ORDINANCE 10XX-2X

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

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 8 ("DEVELOPMENT CODE"), CHAPTER 4 ("DESIGN AND DEVELOPMENT REGULATIONS), ARTICLE E ("TRANSPORTATION AND CONNECTIVITY PROVISIONS"), SECTION 6 ("SIDEWALK STANDARDS"); REPEALING ALL ORDINANCES OR PARTS THEREOF TO THE EXTENT THEY CONFLICT WITH THIS ORDINANCE; PROVIDING ALL OTHER ORDINANCES INCLUDED IN THE OFFICIAL CODE ARE STILL IN EFFECT NOTWITHSTANDING SOME PROVISIONS THEREOF BEING ELIMINATED; 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 wishes to make changes to align with the intent of previously adopted Design Review processes; and

WHEREAS, the City Council for the City of Garden City intends to adopt the changes herein; and

NOW, THEREFORE, in order to provide clearer standards and more efficient processes for processing development applications in the City of Garden City.

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 That all other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3. That 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 All other ordinances shall continue in full force and effect unless specifically repealed or amended.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 4. That Title 8, Chapter 4, Article E, Section 6 ("Sidewalk Standards")**,** Garden City Code, is hereby amended as follows:

§ 8-4E-6. SIDEWALK STANDARDS.

All sidewalks shall be designed and constructed to the following standards:

A. Sidewalks shall be required along public rights-of-way intended for vehicular travel except alleys.

B. All sidewalks on public roads designated as local roads shall ~~be~~ have a minimum width of five feet (5')~~, except if detached sidewalks are provided on local streets in residential subdivisions, the minimum sidewalk width may be reduced to four feet (4')~~.

C. All sidewalks along collector or arterial roadways shall have a minimum width of seven feet (7').

D. ~~Detached sidewalks shall be required unless in conflict with a street plan adopted by the transit authority and/or the city, or there is existing attached sidewalk on both sides adjacent to the property.~~ Detached sidewalks with sufficient space to accommodate required landscaping between the roadway and the sidewalk shall be required unless an attached sidewalk is required or permitted by the currently adopted Transportation Master Plan, an approved Conditional Use Permit, an approved Planned Unit Development, an approved Master Plan, an approved Development Agreement, a street plan adopted by the City or applicable transit authority, or an attached sidewalk in good repair exists along both sides of the street adjoining the subject property.

E. Sidewalks shall be designed to flare around mailboxes, utility boxes and other impediments to maintain a minimum pedestrian ~~circulation to maintain a minimum~~ travel width of five feet (5') ~~of travel width~~.

F. A waiver of the sidewalk requirements of this section may be granted through a Special Use Permit pursuant to Idaho Code § 67-6512 or through subdivision approval pursuant to Idaho Code § 67-6513, as amended. In considering a waiver request, the decision-maker shall apply

the criteria set forth in the most recently adopted Sidewalk Waiver Policy, as adopted by resolution.

SECTION 6: The Ordinance is hereby declared to be severable. Should any portion of this Article be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to conduct the purpose(s) of the Article before the declaration of partial invalidity.

SECTION 7. All other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 8. 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 9. 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 10. That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

SECTION 11. 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 ___ day of _____ 2027.

ATTEST:

_____
Lisa Leiby
City Clerk

APPROVED:

_____
William L. Jacobs
Mayor

EXHIBIT "A"

STATEMENT OF GARDEN CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO. 10XX-2X

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-2X 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 _____ 202__.

_____
Charles I. Wadams
City Attorney

SUMMARY OF ORDINANCE NO. 10XX-2X
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 _____ _____, 202___, that Ordinance No. 10XX-2X entitled:

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 8 ("DEVELOPMENT CODE"), CHAPTER 4 ("DESIGN AND DEVELOPMENT REGULATIONS), ARTICLE E ("TRANSPORTATION AND CONNECTIVITY PROVISIONS"), SECTION 6 ("SIDEWALK STANDARDS"); REPEALING ALL ORDINANCES OR PARTS THEREOF TO THE EXTENT THEY CONFLICT WITH THIS ORDINANCE; PROVIDING ALL OTHER ORDINANCES INCLUDED IN THE OFFICIAL CODE ARE STILL IN EFFECT NOTWITHSTANDING SOME PROVISIONS THEREOF BEING ELIMINATED; PROVIDING FOR A SEVERABILITY CLAUSE; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance is intended to update code to align Garden City standards with Ada County Highway standards and adopted conflicting standards. The ordinance also allows for a waiver of the sidewalk requirements of this ordinance may be granted through a Special Use Permit in accordance with Idaho Code § 67-6512, or through subdivision approval in accordance with Idaho Code § 67-6513,

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 ___th day of _____, 2026.

ATTEST:

_____
Lisa M. Leiby, City Clerk

CITY OF GARDEN CITY, IDAHO:

_____
William L. Jacobs, Mayor