

BY THE COUNCIL: CARVER-HERBERT, JORGENSEN, PAGE, RASMUSSEN

AN ORDINANCE BY THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION PROVIDING FOR REZONE OF CERTAIN REAL PROPERTY DESCRIBED HEREIN FROM R-3 MIXED USE RESIDENTIAL TO R-M MEDIUM DENSITY RESIDENTIAL WITH A DEVELOPMENT AGREEMENT; AMENDING THE ZONING MAP OF THE CITY OF GARDEN CITY TO REFLECT SAID CHANGES IN ORDER TO BETTER ALIGN WITH THE FUTURE LAND USE MAP, TO IMPLEMENT THE COMPREHENSIVE PLAN MORE EFFECTIVELY, AND TO REFLECT THE CITY COUNCIL'S ADOPTION OF RELATED DISCUSSIONS; PROVIDING FOR SEVERABILITY; 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 subject to this ordinance, addressed **8695 W. Marigold Street, Garden City Idaho**, currently zoned R-3 Medium Density Residential and is more particularly described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, Exhibit B, is the Development Agreement for the properties zoned R-M/DA which is attached hereto and incorporated herein by reference; and

WHEREAS, the City Council has requested a rezone of the property more particularly described in Exhibit A, currently zoned R-3 Mixed-use Residential, to R-M/DA Medium Density Residential with a Development Agreement; and

WHEREAS, the City Council of the City of Garden City has determined that the zone change is in accordance with the Comprehensive Plan and Future Land Use Map 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 proposed district, specifically the purpose statement; 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 does not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; 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 City Council have determined that good cause exists for amending the official zoning map of the City of Garden City.

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 more fully depicted on Exhibit A are hereby rezoned to R-M/DA Medium Density Residential with a Development Agreement.

SECTION 2. The official Zoning Map of the City of Garden City, Idaho, is hereby amended to reflect the foregoing change in zoning classification.

SECTION 3: 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 4: That the summary of the Ordinance, attached hereto as Exhibit C, is hereby approved as to both form and content.

SECTION X 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 5: 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 ___ day of ___ 2026.

ATTEST:

APPROVED:

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Lisa Leiby
CITY CLERK

William L. Jacobs
MAYOR

DRAFT

EXHIBIT "B"
DEVELOPMENT AGREEMENT

DRAFT

EXHIBIT "C"

**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. 10XX-26 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 _____, 2026.

Charles I. Wadams
City Attorney

**SUMMARY OF ORDINANCE NO. 10XX-26
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 _____, that Ordinance No. 10XX-26 entitled:

AN ORDINANCE BY THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION PROVIDING FOR REZONE OF CERTAIN REAL PROPERTY DESCRIBED HEREIN FROM R-3 MIXED USE RESIDENTIAL TO R-M MEDIUM DENSITY RESIDENTIAL WITH A DEVELOPMENT AGREEMENT; AMENDING THE ZONING MAP OF THE CITY OF GARDEN CITY TO REFLECT SAID CHANGES IN ORDER TO BETTER ALIGN WITH THE FUTURE LAND USE MAP, TO IMPLEMENT THE COMPREHENSIVE PLAN MORE EFFECTIVELY, AND TO REFLECT THE CITY COUNCIL'S ADOPTION OF RELATED DISCUSSIONS; PROVIDING FOR SEVERABILITY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance rezones a certain real property, more particularly described in Exhibit A, currently zoned R-3 Medium Density Residential, to R-M/DA Medium Density Residential with a Development Agreement.

The effective date of the ordinance is _____, 2026, 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

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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 _____, 2026.

ATTEST:
IDAHO:

CITY OF GARDEN CITY,

Lisa M. Leiby, City Clerk

William L. Jacobs, Mayor