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 2 ("BASE ZONING DISTRICT REGULATIONS), ARTICLE B ("BASE ZONING DISTRICT PROVISIONS"), SECTION 2 ("ALLOWED USES"); CHAPTER 7 ("REFERENCES"), ARTICLE A ("DEFINITIONS"), SECTION 1 ("DEFINITIONS OF USES"); 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 That all other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.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 All other ordinances shall continue in full force and effect unless specifically repealed or amended.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 2, Article B, Section 2 ("Allowed Uses"), Table 8-2B-1 Allowed Uses In All Base Zoning Districts**,** Garden City Code, be, and the same is hereby amended:

TABLE 8-2B-1

ALLOWED USES IN ALL BASE ZONING DISTRICTS

* Indicates uses that are subject to specific land use provisions as set forth in article C of this chapter.

P = permitted use C = conditional use Blank denotes the use is not allowed in that district

	R-1	R-2	R-M	R-20	R-3	C-2	M	C-1	LI
Data Center									**C**

SECTION 5. That Title 8, Chapter 2, Article C, Section 50 (“Data Center”), Garden City Code, be, added as follows:

A. Applicability

These standards are the minimum standards that apply to Data Center uses.

B. Required Documentation

1. The applicant shall provide an estimate of projected annual water and electric consumption to be reviewed with the conditional use permit application.

C. Limitations

1. The maximum connected electrical load shall not exceed one (1) megawatt (MW).
2. The applicant shall provide documentation from the applicable utility providers demonstrating adequate electrical, water, sewer, and telecommunications capacity to serve the proposed use without adversely impacting existing customers or public infrastructure.
3. The use shall utilize air-cooled systems unless otherwise approved through the Conditional Use Permit process.
4. All rooftop and ground-mounted mechanical equipment shall be screened and designed to minimize noise impacts on adjacent properties.
5. Fuel tanks, generators, and associated equipment shall be screened from public rights-of-way and adjacent residential properties.
6. Increase in electrical demand, cooling capacity, water consumption, or building area shall be considered an expansion of use and require a new conditional use permit approval.

D. Operations

1. The Data Center operator shall maintain records of water and electrical consumption for a minimum period of five (5) years and shall make such records available to the City upon request.
2. The use shall not engage in cryptocurrency mining, blockchain mining, or similar computational activities primarily intended to validate digital currency transactions or generate digital assets.
3. Emergency generators shall be operated only during:
    a. Power outages;
    b. Maintenance activities; and
    c. Routine testing.
4. Routine generator testing shall occur only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday.
5. Noise generated by mechanical equipment, cooling systems, generators, and associated equipment shall not exceed:
    a. Fifty-five (55) dBA at any property line between 7:00 a.m. and 10:00 p.m.; and
    b. Forty-five (45) dBA at any property line between 10:00 p.m. and 7:00 a.m.

SECTION 6. That Title 8, Chapter 7, Article A, Section 1 (Definition of Uses"), Garden City Code, be, and the same is hereby amended as follows:

Data Center: A facility primarily engaged in the processing, storage, hosting, transmission, or management of digital information through computer servers, networking equipment, cloud computing infrastructure, artificial intelligence computing systems, or similar technology. The use includes accessory cooling systems, backup power generation, electrical infrastructure, battery storage systems, fuel storage, and communications equipment necessary to support the facility. This use does not include server rooms and data processing facilities that are accessory to a permitted primary use and the combined electrical load does not exceed 100 kw.

Industry, Information: The use of a site for processing data. The use includes, but is not limited to, publishing industries such as newspapers, books, music, Internet and software; recording and broadcasting studios; ~~data processing centers,~~ Internet providers and other information systems. This use does not include the use Data Center, as herein defined.

SECTION 7: 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 8. All other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 9. 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 10. 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 11. That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

SECTION 12. 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 2 ("BASE ZONING DISTRICT REGULATIONS), ARTICLE B ("BASE ZONING DISTRICT PROVISIONS"), SECTION 2 ("ALLOWED USES"); CHAPTER 7 ("REFERENCES"), ARTICLE A ("DEFINITIONS"), SECTION 1 ("DEFINITIONS OF USES"); 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 add the use Data Centers and prohibit that use in all zoning districts but the Light Industrial Zone.

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 _____, 2027.

ATTEST:

_____
Lisa M. Leiby, City Clerk

CITY OF GARDEN CITY, IDAHO:

_____
William L. Jacobs, Mayor