ORDINANCE 10XX-27

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 A ("GENERAL PROVISIONS"), SECTION 8 ("EXPIRATION OF APPROVALS"); 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 That all other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.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 All other ordinances shall continue in full force and effect unless specifically repealed or amended.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 A, Section 8 ("Expiration of Approvals"), Garden City Code, be, and the same is hereby amended to read as follows:

A. Unless otherwise specified by this code, all application approvals shall expire two (2) years from the date of approval. Notwithstanding the foregoing, application approval expirations are subject to the following exceptions:

1. All application approvals for conditional use permits expire one (1) year from date of approval;
2. All application approvals for properties where the subject property is not compliant, and has not been actively pursuing compliance, with all city, state, and federal codes and laws since the date of application expire one (1) year from date of approval and will not, under any circumstances, be entitled to an extension under subsection C of this section;
3. By condition of approval or development agreement, an alternate time period for completion of the application has been specified; or
4. An extension has been granted pursuant to subsection C of this section.

B. The occurrence of any of the following events will cause an application approval to be secured and no further extension is necessary:
   1. A certificate of compliance or certificate of occupancy has been issued for the entire application; or
   2. For subdivision applications, the final plat of a subdivision approval is recorded with Ada County; or otherwise defined by section 8-5B-6 of this title.

C. A request for an extension is no guarantee that the extension will be granted.
   1. One (1) extension not exceeding one (1) year may be granted <u>administratively by the Planning Official</u>, provided:
      i. <u>The applicant has demonstrated active and ongoing work toward the completion of the approved application since the date of approval; and</u>
      ii. <u>The subject property is compliant and has been compliant, or actively pursuing compliance, with all city, state, and federal codes and laws since the date of application; and</u>
      iii. <u>The extension request is submitted to the Development Services Department in writing prior to the application's expiration date.</u>
   2. <u>One (1) additional extension not exceeding one (1) year may be granted by the City Council, provided</u>

i. The applicant has demonstrated active and ongoing work toward the completion of the approved application since the date of approval; and

ii. Good cause for the request is demonstrated by the applicant in their request. Good cause includes development constructions being delayed by force majeure, development constructions being delayed by wrongful conduct of others, or other such circumstances of similar specificity; and

iii. The subject property is compliant and has been compliant, or actively pursuing compliance, with all city, state, and federal codes and laws since the date of application; and

iv. The extension request is submitted to the development services department in writing prior to the application's expiration date.

D. Extension requests will be determined by the city council in all instances except for conditional use permit extension requests. Extension requests for conditional use permits are administrative pursuant to Idaho Code section 67-6529F(4) and the planning official shall make the determination.

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 A ("GENERAL PROVISIONS"), SECTION 8 ("EXPIRATION OF APPROVALS"); 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.

Amend code provisions related to approval expirations and extensions to allow the Planning Official to grant a first one-year extension upon a finding of good cause and active progress on the approved application, and to allow the City Council to grant one additional one-year extension upon finding that the applicable extension criteria continue to be met.

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