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 6 ("ADMINISTRATION"), ARTICLE B ("SPECIFIC PROVISIONS"), SECTION 3 ("DESIGN REVIEW"); 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 That all other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.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 All other ordinances shall continue in full force and effect unless specifically repealed or amended.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 6, Article B, Section 3 (Design Review"), Garden City Code, be, and the same is hereby amended to read as follows:

A. Purpose: The purpose of this section is to establish the specific process and findings for approval of design review applications.

B. Objectives: The objectives of the design review process are to involve the city in the earliest possible time in the development and design of a project, and to work with the applicant in an iterative process of review and design to better the design of a project. The review process is intended to be flexible and tailored to the needs of the project and the applicant.

C. Applicability: This process shall apply to all development as more specifically described below. Provisions of title 8, chapter 4 ("Design and Development Regulations") shall be reviewed as follows:

1. The following development shall be reviewed by the design review consultant(s) and utilize the administrative with notice procedures:

a. Nonresidential Development:

(1) New principal structures.

(2) Accessory structures visible from the public right-of-way.

(3) Structural additions that increase the gross floor area of an existing principal structure by more than twenty-five percent (25%).

(4) Renovations visible from the right-of-way where more than twenty-five percent (25%) of the facade is altered, replaced, rehabilitated, or restored.

(5) Site expansions or reconfigurations, or redesign of the site exceeding twenty-five percent (25%) of the existing site's gross square footage.

(6) Any improvement within seventy feet (70') of the Boise River's ordinary high-water mark.

(7) Developments requiring design review consultant(s) consultation elsewhere in code.

(8) Renovations visible from the public right-of-way where there is a reduction in glass or removal of a public entrance.

b. Residential Development:

(1) More than two (2) dwelling units on the same property, including, but not limited to, multifamily dwelling units;

(2) Dwelling units where there are more than two (2) proposed units attached to one another on separate properties; and

(3) New detached accessory dwelling units ~~visible from the right-of-way~~ in the front yard setback.

2. The following development shall be reviewed as set forth in Table 8-6A-1 Authorities and Processes “Administrative Process Without Notice”:

a. Nonresidential Development:

(1) Accessory structures not visible from the right-of-way.

(2) Structural additions that increase the gross floor area of an existing principal structure by ~~more than~~ less than or equal to twenty-five percent (25%).

(3) Renovations of existing structures, visible from the right-of-way, where no more than twenty-five percent (25%) of the facade is altered, replaced, rehabilitated, or restored so long as there are no reductions in glass.

(4) Site expansions or reconfigurations less than or equal to twenty-five percent (25%) of the existing site’s gross square footage, where there is no additional curb cut, reduction in landscaping, or new structures.

b. Residential Development:

(1) Up to two (2) attached dwelling units on the same property; and

(2) Accessory structures and accessory dwelling units that do not otherwise require design review consultant(s) recommendation as defined by this title.

3. The thresholds identified in this section are cumulative within any twenty-four (24) month period, measured from the date of approval of the first design review decision within that period. Cumulative thresholds apply on a per-parcel basis and are calculated separately for: (a) gross floor area additions; (b) façade area altered per façade; and (c) site area expanded or reconfigured. For projects spanning multiple parcels processed as a single application, the cumulative calculation shall apply to the project area as a whole.

D. Design Review Consultant(s):

1. When design review consultant(s) consultation is required, the consultation shall be timely scheduled with the consultant(s) as established by resolution.

2. The purpose of the consultation is for expert(s) to assist the decision maker by providing direction to the applicant on the city-adopted design criteria.

3. The consultation is between the design review consultant(s) and the applicant. Timely written public comment shall be incorporated into the materials reviewed during the consultation.

4. The applicant may meet with the design review consultant(s) one (1) or multiple times before an application is ready for a recommendation.

E. Required Findings: In order to approve a design review application that requires design review consultant review, the decision maker shall make a determination on the following findings:

1. The proposed design shall comply with all design standards in this title;

2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site;

3. The proposed design shall be compatible with or improve the public's use of existing and planned public spaces, including but not limited to the Greenbelt and pathways, sidewalks, parks, roadways, open space, public facilities, Boise River and waterways, canals, and other surface irrigation;

4. The proposed design shall be compatible with the neighborhood in scale and intensity;

5. The proposed design shall not create an adverse impact on the surrounding neighborhood;

6. The proposed architecture and site improvements shall have facades, features, materials and building form, and other physical improvements that are compatible with or enhance the neighborhood;

7. The proposed design and landscape shall improve the design and function of the site and be consistent with southwest Idaho climatic conditions; and

8. The proposed design shall be compatible with applicable natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, and historic structures.

SECTION 5: 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 6. All other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 7. 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 8. 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 9. That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

SECTION 10. 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 _____ 202__.

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 6 ("ADMINISTRATION"), ARTICLE B ("SPECIFIC PROVISIONS"), SECTION 3 ("DESIGN REVIEW"); 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 requirements as intended in Ordinance 1051-26 and as as drafted in 1056-26 create a conflict.

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