

ORDINANCE NO. 1032-22

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 GARDEN CITY CODE TITLE 7 ("BUILDING CODE") TO AMEND THE FOLLOWING PROVISIONS: TITLE 7 ("BUILDING REGULATIONS"), CHAPTER 1 ("PURPOSE AND ADMINISTRATION"), SECTION 5 ("PERMIT TIME LIMITATION AND EXPIRATION"); SECTION 7 ("PERMIT REACTIVATION"); TITLE 8 ("DEVELOPMENT CODE"), CHAPTER 2 ("BASE ZONING DISTRICT REGULATIONS"), ARTICLE C ("LAND USE PROVISIONS"), SECTION 33 ("RECREATIONAL VEHICLE PARK"); CHAPTER 4 ("DESIGN AND DEVELOPMENT REGULATIONS"), ARTICLE F ("SIGN PROVISIONS"), SECTION 4 ("PERMIT REQUIRED"); CHAPTER 5 ("LAND DIVISION REGULATIONS"), ARTICLE B ("SUBDIVISION PROCESS"), SECTION 6 ("TERM OF PERMITS"); CHAPTER 6 ("ADMINISTRATION"), ARTICLE A ("GENERAL PROVISIONS"), SECTION 8 ("EXPIRATION OF APPROVALS"); ARTICLE B ("SPECIFIC PROVISIONS"), SECTION 2 ("CONDITIONAL USE"), BY AMENDING THE LANGUAGE TO MODIFY PROVISIONS FOR PERMIT EXTENSIONS; PROVIDING SEVERABILITY; REPEALING CONFLICTING CITY CODE PROVISIONS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GARDEN CITY, IDAHO:

**SECTION 1.** That Title 7 ("Building Regulations"), Chapter 1 ("Purpose and Administration"), Section 6 ("Permit Time Limitation and Expiration"), Garden City Code, be, and the same is hereby amended to read as follows:

**7-1-6 PERMIT TIME LIMITATION AND EXPIRATION:**

A. Applications for which no permit is issued within one (1) year hundred eighty (180) ~~days~~ following the date of receipt of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed. The city council may extend the time for action by the applicant for a period not exceeding one (1) year hundred eighty (180) ~~days~~ on request by the applicant showing that circumstances beyond the control of the applicant have prevented the action from being taken.

B. Every permit issued shall expire and become invalid unless the work on the site authorized by such permit is commenced within one (1) year hundred eighty (180) ~~days~~ after its issuance, or if the work authorized on the site by such permit is suspended or abandoned if no inspection has been requested for a period of one (1) year hundred eighty (180) ~~days~~ after the work is commenced. The City council is authorized to grant, in writing, one (1) or more extensions of time, for periods not more than sixty (60) days each, providing there have not been code changes that affect the application. The extension shall be requested in writing and good cause shall be demonstrated.

**SECTION 2.** That Title 7 ("Building Regulations"), Chapter 1 ("Purpose and Administration"), Section 7 ("Permit Reactivation"), Garden City Code, be, and the same is hereby amended to read as follows:

**7-1-7 PERMIT REACTIVATION:**

A. Any expired permit may be reactivated for an additional one (1) year ~~one hundred eighty (180) days~~. If there have been codified changes that affect the application, the permit may only be reactivated upon the payment of a fee totaling fifty percent (50%) of the permit fee that was established at the time of issuance. All projects whose permits are expired and are under consideration for reactivation will be subject to the codes in effect at the time of reactivation and may require plan review. If a re-review is required, plan review fees equal to that specified for a new project shall be assessed. Permits that have been expired for more than thirty (30) days are not eligible to be reactivated.

**SECTION 3.** That Title 8 ("Development Code"), Chapter 4 ("Design and Development Regulations"), Article F ("Sign Provisions"), Section 4 ("Permit Required"), Garden City Code, be, and the same is hereby amended to read as follows:

**8-4F-4 PERMIT REQUIRED:**

D. Every permit issued shall become null and void unless the work on the site authorized by such permit is completed within two (2) years ~~one hundred eighty (180) days~~ after its issuance; or if the work authorized on the site by such permit is suspended or abandoned for a period of two (2) years ~~one hundred eighty (180) days~~, the planning official is authorized to grant, in writing, one (1) or more extensions of time, for periods not more than one (1) year ~~hundred eighty (180) days~~ each. The extension shall be requested in writing and justifiable cause shall be demonstrated.

**SECTION 4.** That Title 8 ("Development Code"), Chapter 5 ("Land Division Regulations"), Article B ("Subdivision Process"), Section 6 ("Term of Permits"), Garden City Code, be, and the same is hereby amended to read as follows:

**8-5B-6 TERM OF PERMITS:**

A. Failure To Submit Final Subdivision: Approval of a preliminary subdivision and combined preliminary and final subdivision shall become null and void if a final subdivision has not been signed by the city clerk and engineer within two (2) years ~~one (1) year~~ of the approval of the preliminary subdivision, unless otherwise granted in the initial decision document; or two (2) years ~~one (1) year~~ of the combined preliminary and final subdivision unless an extension or phasing plan is approved by city council.

**SECTION 5.** That Title 8 ("Development Code"), Chapter 6 ("Administration"), Article A ("General Provisions"), Section 8 ("Expiration Of Approvals"), Garden City Code, be, and the same is hereby amended to read as follows:

## **8-6A-8 EXPIRATION OF APPROVALS:**

A. All application approvals shall expire one (1) year three hundred sixty-five (365) days from the date of approval unless:

1. The city issues a building permit for the proposed improvement, development, or use prior to the expiration of the one (1) year three hundred sixty-five (365) days period; or
2. By condition of approval or development agreement, a time period for completion of the application has been specified; or
3. A certificate of compliance has been issued; or
4. The final plat of a subdivision approval is recorded with Ada County; or otherwise defined by section 8-5B-6 of this title.

B. City council may allow for an extension of not more than one (1) year three hundred sixty-five (365) days; provided, that it finds:

1. Good cause for the request; and
2. The application and/or applicable city regulations have not changed; and
3. There has been no major change in the neighborhood, plans, or policies that would affect the compatibility of the project; and
4. The subject property is compliant and has been compliant, or actively pursuing compliance with all city, state and federal codes and laws since the date of application; and
5. It is determined by the city council that it is in Garden City's best interest to grant the extension.

A request for an extension is no guarantee that the extension will be granted.

**SECTION 6.** That Title 8 ("Development Code"), Chapter 6 ("Administration"), Article B ("Specific Provisions"), Section 2 ("Conditional Use"), Garden City Code, be, and the same is hereby amended to read as follows:

## **8-6B-2 CONDITIONAL USE:**

### **5. Terms Of Permits:**

- a. At the discretion of the commission, a conditional use permit may contain an expiration date. If no extension is requested pursuant to this section, the original permit shall expire at the end of its stated term.
- b. A conditional use permit is deemed void if the use has ceased for a continuous period of one year or more.

**SECTION 7.** All ordinances of the City of Garden City that conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION 8.** That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

**SECTION 9.** This ordinance shall be in full force and effect from and after passage, approval, and publication.

**PASSED** by the City Council and **APPROVED** by the Mayor of Garden City, Idaho, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

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Lisa M. Leiby, City Clerk

APPROVED:

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John G. Evans, Mayor

EXHIBIT A

**STATEMENT OF GARDEN CITY ATTORNEY  
AS TO ADEQUACY OF SUMMARY  
OF ORDINANCE NO. 1032-22**

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. 1032-22 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 \_\_\_\_\_, 2023.

Charles I. Wadams  
City Attorney

**SUMMARY OF ORDINANCE NO. 1032-22  
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 \_\_\_\_\_, \_\_\_\_, 2023, that Ordinance No. 1032-22 entitled:

**AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING GARDEN CITY CODE TITLE 7 ("BUILDING CODE") TO AMEND THE FOLLOWING PROVISIONS: TITLE 7 ("BUILDING REGULATIONS"), CHAPTER 1 ("PURPOSE AND ADMINISTRATION"), SECTION 5 ("PERMIT TIME LIMITATION AND EXPIRATION"); SECTION 7 ("PERMIT REACTIVATION"); TITLE 8 ("DEVELOPMENT CODE"), CHAPTER 2 ("BASE ZONING DISTRICT REGULATIONS"), ARTICLE C ("LAND USE PROVISIONS"), SECTION 33 ("RECREATIONAL VEHICLE PARK"); CHAPTER 4 ("DESIGN AND DEVELOPMENT REGULATIONS"), ARTICLE F ("SIGN PROVISIONS"), SECTION 4 ("PERMIT REQUIRED"); CHAPTER 5 ("LAND DIVISION REGULATIONS"), ARTICLE B ("SUBDIVISION PROCESS"), SECTION 6 ("TERM OF PERMITS"); CHAPTER 6 ("ADMINISTRATION"), ARTICLE A ("GENERAL PROVISIONS"), SECTION 8 ("EXPIRATION OF APPROVALS"); ARTICLE B ("SPECIFIC PROVISIONS"), SECTION 2 ("CONDITIONAL USE"), BY AMENDING THE LANGUAGE TO MODIFY PROVISIONS FOR PERMIT EXTENSIONS; PROVIDING SEVERABILITY; REPEALING CONFLICTING CITY CODE PROVISIONS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

This ordinance amends criteria related permit extensions by providing a uniform time period for extensions on permits governed by the building regulations and development code. The purpose of this ordinance is to lengthen permit and permit extension times in both Title 7 and Title 8 to make permitting processes more unified and usable.

Finally, the ordinance provides for severability, and repeals any conflicting ordinances.

The effective date of the ordinance is from and after 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:

CITY OF GARDEN CITY, IDAHO:

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Lisa M. Leiby, City Clerk

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John G. Evans, Mayor