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 GARDEN CITY CODE TITLE 8 ("DEVELOPMENT CODE"), CHAPTER 2 ("BASE ZONING DISTRICT REGULATIONS"), ARTICLE B ("BASE ZONING DISTRICT PROVISIONS"), SECTION 1 ("PURPOSE"), AND SECTION 3 ("FORM STANDARDS"); CHAPTER 4 ("DESIGN AND DEVELOPMENT REGULATIONS"), ARTICLE B ("DESIGN PROVISIONS FOR RESIDENTIAL STRUCTURES"), SECTION 4 ("ACCESSORY DWELLING USES"); CHAPTER 6 ("ADMINISTRATION"), ARTICLE A ("GENERAL PROVISIONS"), SECTION 12 ("FEES"); AND CHAPTER 7 ("REFERENCES"), ARTICLE A ("DEFINITIONS"), SECTION 1 ("DEFINITION OF USES"); REPEALING ALL ORDINANCES OR PARTS THEREOF TO THE EXTENT THEY CONFLICT WITH THIS ORDINANCE; PROVIDING THAT ALL OTHER ORDINANCES INCLUDED IN THE OFFICIAL CODE SHALL REMAIN IN EFFECT NOTWITHSTANDING THE ELIMINATION OF CERTAIN PROVISIONS HEREIN; PROVIDING FOR SEVERABILITY; 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 That all other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.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 All other ordinances shall continue in full force and effect unless specifically repealed or amended.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 1 ("Purpose"), Garden City Code, be, and the same is hereby amended:

8-2B-1. PURPOSE.

A. Residential Districts: The purpose of the residential districts is to provide a full range of housing within the city in areas that are predominantly for residential uses. The purpose of the residential districts is to be in accordance with the comprehensive plan. The residential districts are different in density:

District	Maximum Density	Minimum Density	Purpose
Rural density residential district (R-1, A, or R1-A referred to in the remainder of this Title as R-1)	1 du/acre for properties less than four acres in size 12 du/acre for properties four acres or larger in size	N/A	This zoning district allows for single family dwellings on larger lots as well as small scale agricultural or rural uses. This zoning is appropriate for areas designated as low density residential in the Comprehensive Plan.
Low density traditional residential district (R-2)	6 du/acre for properties less than four acres in size 12 du/acre for properties four acres or larger in size, except for in areas of an activity node 20 du/acre	N/A	This zoning district is intended to implement the Comprehensive Plan's designation of low density residential.
Medium density residential (R-M)	15 du/acre except for in an activity node where the maximum density is 25 du/acre	14 du/acre in an activity node unless a mixed-use development or a successful obtainment of a conditional use permit	This zoning district is intended to implement the comprehensive plan's designation of medium density residential

District	Maximum Density	Minimum Density	Purpose
Medium-high density residential (R-20)	No max	14 du/acre unless a mixed use development or a successful obtainment of a conditional use permit	This zoning district is to implement the Comprehensive Plan's designation activity nodes that are residential in nature.

SECTION 5. That Title 8, Chapter 2, Article B, Section 3 ("Form Standards"), Garden City Code, be, and the same is hereby amended as follows:

A. Additional provisions as set forth in chapter 8-4, "Design And Development Regulations," of this title, may also affect the form standards.

TABLE 8-2B-2
FORM STANDARDS IN ALL BASE ZONING DISTRICTS

District	Maximum Height	Setbacks					~~Minimum Lot Area~~
		Front		Rear Minimum	Interior Side Minimum	Street Side Minimum	
		Minimum	Maximum				
R-1	35'	15~~20~~'		15'	5'	20'	~~1 acre~~
R-2	35'	15'		15'	0' interior to the development and 5' exterior to the development	20'	
R-M	45'	15'		15'	0' interior to the development and 5' exterior to the development	20'	

R-3		5'		15'	0' interior to the property that is being developed and 5' exterior to the developm ent	5'	
R-20		5'		5'	0'	5'	
C-1		5'		5'	0'	5'	
C-2		5'		5'	0'	5'	
M	72'	5'	10' max	5'	0' interior to the developm ent and 3' exterior to the developm ent	0'	
LI	55'	15'		5'	5'	20'	

SECTION 6. That Title 8, Chapter 4, Article B, Section 4 ("Accessory Dwelling Units"), Garden City Code, be, and the same is hereby amended as follows:

A. Setbacks And Dimensional Standards:

1. Setbacks shall meet the zoning district setback requirements.
2. No accessory dwelling unit structure shall be allowed in front of the principal structure without a design review approval.

B. Additional Standards: In addition to meeting all building codes for a dwelling unit the following provisions shall be complied with:

1. Not more than one (1) accessory dwelling unit shall be allowed per property.
2. Direct ingress and egress to accessory dwelling unit shall be provided.
3. Accessory dwelling unit may be up to ~~eight hundred (800)~~ one thousand (1,000) square feet or up to seventy-five ~~fifty (50%)~~ percent (75%) of the size of the principal dwelling unit, whichever is greater~~, up to a maximum of one thousand two hundred (1,200) square feet~~. If there is no principal dwelling, the accessory

dwelling shall comply with the criteria set forth for a single-family dwelling.

4. Accessory dwelling unit shall have at least three hundred (300) square feet of habitable space as defined by the building code.
5. Accessory dwelling unit shall be clearly incidental to the principal structure in use. For the purposes of accessory dwelling units, "incidental" means in connection with the residential use and structure on site, but does not constitute the principal dwelling unit.
6. Accessory dwelling unit shall be compatible in design, materials, and scale with the principal structure.
7. Accessory dwelling unit shall be declared real property with Ada County and be on a foundation.
8. Accessory dwelling unit shall be identified with an approved address.
9. Accessory dwelling unit shall provide a kitchen with appliances for the cooking of food, a sink and storage.
10. Accessory dwelling unit shall provide a bathroom with minimally a sink, toilet, and bathtub and/or shower.

SECTION 7. That Title 8, Chapter 6, Article A, Section 12 (“Fees”), Garden City Code, be, and the same is hereby amended as follows:

In the application of fees for the review of permit applications or compliance enforcement, the following rules shall apply:

A. Adoption By Resolution: Application fees shall be established by council resolution, including circumstances for reduced or waiver of fees.

B. <u>No permit fees, development impact fees, or utility connection fees for accessory dwelling units or starter home subdivisions shall exceed those that would be imposed on other single-family homes or single-family home subdivisions.</u>

C. Fees Not Refundable: Fees are not refundable, except as allowed by the fee schedule adopted by the council or by council approval.

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

Dwelling Unit, Accessory: ~~A detached dwelling unit on the same property as, and incidental and secondary to, a detached single-family dwelling.~~ self-contained living unit that includes its own cooking, sleeping, and sanitation facilities and that is located on the same lot as a single-family primary dwelling. An accessory dwelling unit may be internal, attached, or detached but does not include a motorhome, camper, recreational 24 vehicle, tiny home on wheels, or other such similar dwellings on wheels or as otherwise defined by Section 65-6741, Idaho Code, as amended.

Starter Home Subdivision: As defined in Section 67-6542, Idaho Code, as amended.

SECTION 9: 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 10. All other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 11. 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 12. 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 13. That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

SECTION 14. 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: **APPROVED**:

_____	_____
Lisa Leiby	William L. Jacobs
City Clerk	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 GARDEN CITY CODE TITLE 8 ("DEVELOPMENT CODE"), CHAPTER 2 ("BASE ZONING DISTRICT REGULATIONS"), ARTICLE B ("BASE ZONING DISTRICT PROVISIONS"), SECTION 1 ("PURPOSE"), AND SECTION 3 ("FORM STANDARDS"); CHAPTER 4 ("DESIGN AND DEVELOPMENT REGULATIONS"), ARTICLE B ("DESIGN PROVISIONS FOR RESIDENTIAL STRUCTURES"), SECTION 4 ("ACCESSORY DWELLING USES"); CHAPTER 6 ("ADMINISTRATION"), ARTICLE A ("GENERAL PROVISIONS"), SECTION 12 ("FEES"); AND CHAPTER 7 ("REFERENCES"), ARTICLE A ("DEFINITIONS"), SECTION 1 ("DEFINITION OF USES"); REPEALING ALL ORDINANCES OR PARTS THEREOF TO THE EXTENT THEY CONFLICT WITH THIS ORDINANCE; PROVIDING THAT ALL OTHER ORDINANCES INCLUDED IN THE OFFICIAL CODE SHALL REMAIN IN EFFECT NOTWITHSTANDING THE ELIMINATION OF CERTAIN PROVISIONS HEREIN; PROVIDING FOR SEVERABILITY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance constitutes adopts the amendments necessary to bring the Garden City Code into compliance with the requirements of Idaho Senate Bill 1352 and Senate Bill 1354, including updates to accessory dwelling unit regulations, zoning and development standards, administrative provisions, fees, and related definitions.

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