

ORDINANCE NO. 1072-26

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

AN ORDINANCE BY THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION PROVIDING FOR REZONE OF CERTAIN REAL PROPERTY ADDRESSED AS 300 ; 304; 300; 306; 310 E. 38TH STREET; 3799; 3800; 3807; 3824; 3825; 3832; 3833; 3845, S1005120600 (BARE LAND) N. ADAMS STREET; 3825; 3831; 3845 N REED STREET DESCRIBED HEREIN FROM C-2 MIXED USE COMMERCIAL AND R-3 MIXED USE RESIDENTIAL TO SAPD-02 HERON COMMONS SAP DISTRICT; 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 properties subject to this ordinance, addressed as 300 ; 304; 300; 306; 310 **E. 38th Street**; 3799; 3800; 3807; 3824; 3825; 3832; 3833; 3845, S1005120600 (Bare Land) **N. Adams Street**; 3825; 3831; 3845 **N Reed Street** currently zoned R-3 Mixed Use Residential and C-2 Mixed Use Commercial and is more particularly described in **Exhibit A**, which is attached hereto and incorporated herein by reference; and

WHEREAS, With the approval of application SAPFY2026-0001, a rezone of the property more particularly described in Exhibit A, currently zoned from C-2 Mixed Use Commercial and R-3 Mixed Use Residential has been approved to be rezoned to SAPD-02 (Heron Commons SAP district).

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 SAPD-02 Heron Commons SAP District.

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:

Lisa Leiby
CITY CLERK

William L. Jacobs
MAYOR

EXHIBIT "A"

Addresses include: 220; 221; 301; 305; 317 **E. 37th Street**; 215; 300 ; 304; 308 ; 300; 306; 310; 311 **E. 38th Street**; 3700; 3775; 3799; 3800; 3807; 3824; 3825; 3832; 3833; 3845, S1005120600 (Bare Land) **N. Adams Street**; 3825; 3831; 3845 **N Reed Street**.

LEGAL DESCRIPTION

NW 195' LOT 14 & NW 195' OF NE 25' LOT 13 BLK 8 FAIRVIEW ACRES SUB #1
LOT 6 BLK 1 EXC R/W DEE HARDIN SUB #0060B
LOTS 22 & 23 BLK 12 FAIRVIEW ACRES SUB NO 3
LOT 3 EXC NWLY 84' BLK 1 DEE HARDIN SUB #0030-B
LOT 15 BLK 8 FAIRVIEW ACRES SUB NO 1
PAR #1700 @ CTR NE4 SEC 5 3N 2E #141690-B
PAR #2623 POR LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB 1 #2621B
PAR #0049 POR LTS 3 & 4 BLK 1 DEE HARDIN SUB #0048-B
PAR #2637 POR LTS 16 & 17 BL 8 FAIRVIEW ACRES SUB #1 #2635-B
PAR #0012 POR LOT 01 BLK 01 DEE HARDIN SUB #0011-B
LOTS 20 & 21 BLK 11 FAIRVIEW ACRES SUB NO 3 #0172 0178 C
LOT 12 & SW 75' LOT 13 BLK 8 FAIRVIEW ACRES SUB NO 1 #2580-S
PAR #1650 OF S2NE4 SEC 5 3N 2E #9115156
PAR #0022 POR LOT 02 BLK 01 DEE HARDIN SUB #0021-B
LOT 22 BLK 11 FAIRVIEW ACRES SUB NO 3 #8827750
PAR #2617 OF LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB #1 #2615B
LOT 12 BLK 12 FAIRVIEW ACRES SUB NO 3 #9213674
PAR #1695 IN CTR POR NE4 SEC 5 3N 2E & OF BLK 12 FAIRVIEW ACRES #3 R/S 9143
PAR #2627 POR LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB #1 #2625B
LOT 5 BLK 1 EXC R/W DEE HARDIN SUB #0050B
PAR #2631 OF LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB #1 #2630B
SE 105' LOT 14 & SE 105' NE 25' LOT 13 BLK 8 FAIRVIEW ACRES SUB #1
PAR #0600 OF W2NE4 SEC 05 3N 2E
PAR #2617 OF LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB #1 #2615B
LOT 12 & SW 75' LOT 13 BLK 8 FAIRVIEW ACRES SUB NO 1 #2580-S
LOT 23 BLK 11 FAIRVIEW ACRES SUB NO 3
PAR #0430 NW POR LOTS 20 & 21 BLK 12 FAIRVIEW ACRES SUB NO 3

LEGAL DEPICTION

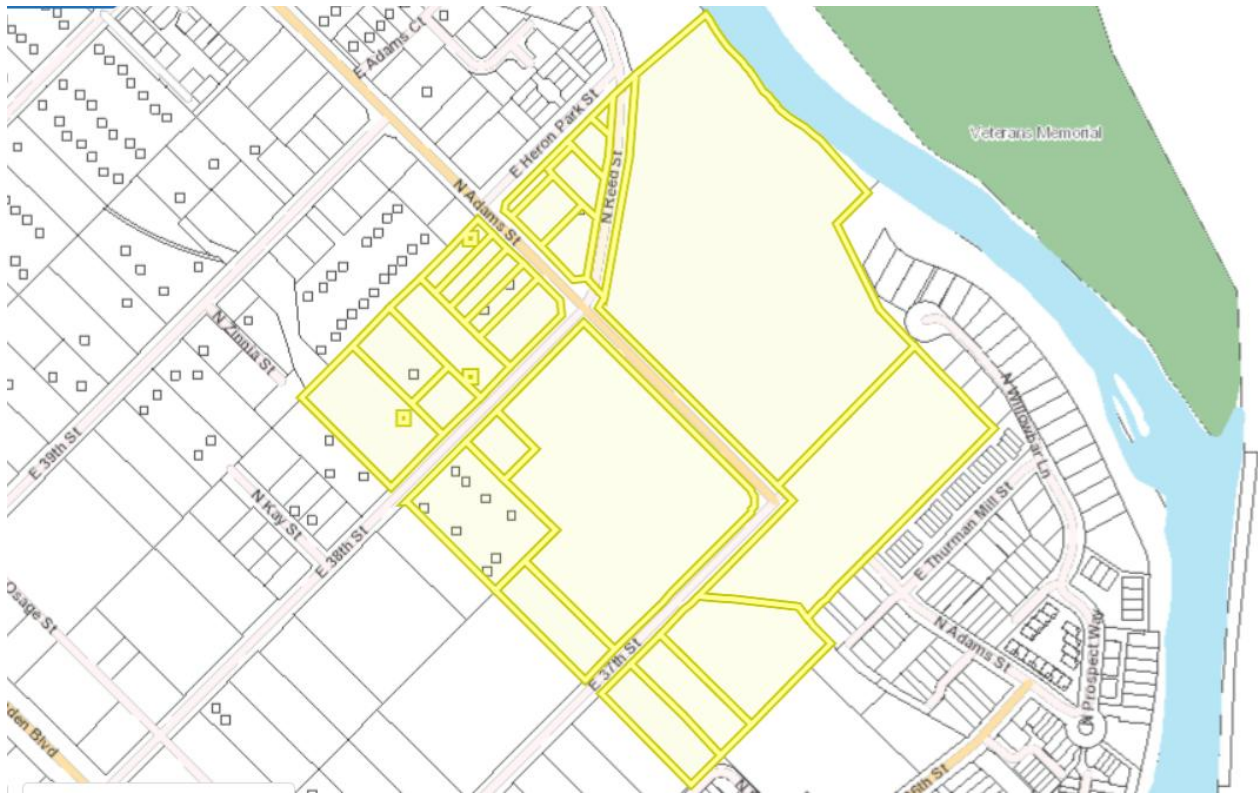


EXHIBIT "B"

**STATEMENT OF GARDEN CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO. 1072-26**

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. 1072-26 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

EXHIBIT "C"

SUMMARY OF ORDINANCE NO. 1072-26

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. 1072-26 entitled:

AN ORDINANCE BY THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION PROVIDING FOR REZONE OF CERTAIN REAL PROPERTY ADDRESSED AS 300 ; 304; 300; 306; 310 E. 38TH STREET; 3799; 3800; 3807; 3824; 3825; 3832; 3833; 3845, S1005120600 (BARE LAND) N. ADAMS STREET; 3825; 3831; 3845 N REED STREET DESCRIBED HEREIN FROM C-2 MIXED USE COMMERCIAL AND R-3 MIXED USE RESIDENTIAL TO SAPD-02 HERON COMMONS SAP DISTRICT; 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 Mixed Use Residential and C-2 Mixed Use Commercial, to SAPD-02 Heron Commons SAP District.

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 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:

CITY OF GARDEN CITY, IDAHO:

Lisa M. Leiby, City Clerk

William L. Jacobs, Mayor