B, Ada County Tax Parcel # R2734520741, more fully depicted on the Legal Description, **Exhibit E**, is presently zoned R-3 (Medium Density Residential) under the zoning ordinance of Garden City;

**WHEREAS**, the real property located at 411 E. 43rd Street in Garden City, particularly described as, Southwesterly 2 of 29 Southwesterly 150' of lot 30, Lots 31-32 Block 17 Fairview Acres Subdivision No.3, Ada County Tax Parcel # R2734521516, more fully depicted on the Legal Description, **Exhibit F**, is presently zoned R-3 (Medium Density Residential) under the zoning ordinance of Garden City;

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

**WHEREAS**, property owners and the City of Garden City have agreed to a development agreement that will be recorded with the Ada County Records office; and

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

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

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

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

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

**2 ORDINANCE NO. 1041-23**

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

**SECTION 1:** The real properties particularly described as Ada County Tax Parcel # R2734520934, Ada County Tax Parcel #R2734520790, Ada County Tax Parcel #R2734520795, Ada County Tax Parcel #R2734560160, Ada County Tax Parcel #R2734520741, Ada County Tax Parcel # R2734521516 more fully depicted on the, **Exhibit A, Exhibit B, Exhibit C, Exhibit D, Exhibit E, Exhibit F** are hereby rezoned to C-2 / DA (General Commercial with a Development Agreement).

**SECTION 2.** The Development Agreement is recorded with the Ada County Recorder's Office, Instrument Number [REDACTED].

**SECTION 3:** The official Zoning Map of the City of Garden City, Idaho is hereby amended to reflect the foregoing change in zoning classification.

**SECTION 4:** If any provision or section of this Ordinance shall be held to be invalid by a court of component jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

**SECTION 5:** That the summary of the Ordinance, attached hereto as **Exhibit G** is hereby approved as to both form and content.

**SECTION 6:** 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 7:** This ordinance shall be in full force and effect from and after passage, approval, publication of the ordinance.

**ADOPTED** by the City Council and **APPROVED** by the Mayor of the City of Garden City, Idaho, this 27<sup>th</sup> day of November 2023.

**ATTEST:**

**APPROVED:**

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

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

EXHIBIT "G"

**STATEMENT OF GARDEN CITY ATTORNEY  
AS TO ADEQUACY OF SUMMARY  
OF ORDINANCE NO. 1041-23**

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. 1041-23 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 \_\_\_\_\_, 2023.

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Charles I. Wadams  
City Attorney

**SUMMARY OF ORDINANCE NO. 1041-23  
OF THE CITY OF GARDEN CITY, IDAHO**

**PUBLIC NOTICE IS HEREBY GIVEN** that the City of Garden City, Idaho, adopted at its regular meeting of November 27<sup>th</sup>, 2023, that Ordinance No. 1041-23 entitled:

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

This ordinance rezones a certain real property, located at 510 E. 41<sup>st</sup> St., 521 E. 41<sup>st</sup> St., 408 E. 40<sup>th</sup> St., 508 E. 40<sup>th</sup> St., 4044 N. Adams St., 411 E 43rd St. in Garden City, particularly described as City, PAR #0934 of Section 32 4N 2E and of Lot 8 block 16 Fairview Acres Subdivision No. 03, Lots 27, 28, 29, 30 Block 15 Fairview Acres Subdivision No. 03 and portion of SW4SE4 Section 32 4N 2E Parcel 2 Record of Survey 13033; Lots 3 and 4 Block 15 Fairview Acres Subdivision No. 03 and portion of Lot 14 Block 2 Fairview Acres Sub No. 07 Parcel 2 Record of Survey 13033; Lots 17 and 18 Block 2, Fairview Acres Subdivision No. 07; Northwesterly 100' of Lots ½ Block 15 excluding right-of-way Fairview Acres Subdivision No. 03 #0740-B #0740-B, Southwesterly 2 of 29 Southwesterly 150' of lot 30, Lots 31-32 Block 17 Fairview Acres Subdivision No.3 Ada County

**4 ORDINANCE NO. 1041-23**

Tax Parcels #R2734520934, #R2734520790, #R2734520795, #R2734560160, #R2734520741, # R2734521516 from R-3 Medium Density Residential and C-2 General Commercial to C-2 General Commercial with a development agreement

The effective date of the ordinance is \_\_\_\_\_, 2023, 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 \_\_\_\_\_, 2023.

ATTEST:  
IDAHO:

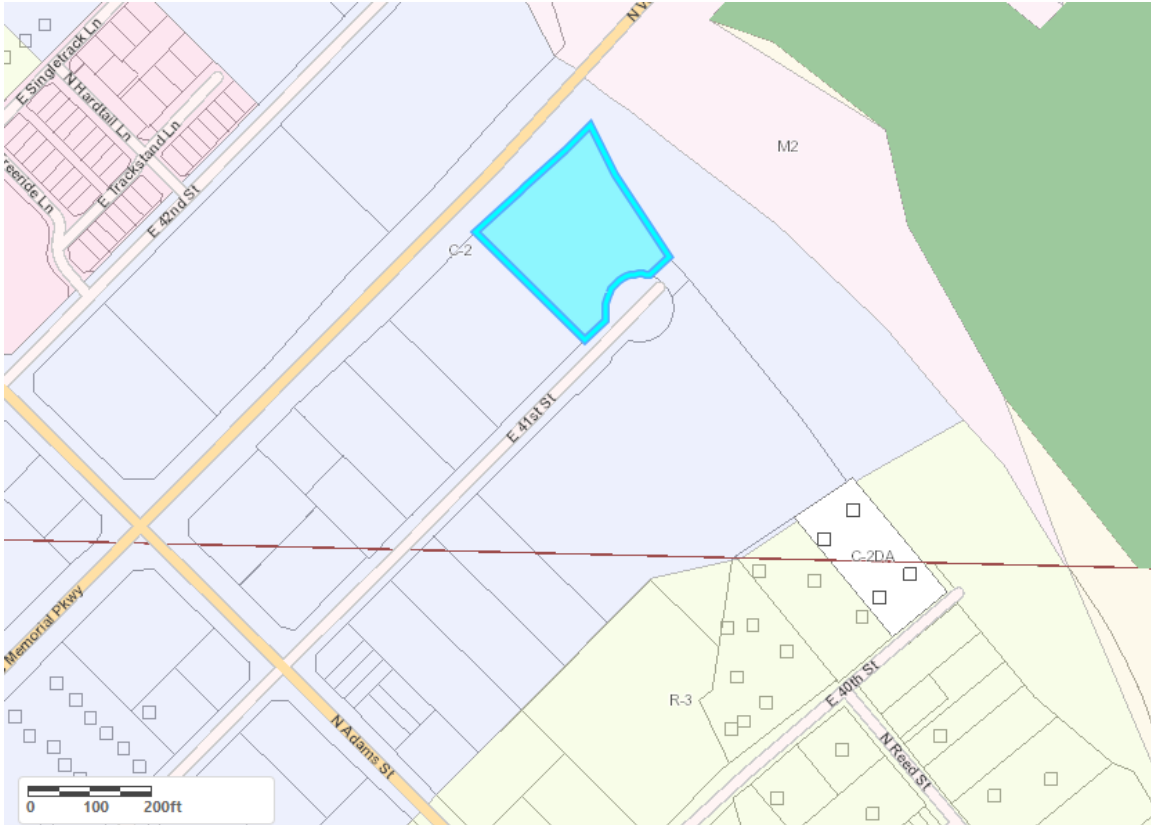
CITY OF GARDEN CITY,

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

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

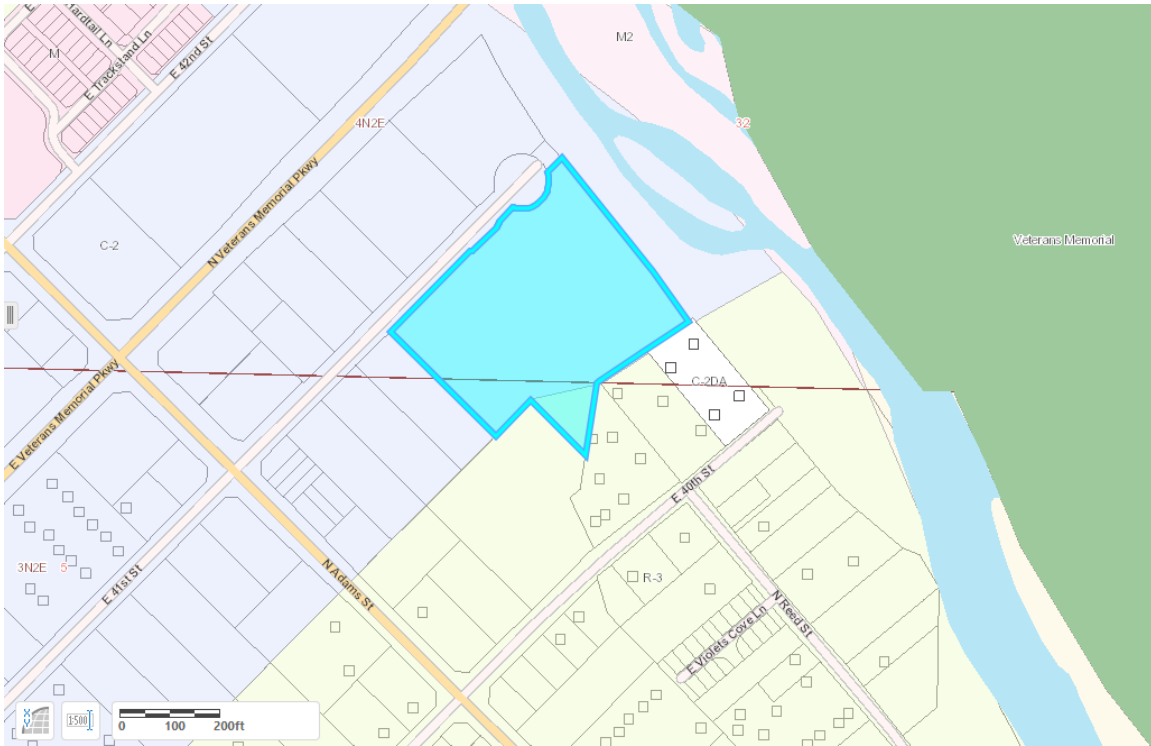
# EXHIBIT A

PAR #0934 of Section 32 4N 2E and of Lot 8 block 16 Fairview Acres  
Subdivision No. 03



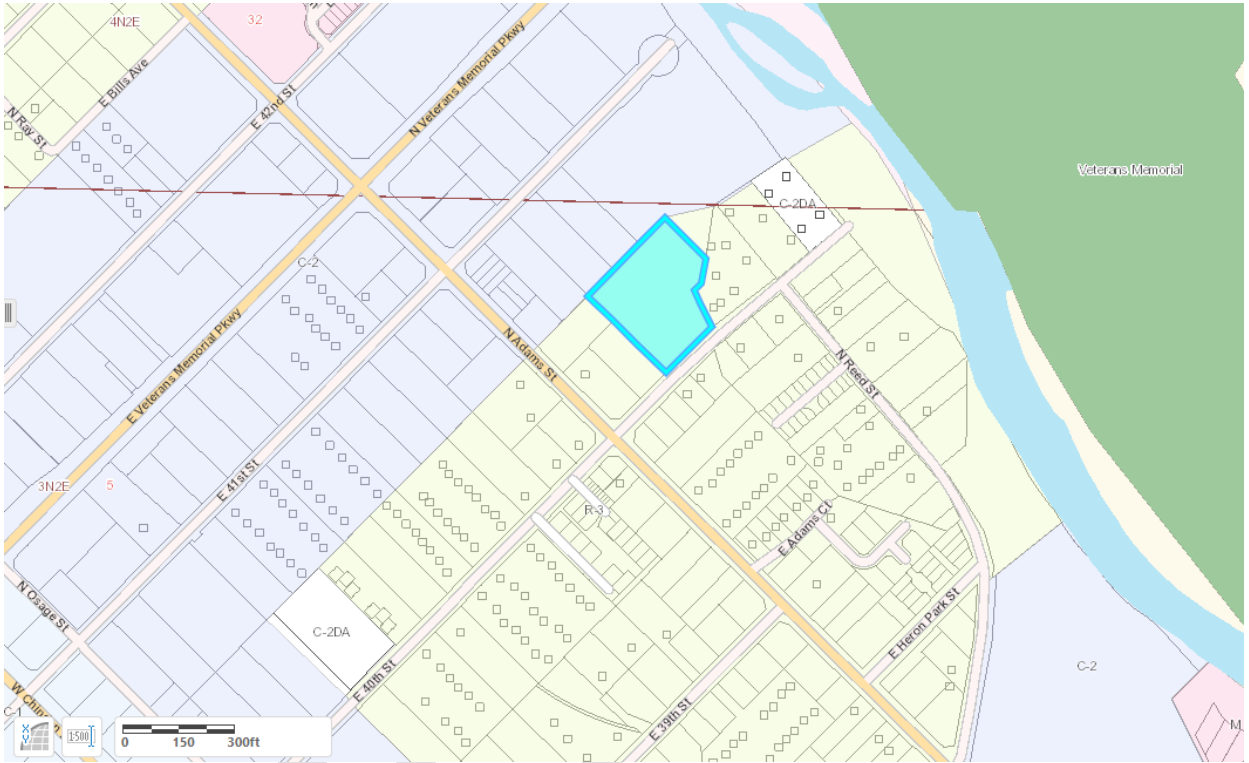
## EXHIBIT B

Lots 27, 28, 29, 30 Block 15 Fairview Acres Subdivision No. 03 and portion of SW4SE4 Section 32 4N 2E Parcel 2 Record of Survey 13033.



## EXHIBIT C

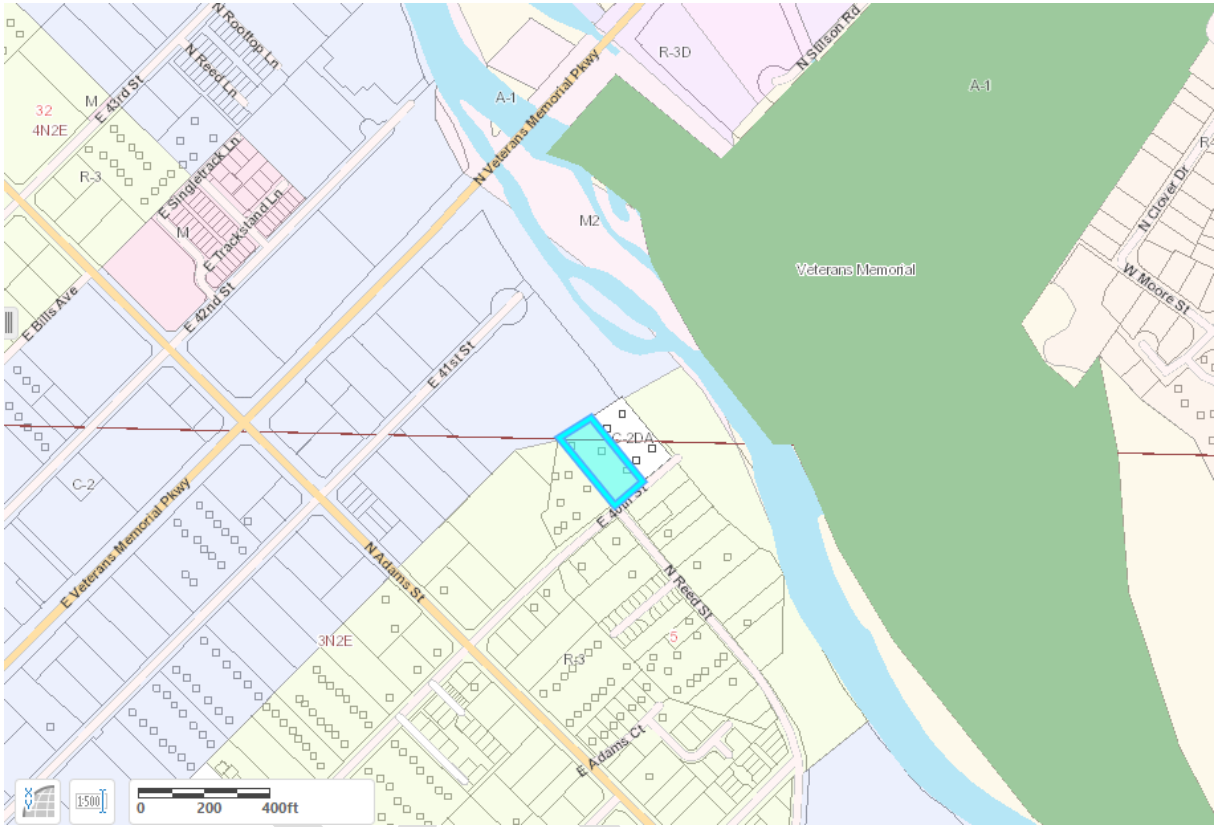
Lots 3 and 4 Block 15 Fairview Acres Subdivision No. 03 and portion of Lot 14 Block 2 Fairview Acres Sub No. 07 Parcel 2 Record of Survey 13033.





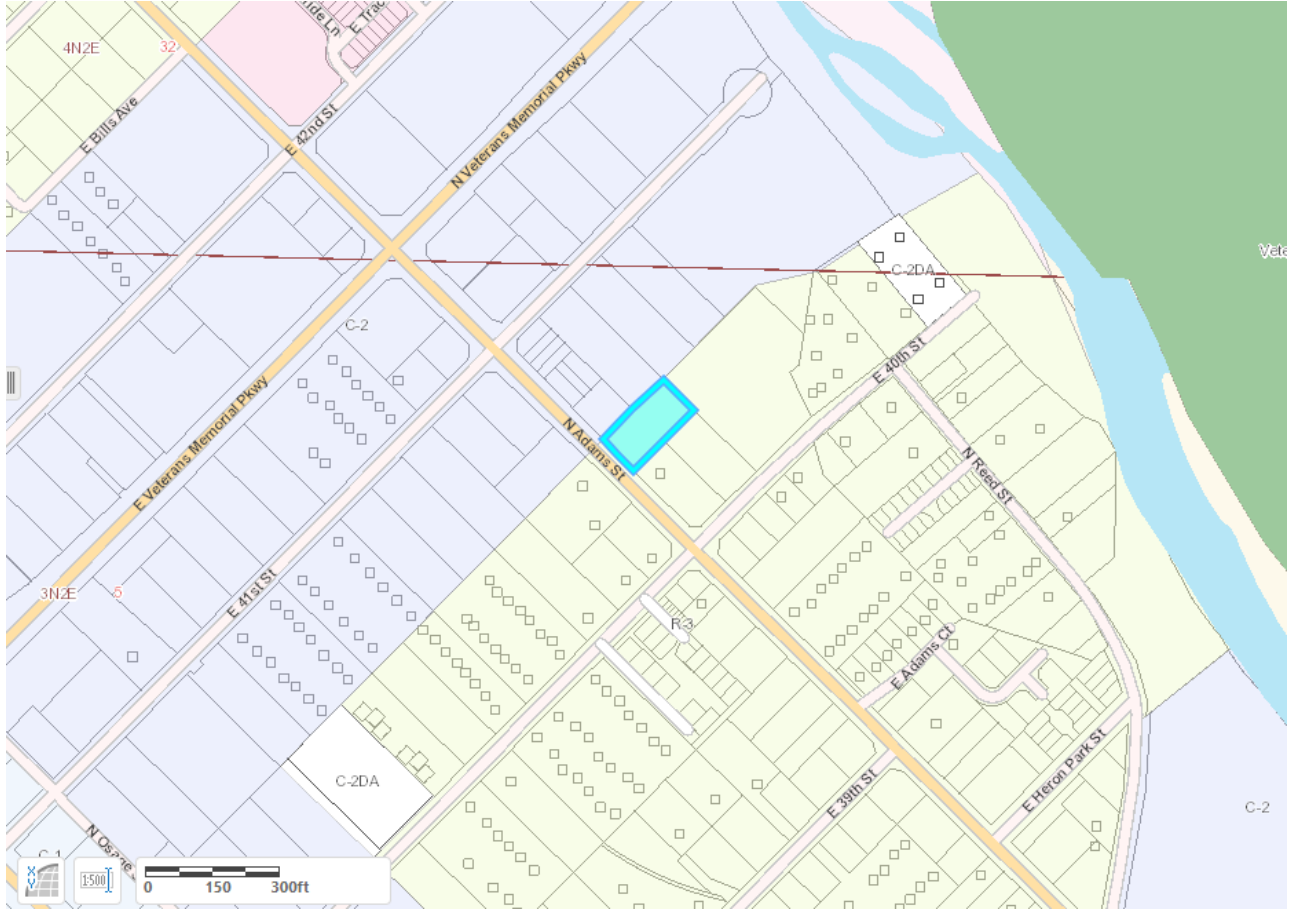
**EXHIBIT D**

Lots 17 and 18 Block 2, Fairview Acres Subdivision No. 07.



## EXHIBIT E

Northwesterly 100' of Lots ½ Block 15 excluding right-of-way Fairview Acres  
Subdivision No. 03 #0740-B #0740-B.



## EXHIBIT F

Southwesterly 2 of 29 Southwesterly 150' of lot 30, Lots 31-32 Block 17 Fairview  
Acres Subdivision No.3

