

BY THE COUNCIL: JACOBS, JORGENSEN, PAGE, RASMUSSEN

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 2 (“BASE ZONING DISTRICT REGULATIONS”), AMENDING CHAPTER 4 (“DESIGN AND DEVELOPMENT REGULATIONS”), ARTICLE C (“DESIGN PROVISIONS FOR NONRESIDENTIAL STRUCTURES”) AND ARTICLE I (“LANDSCAPING AND TREE PROTECTION PROVISIONS”), SECTION 5 (“PERIMETER LANDSCAPING PROVISIONS”); AMENDING CHAPTER 7 (“REFERENCES”), HEREBY CREATING A NEW ZONE BASE DISTRICT DESIGNATION; REPEALING ALL ORDINANCES OR PARTS THEREOF TO THE EXTENT THEY CONFLICT WITH THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; 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 City of Garden City has identified a new zone base district designation (medium density residential (R-M) to be in alignment with the Comprehensive Plan Land Use Designation of Residential Medium Density.

WHEREAS, the City of Garden City wishes to create a new zone base district designation Medium density residential (R-M).

NOW, THEREFORE, the City Council for the City of Garden City intends to adopt the changes herein.

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 That all other ordinances or parts of ordinances in conflict herewith, to the extent of such conflict, are hereby repealed.

SECTION 3. That all other ordinances shall continue in full force and effect unless specifically repealed or amended.

SECTION 4. That Title 8 Chapter 2, Article A, Section 1 (“Base Zoning Districts Established”), Garden City Code, be, and the same is hereby amended to read as follows:

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

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

SECTION 5. That Title 8 Chapter 2, Article B, Section 1 (“Purpose”),A (Residential Districts) Garden City Code, be, and the same is hereby amended to read as follows:

A. Residential Districts: The purpose of the ~~four (4)~~ five (5) residential districts is to provide a full range of housing products within the city in areas that are ~~exclusively~~ predominantly for residential uses. The purpose of five (5) residential districts is to be in accordance with the comprehensive plan. The ~~four (4)~~ five (5) districts are ~~contrasted by the different in~~ density and housing products that are allowed within each district:

District	Maximum Density	Minimum Density	Typical Housing Types Purpose
<u>Medium density residential (R-M)</u>	<u>15 du/acre except for in an Activity Node where the maximum density is 25 du/acre</u>	<u>14 du/acre in an Activity Node unless a mixed-use development or a successful obtainment of a conditional use permit</u>	<u>This zoning district is intended to implement the Comprehensive Plan’s designations medium density residential.</u>
Medium density residential (R-3)	35 du/acre except for in an Activity Node	14 du/acre in TOD Activity Nodes locations of the comprehensive	This zoning district is intended to implement the Comprehensive Plan’s designations of residential neighborhoods that are more urban in nature such as in the mixed-use

District	Maximum Density	Minimum Density	Typical Housing Types Purpose
	there is no maximum density.	plan _____ or neighborhood commercial nodes unless a mixed-use development or a successful obtainment of a conditional use permit	residential area or in the Neighborhood Destination or Transit Oriented Development Nodes. Single-family, two-family, and multi-family dwelling units
Medium-high density residential (R-20)	No max	14 du/acre unless a mixed use development or a successful obtainment of a conditional use permit	This zoning district is to implement the Comprehensive Plan's designation activity nodes that are residential in nature. 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

SECTION 6. That Title 8 Chapter 2, Article B, Section 2 (“Allowed Uses”), Table 8-2B-1 Allowed Uses in All Base Zoning Districts Garden City Code, be, and the same is hereby amended to read as follows:

TABLE
ALLOWED USES IN ALL BASE ZONING DISTRICTS

8-2B-1

*Indicates uses that are subject to specific land use provisions as set forth in article C of this chapter.

P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district									
	R-1	R-2	<u>R-M</u>	R-20	R-3	C-2	M	C-1	LI
Accessory use*	P	P	<u>P</u>	P	P	P	P	P	P
Agriculture*	P	P	<u>P</u>	P	P	P	P		P
Amusement center*						C	C	P	C
Animal care facility*	C				<u>C</u>	C	C	C	P
Artist studio*	C	C	<u>P</u>	P	P	P	P	P	P
Bed and breakfast*	C	C	<u>C</u>	C	C <u>P</u>	P	P	P	
Bicycle sales, service, storage, rental					<u>P</u>	P	P	P	P
Building material, garden and equipment*					<u>C</u>	C	C	C	C
Church or place of religious worship*	C	C	<u>C</u>	C	C	C	C	C	C

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	R-1	R-2	<u>R-M</u>	R-20	R-3	C-2	M	C-1	LI
Club*					<u>C</u>	C	C	C	
Commercial entertainment facility*						C		C	
Daycare, center*					<u>C</u>	C	C	C	C
Daycare, neighborhood*	C	C	<u>P</u>	P	P		P		
Daycare, personal*	P	P	<u>P</u>	P	P		P		
Drinking establishment, full service*						C		C	C
Drinking establishment, limited service*					<u>P</u>	P	P	P	C
Drive-through establishment*						C		C	C
Dwelling unit, accessory*	P	P	<u>P</u>	P	P	P	P	P	P

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P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district									
	R-1	R-2	<u>R-M</u>	R-20	R-3	C-2	M	C-1	LI
Dwelling unit, group			<u>C</u>	P	C	P	C		
Dwelling unit, multiple-family*		C	<u>P</u>	P	P	P	P	C	
Dwelling unit, single-family attached		P	<u>P</u>	P	P	P	P	C	
Dwelling unit, single-family detached	P	P	<u>P</u>	P	P	P	P	C	
Dwelling unit, two-family		P	<u>P</u>	P	P	P	P	C	
Eating establishment, full service		C	<u>C</u>	C	C <u>P</u>	P	P	P	C
Eating establishment, limited service		C	<u>C</u>	P	C <u>P</u>	P	P	P	P
Equipment rental, sale and service*						C		C	P

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	R-1	R-2	<u>R-M</u>	R-20	R-3	C-2	M	C-1	LI
Financial institution*				C	<u>P</u>	P	P	P	P
Food products, processing*								C	P
Food products, small scale processing*	C	C	<u>C</u>	C	C	P	P	P	P
Food store*			<u>C</u>	C	C <u>P</u>	P	P	P	P
Fuel sales*						C		C	C
Fuel yard								C	C
Health club*			<u>C</u>	C	C <u>P</u>	P	P	P	
Healthcare and social service			<u>C</u>	C	C <u>P</u>	P	P	P	C
Home occupation*	P	P	<u>P</u>	P	P	P	P	C	

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	R-1	R-2	<u>R-M</u>	R-20	R-3	C-2	M	C-1	LI
Hospital*						C	C	C	
Industry, flex*						C		C	C
Industry, information*					<u>P</u>	P	P	P	P
Industry, light*								C	P
Kennel, hobby*	P	P	<u>P</u>	P	P	P	P		C
Laboratory - medical, dental, optical					<u>P</u>	P	P	P	P
Laundromat, self-service cleaner*				C	<u>P</u>	P	P	P	P
Laundry and dry cleaning, commercial plant						C		P	P

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	R-1	R-2	<u>R-M</u>	R-20	R-3	C-2	M	C-1	LI
Laundry and dry cleaning establishment				C	<u>C</u>	C	C	P	P
Lending institution								C	
Lodging*				C	<u>C</u>	C	C	C	
Manufactured/mobile home park		C	<u>C</u>	C	C	C	C		
Mortuary*					<u>C</u>	C	C	C	
Nursery*	P				<u>P</u>	P	P	P	C
Nursing and residential care*		C	<u>C</u>	C	C	C		C	
Parking facility			<u>C</u>	C	C	C	C	C	C
Personal service*				C	<u>P</u>	P	P	P	P

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P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district									
	R-1	R-2	<u>R-M</u>	R-20	R-3	C-2	M	C-1	LI
Professional service*				C	<u>P</u>	P	P	P	P
Public service facility	C	C	<u>C</u>	C	C	C	C	P	P
Public uses	C	C	<u>C</u>	C	C	P	C	P	C
Recreational vehicle park*						C		C	
Research and development				C	<u>P</u>	P	P	P	P
Retail production*	C	C	<u>C</u>	P	C	P	P	P	C
Retail store				C	<u>P</u>	P	P	P	C
School*		C	<u>C</u>	C	C	C	C	C	C
Service provider*						C		P	P

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	R-1	R-2	<u>R-M</u>	R-20	R-3	C-2	M	C-1	LI
Sexually oriented businesses*								C	
Small cell facility*	P	P	<u>P</u>	P	P	P	P	P	P
Storage facility or yard*								C	C
Storage facility, self-service								C	P
Storage yard, commercial recreational vehicle*								C	C
Temporary use*	P	P	<u>P</u>	P	P	P	P	P	
Tobacco entertainment facility*						C	C	C	C
Tobacco retail store				C	<u>P</u>	P	P	P	C
Vehicle rental*						C		C	C

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ALLOWED USES IN ALL BASE ZONING DISTRICTS**

8-2B-1

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P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district									
	R-1	R-2	<u>R-M</u>	R-20	R-3	C-2	M	C-1	LI
Vehicle sales*						C		C	C
Vehicle service*						C	C	C	P
Vehicle washing facility*							C	P	C
Vehicle wrecking yard									C
Warehouse and storage, wholesale*						C		C	P
Wireless communication facility*								C	C

SECTION 7. That Title 8 Chapter 2, Article B, Section 3 (“Form Standards”), Garden City Code, be, and the same is hereby amended to read as follows:

A. Table 8-2B-2, “Form Standards In All Base Zoning Districts”, of this section shall be used for determining maximum building height, required setbacks, maximum lot coverage and minimum lot size standards for development in each of the respective base zoning districts.

B. Subsections E through H of this section set forth certain exceptions and additional clarification for the form standards.

C. Exceptions from the form standards ~~are may be allowed as set forth in chapter 3, "Overlay Zoning District Regulations", of this title, and through a planned unit development (PUD) as set forth in chapter 6, article B, "Specific Provisions", of this title.~~

D. Additional provisions as set forth in chapter 4, "Design And Development Regulations", of this title may also affect the form standards.

**TABLE 8-2B-2
FORM STANDARDS IN ALL BASE ZONING DISTRICTS**

District	Maximum Height	Setbacks					Maximum Lot Coverage	Minimum Lot Area/DU
		Front		Rear	Interior	Side		
		Minimum	Maximum					
R-1	35'	20'		15'	5'	20'	30%	1 acre
R-2	35'	15'/20'*		15'	0' interior to the development and _____/5' exterior to the development	20'	70%	6,000* sq. ft.
<u>R-M</u>	<u>45'</u>	<u>15'</u>		<u>15'</u>	<u>0' interior to the development and _____ 5' exterior to the development</u>	<u>20'</u>	<u>70%</u>	
R-3		5'/20'		15	0' interior to the property that is being developed and _____/5' exterior to the development*	5	70%	n/a
R-20		5'		5'	0'	5'	80%	n/a
C-1		5'		5'*	50'	5'	n/a	3,000 sq. ft.
C-2		5'		5'	50'	5'	n/a	n/a
M	72'	5'	10' max	5'	0' interior to the development	0'	n/a	n/a

**TABLE 8-2B-2
FORM STANDARDS IN ALL BASE ZONING DISTRICTS**

District	Maximum Height	Setbacks					Maximum Lot Coverage	Minimum Lot Area/DU
		Front		Rear Minimum	Interior Minimum	Side Minimum and exterior to the development 13'		
		Minimum	Maximum					
LI	55'	15'		5'±	5'±	20'	n/a	n/a

Indicates an exception that follows.

F.E. Maximum Height Limit: The exceptions to height area identified in Table 8-2B-2 are as follows:

1. Except in the R-2, and R-M zoning districts, the maximum height limitations shall not apply to the following architectural features not intended for human occupation: spire or steeple, belfry, cupola, chimney, or roof access structures such as stairs or elevator shafts. Such architectural features shall have a maximum height limit of twenty feet (20') as measured from the roofline.
2. Except in the R-2, and R-M zoning districts the maximum height limitations shall not apply to parapets needed to conceal mechanical equipment. The height exceedance shall be limited to that which is required to accommodate the concealment of the equipment.
11. If both lots are owned by a single owner or constructed as a singular development, zero foot (0') interior setbacks are permitted in the R-2, R-M, R-3, and M zoning districts. Applications that propose such interior setbacks shall be compliant with the following development standards:
 - a. Lots with a reduced or zero lot line shall provide drainage easement(s) of sufficient size to maintain drainage on the site.
 - b. A property with a reduced or zero lot line shall not be allowed adjacent to a property that is not part of the development unless otherwise allowed by this section. This criterion cannot be waived through the Planned Unit Development process.

SECTION 8. That Title 8, Chapter 4, Article I, Section 5 ("Perimeter Landscaping Provisions"), Garden City Code, be, repealed in its entirety and replaced as follows:

A. Applicability: Perimeter landscaping buffer is required as noted below.

1. Type A Visual Separator Landscaping is required in the following circumstances:

a. Along the common property line between new adjacent nonresidential use and a dwelling in the R-1, R-2, **or R-M** zoning districts or vacant property in the R-1, R-2, **or R-M** zoning districts unless within the same development.

b. Along the common property line between a multi-family residential use and a single-family or two-family residential use or vacant property in the R-1, R-2, **R-M** zoning districts unless the dwellings are within the same development.

~~c. Between the side or rear yard and a public park or Greenbelt.~~

d. Between a loading or utility service area, vehicle repair bay, or vehicle fueling area and all property lines.

e. Between other paved vehicular use areas, including driveways, and vehicle storage areas and all property lines unless the vehicular use area is a shared facility.

f. Between covered parking for five (5) or more vehicles and an adjoining lot with a dwelling or vacant property in the R-1, R-2, **R-M**, R-3, R-20, M, and C-2 zoning districts.

2. Type B Filtered Screen Landscaping is required in the following circumstances:

a. In the front of a new or substantially altered nonresidential use and a dwelling or vacant property in a residential zoning district where such uses are not separated by an arterial street.

b. Along surface parking areas greater than three (3) cars adjacent to public streets.

c. Between the front of any use and a public park or greenbelt.

SECTION 9: The Ordinance is hereby declared to be severable. Should any portion of this Ordinance 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 Ordinance before the declaration of partial invalidity.

SECTION 10. 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. 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: 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 _____th day of _____, 2025.

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. XXXX-24**

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. XXXX-24 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 _____, 2025.

Charles I. Wadams
City Attorney

**SUMMARY OF ORDINANCE NO. 1050-24
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 _____, 2025, that Ordinance No. 1050-24 entitled:

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 2 (“BASE ZONING DISTRICT REGULATIONS”), AMENDING CHAPTER 4 (“DESIGN AND DEVELOPMENT REGULATIONS”), ARTICLE C (“DESIGN PROVISIONS FOR NONRESIDENTIAL STRUCTURES”) AND ARTICLE I (“LANDSCAPING AND TREE PROTECTION PROVISIONS”), SECTION 5 (“PERIMETER LANDSCAPING PROVISIONS”); AMENDING CHAPTER 7 (“REFERENCES”), HEREBY CREATING A NEW ZONE BASE DISTRICT DESIGNATION; REPEALING ALL ORDINANCES OR PARTS THEREOF TO THE EXTENT THEY CONFLICT WITH THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance adds a new zone base district designation (medium density residential (R-M)) and associated requirements.

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 ____ day of _____, 2025.

ATTEST:

CITY OF GARDEN CITY, IDAHO:

Lisa M. Leiby, City Clerk

John G. Evans, Mayor