CITY OF GARDEN CITY

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MEMORANDUM

Date: For August 17, 2016
To: Planning and Zoning Commission
From: Jenah Thornborrow, Development Service Director
RE: Work session CPA2016-1 Vehicle Sales and Rental request to reduce minimum Site Area Requirement from 30,000 square feet to 25,000 square feet.

Requested Action: Public Hearing/ Recommendation to City Council

The application has been noticed for a hearing on August 17, 2016. Once the public hearing has been held, the Planning and Zoning Commission may:

- Recommend approval as submitted
- Recommend approval with changes
- Recommend denial
- Continue to a date certain for more information

Summary of Request:
CPA2016-00001 is an applicant driven request to revise Garden City Code Title 8 related to Garden City Code 8-2C-43, land use provisions for Vehicle Sales and Rental. The applicant is requesting that the minimum lot size of a vehicle sales and Rental Lot be reduced from 30,000 square feet to 25,000 square feet.

Recommendation:
Staff has provided two draft recommendations. One is a recommendation for denial; the other is for approval as requested.

Background & Analysis:
The applicant would like to establish a vehicle sales and rental use on a specific lot that would not permit the use because the lot is less than the required minimum size of 30,000 square feet. As a result of this restriction the applicant has requested a modification to code to reduce the minimum lot size requirement to 25,000 square feet. If code is amended the applicant would still need to go through the Conditional Use Permit process, which includes a quasi judicial hearing. As such, the applicant, public, Commission, and Council are advised not to engage in the particulars of any future application. Furthermore, the particulars of a future application that were provided in this application have been removed from the record documents.

September 8, 2008 Garden City adopted amendments to Garden City Code that revamped Title 8. It appears as though this is when the 30,000 minimum lot size was established. In a memorandum from Diane Kushlan, Planning and Management Services dated October 17, 2007 minimum site or lot area was discussed in general.

> "Minimum site or lot area- *A larger minimum area is required than what is allowed for the District as a whole. This applies to uses that have operations requiring a larger space or because of the requirements for the use (setbacks, landscaping), a larger area is required. It has also been used to discourage the pattern of strip commercial by requiring greater lot sizes for uses that can proliferate in smaller size parcels."*

It may be presumed that vehicle sales and rental were considered strip commercial, and therefore limited.

There are 385 commercially zoned properties in Garden City (34% of the C-1 and C-2 zoning districts) that meet the current minimum size requirements of 30,000 square feet to be eligible to be a vehicle sales and rental lot. This proposal would allow for 95 additional properties to meet the minimum size requirements in the C-1 and C-2 zoning districts. Of the 95 additional properties that are between 25,000-30,000 square feet, 22 would be on arterial roadways, including, 15 on Chinden, 6 on Glenwood, and 0 on State Street. The rest of the 73 properties would be on local or collector roadways.

There are currently 56 legally operating dealerships in Garden City according to documentation provided to Garden City by Idaho Transportation Department on August 10, 2016. It should be noted that 38 of these identified vehicle sales and rental lots do not meet the minimum size requirement of 30,000 square feet. These lots are 'grandfathered', and are allowed to continue, so as long as they remain legally operating, not dangerous, and do not discontinue the use.

The properties in the C-1 and C-2 zoning districts that are between 25,000-30,000 square feet are located in the Comprehensive Land Use Designations of:

Mixed Use Residential
Mixed Use Commercial
Main Street Commercial Centers
Live Work Create
Transit Oriented Development Node
Green Boulevard Corridor
Light Industrial

GCC 8-6B-5 Development Code Amendment: D Required Findings:

In order to grant a text amendment to the development code, the following findings shall be made:

1. The text amendment complies with the applicable provisions of the comprehensive plan;
2. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and
3. The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.

Comprehensive Plan:

Comprehensive Plan Land Use Designation Definitions:

The below are the definitions of the Comprehensive Land Use Designations that would be affected by this proposal.

MIXED USE RESIDENTIAL: The mixed use residential area is north of Adams Street. This designation allows for residential and commercial uses in a form and scale that is residential in character and design. A mix of residential; small scale office and retail; and public and semi-public uses are appropriate in this district. Regulations for this area should focus on form more than use, with a maximum height of two stories.

MIXED USE COMMERCIAL: The mixed use commercial designation is for the area south of Adams Street. The intent of this designation is to create an area for mixed uses, including residential, office, retail, and small scale industrial, that are more urban in character than in the mixed use residential area. Three story buildings and 40%- 60% lot coverage, with aggregated open spaces for pocket parks should guide the development pattern in this area.

MAIN STREET COMMERCIAL CENTERS: Along Adams Street in both the Mixed Use Residential and Mixed Use Commercial areas are opportunities to create "Main Street Commercial Centers". The specific locations for these centers are not shown on the land use map, but would be appropriate within a two block area along both sides of Adams Street and at the intersection with a major north-south street. The development in these areas should be small scale retail, office, commercial and residential uses, integrated vertically in two stories with three stories at the corners. The focus of development should be on the streets with maximum front yard setback, parking on the street and behind buildings, and pedestrian amenities.

LIVE-WORK-CREATE: The live-work-create district is located in the Old Town Site generally between 32nd to 37th Streets. This designation reflects an opportunity to create an Arts District within the City where artists, crafts persons, or others can live, work, exhibit and operate a business. A mix of uses, including residential, retail, office and small scale industrial are appropriate for this area. Regulation should be primarily through form not uses, including maintaining the existing subdivision pattern of small lots, and limiting the maximum building footprint or square footage of a building in relation to lot size. Large scale development that consolidates lots and allows for larger scale industrial or commercial uses should be restricted.

TRANSIT ORIENTED DEVELOPMENT NODE: The transit oriented development (TOD) nodes are identified within one quarter mile of locations where a transit station has been planned or could be located. It is not intended that all nodes could be developed within the twenty year period of the plan. A mix of uses including higher density residential, retail, office, research and public uses are included in the TOD area designation. A development to be considered for the TOD designation should include 50,000 square feet of non-residential uses and 60 – 80 dwelling units. The form of the development should be multi-story (three or more stories) along the boulevard corridor with lower height moving away from the street. Site design characteristics should include walkability, public spaces, and transit station design. Lower parking standards should be allowed.

GREEN BOULEVARD CORRIDOR: The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for

moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including sidewalks with parkways, bus stops, landscape medians with pedestrian refuges and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians is needed that will influence changes in the adjacent land uses. Existing uses, including commercial uses, are allowed in the corridors, but new uses which generate high volumes of vehicular traffic should be restricted. Development regulations in the corridor should include access management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.

LIGHT INDUSTRIAL: The light industrial designation reflects intent to maintain the area of existing industrial uses, around Bradley Street and north of Chinden. Industrial development includes: materials processing and assembly, product manufacturing, storage of finished products, and truck terminals. Manufacturing support facilities such as offices and research related activities should also be allowed in this area, but other non-industrial uses should be limited. Major consideration in regulating industrial uses should be setbacks, buffering and landscaping from adjacent residential uses. Standards should also be directed toward control of light, glare, noise, vibration, water and air pollution; use and storage of toxic, hazardous or explosive materials; and outdoor storage and waste disposal.

Comprehensive Plan Goals, Objectives and Actions Steps:
The below are the Comprehensive Land Use's Goals, Objectives and Action Steps. Comprehensive Plan objectives, 1.4 (1.4.2), 2.3, (2.3.1), 2.4 (2.4.2), 10.4 (10.4.2, 10.4.3, 10.4.4), 10.5 (10.5.1) do not support the request.

Goal 1. Nurture the City

1.1 Objective: Promote city events, seasonal holidays and celebrations.

Action Steps:

1.1.1 **Support community events** that bring people together including neighborhood cleanups, celebrations of the city's history, seasonal holidays, tree decorating, sporting events, art shows, and other significant city events.

1.1.2 Broadly **publicize community events** in print and broadcast media, city website, and notices in public places.

1.2 Objective: Solicit citizen involvement in finding solutions to issues.

Action Steps:

1.2.1 Amend the Land Use Code to **require neighborhood meetings** prior to the submittal of development applications on large projects.

1.2.2 Amend the Land Use Code to **require large site posting of the public hearing notice** on large development applications.

1.2.3 **Maintain the city website as a constant source of information** for city business.

1.2.4 **Create and maintain a data base** of interested persons, neighborhood and civic groups and other organizations in city affairs.

1.3 Objective: Consider the needs of all citizens, businesses and the environment.

Action Steps:

1.3.1 **Conduct a survey** at least every two years to solicit the needs of all groups within the community.

1.3.2 **Hold town meetings** on a regular basis to gather information about community needs.

1.3.3 **Support as many special interest city commissions** and boards as possible. Create ad hoc committees to address specific issues.

1.4 Objective: Create a premier destination place to live, work and recreate.

Action Steps:

1.4.1 Amend the Land Use Code to **improve the quality of development design** through new land-use districts; zoning standards; and design regulations and review process.

1.4.2 Amend the Land Use Code to **prohibit any additional strip commercial development** and expansion of existing commercial areas.

1.4.3 Amend the Land Use code to **create more mixed-use and live-work uses.**

1.5 Objective: Celebrate the historic, the cultural and the artistic.

Action Steps:

1.5.1 **Research and inventory significant historical and cultural resources** within the community. As determined appropriate, designate and protect those resources determined to be significant.

1.5.2 Consider **establishment of a commission that would foster awareness and preservation** of the city's historical, cultural and artistic resources. Solicit memorabilia from residents for display and education of the community.

1.5.3 Partner with ITD and ACHD when bridges are renovated to **incorporate artistic works into the infrastructure.**

1.5.4 **Identify historic sites with markers** reflecting the "garden" in Garden City.

1.5.5 **Establish a program for memorials** which would allow for trees, benches, street lamps, and gardens, to be dedicated in the memory of individuals.

Goal 2. Improve the City Image

2.1 Objective: Encourage new and distinctive neighborhoods.

Action Steps:

2.1.1 Amend the Land Use Code to **adopt new neighborhood provisions for development,** including:

- requirements for parks, open space and other outdoor spaces with a sense of place;
- pedestrian circulation, including sidewalks and trails, with inter and intra connectivity;
- Efficient vehicular connections that do not compromise overall design; particularly pedestrian spaces and connections; and
- Context and connectivity with the surrounding neighborhood including recognition of natural features, terminus to street ends, and recognition of street corners.

2.1.2 **Encourage high quality design and landscaping**, including the use of water features, in new development.

2.1.3 Amend the Land Use Code to **expand planned unit development (PUD) requirements** to all sizes of parcels **through a design review process.** Amend the PUD standards to encourage a variety of housing, including well-designed smaller units; flexibility in setbacks and parking requirements to meet the needs of specific dwellings; and requirements for pedestrian amenities, including parks, open spaces and pathways.

2.2 Objective: Uphold standards for private property maintenance with a focus on commercial properties.

Action Steps:

2.2.1 **Enforce city codes for private property maintenance** and abate nuisances, and unhealthy and unsafe conditions.

2.2.2 **Work with private property owners** to ensure compliance with property maintenance standards.

2.2.3 **Support community-wide cleanup efforts**, such as "Clean Sweep."

2.3 Objective: Promote quality design and architecturally interesting buildings.

Action Steps:

2.3.1 Amend the Land Use Code with **improved design standards for all new and altered commercial development**. Consideration should be given to:

- site and building designs that create a sense of place and destination; and
- support for buildings that can be easily converted into a variety of uses; and
- a design review commission to administer the design standards.

2.3.2 Amend the Land Use Code to **adopt additional standards for the design and siting of manufactured homes.**

2.3.3 Amend the Land Use Code to **prevent the replacement of mobile homes built prior to 1976** with mobile homes built prior to 1976 that have not received a Certificate of Compliance for Rehabilitation from the State Division of Building Safety, and make all such existing mobile homes non-conforming uses.

2.3.4 Amend the Sign Code **to limit off–premise signs, and the number and size of all commercial signs.**

2.3.5 Establish and implement **an amortization program for signs that do not conform** to the Sign Code.

2.3.6 **Promote good design** through recognition programs and annual design awards.

2.4 Objective: Improve the appearance of street corridors.

Action Steps:

2.4.1 With the appropriate transportation agency, develop new streetscape standards for state highways, major arterials, collectors, and local streets. The standards should address:

- adjacent land uses;
- vehicular, pedestrian and bicycle needs;
- lighting; and
- landscaping and trees.

Funding priority should be given to sidewalk improvements.

2.4.2 **Re-develop Chinden and Glenwood as grand boulevards** lined with trees anchored in broad sidewalks.

2.4.3 **Amend parking standards** to reduce the impact of surface parking, including:

- incentives to encourage shared parking and support for cooperative parking arrangements;
- evaluation of current parking standards and consideration of new maximum standards; and
- new design requirements for surface parking, including increased landscaping and location of parking behind buildings.

2.4.4 **Improve the city's gateways** with consistent design treatment reflecting the "garden" in Garden City including signs, landscaping and art.

2.4.5 **Seek funding sources,** such as beautification funds, matching grants, or low interests loans, for businesses **to improve the appearance of their store fronts.**

Goal 3. Create a Heart for the City

3.1 Objective: Create a downtown or town center with river access.

Action Steps:

3.1.1 Partner with Ada County in exploring **re-use of the Expo Idaho site as a "downtown"** for Garden City. Support opportunities for the sale and development of the Expo Idaho site.

3.1.2 **Designate the area around the Expo Idaho site, City Hall and the ITD property as a "special opportunity area" on the land-use map.** This designation identifies the area for future study and adoption of a sub-area plan to guide development.

3.1.3 Based on recommendations of the sub-area plan, **seek opportunities with public and private partners to transform the Expo Idaho site to a downtown for the city**, oriented to the river with a public gathering place and multiple activity areas.

3.1.4 Review the Area of City Impact agreement with Ada County and amend as needed to **include the Expo Idaho site in Garden City's Area of City Impact.**

3.1.5 **Fund a planning study for the Expo Site** within six months of adoption of the Comprehensive Plan.

3.2 Objective: Create public gathering places at multiple locations throughout the city.

Action Steps:

3.2.1 Conduct an **inventory of public and private property in locations that can become centers of neighborhood activity**. These areas may be undeveloped or vacant property, parks, street ends,

or plazas. Seek out, purchase and secure easements for use of these areas as neighborhood gathering places.

3.2.2 Amend the Land Use Code to **require public gathering spaces in all new developments.**

Goal 4. Emphasize the "Garden" in Garden City

4.1 Objective: Beautify and landscape.

Action Steps:

4.1.1 Prepare and adopt **a master plan for parks, green spaces and recreation.** The plan should contain:

- standards for green space and park requirements;
- identification of locations in the city that don't meet the standards; and
- strategies for investment including requirements for new development, the creation of a park district and/or the imposition of impact fees to fund new parks and green spaces.

4.1.2 Consider the **creation of a parks commission** that would provide policy direction for parks, green space and recreation improvements.

4.1.3 Adopt an ordinance that establishes **minimum standards for tree requirements**, and tree protection and maintenance on all property. Work to resolve conflicting objectives for tree protection with the street and storm drainage maintenance requirements of the ACHD.

4.1.4 Improve the **landscaping standards for all new development**. The standards should address minimum size, plant materials, maintenance requirements, irrigation, and landscape design that compliment the urban environment.

4.1.5 Use **non-potable water sources that are available to new development**, including the installation of pressurized irrigation systems where appropriate.

4.1.6 Require **mitigation for all wetlands** eliminated by new development.

4.1.7 **Purchase tree and plant material** for re-sale to residents and businesses at a reduced cost.

4.2 Objective: Promote community gardens.

Action Steps:

4.2.1 Amend the Land Use Code to **allow for development of community gardens** in all land-use districts, and allow community gardens to be used as a means for meeting landscape standards.

4.2.2 Promote the **establishment of a seasonal farmers market** on vacant Expo Idaho property or Ladybird Park.

4.2.3 Consider the **creation of a compost and re-cycling center**.

4.3 Objective: Beautify sidewalks and gateways with landscaping and trees.

Action Steps:

4.3.1 Continue to **require sidewalks and landscaping in all new development,** and in major alterations and re-use of existing commercial sites.

4.3.2 Amend the Land Use Code to **create incentives for new development to provide detached sidewalks with parkways**.

Also see ***Action Step*** 2.4.4.

Goal 5. Focus on the River

5.1 Objective: Consider a safe rafting route on the Boise River.

Action Steps:

5.1.1 **Maintain city representation on FACTS** (Friends of Ada County Trail System) committee.

5.1.2 **Understand the trade-off and responsibilities for additional river usage before endorsing the proposal for a rafting route**. Solicit cost information from Boise City on river channel maintenance, policing, and parking/traffic issues for a safe rafting route

5.2 Objective: Landscape along the river.

Action Steps:

5.2.1 Identify **appropriate native plants and landscaping techniques for landscaping along the river.** Require that new developments have landscaping consistent with those guidelines.

5.2.2 Encourage homeowners to **plant and maintain appropriate landscaping materials along the river.** Provide brochures and host public meetings with landscape professionals to address the needs. Utilize the resources of the University of Idaho Extension Service and the Master Gardener Program.

5.2.3 **Provide maintenance of the greenbelt** landscaping including removal of hazardous trees, and noxious and poisonous plants.

5.3 Objective: Restore and naturalize drains, river channels and creeks.

Action Steps:

5.3.1 Amend the Land Use Code to **create incentives for opening closed water systems.** Discourage the covering and/or tiling of any irrigation canals, drains, rivers, or creeks.

5.3.2 Continue to **work with the Irrigation Districts in maintenance of the canals and ditches.**

5.3.3 Support community groups in **clean up and maintenance of the open water systems,** including water run-off.

5.4 Objective: Develop a river walk.

Action Steps:

5.4.1 Evaluate the merits of **creating a more urban setting along portions of the Boise River.** Identify areas that are the most appropriate.

5.4.2 Amend the Land Use Code to **allow for certain types of urban uses in limited locations along the river** with setbacks and buffers that protect the greenbelt, wetlands, and river.

5.5 Objective: Create more accessibility to the Boise River and greenbelt.

Action Steps:

5.5.1 **Update the 1990 Boise River Greenbelt Plan**. In the plan identify:

- opportunities for more accessibility to the west river corridor;
- development of new non-motorized river crossings;
- satellite parking areas;
- visual accessibility to the river;
- nodes for fishing;
- appropriate locations for memorials;
- links to other paths;
- protection from trespassing on private property; and
- staging areas.

5.5.2 Develop a **city-wide pathway and sidewalk plan** with links to the Boise River Greenbelt. Consider linear pathways adjacent to existing waterways such as the Thurman Mill Ditch and waterways to the Settler's Canal that can link to the river and provide alternative locations for parking and staging.

5.5.3 Continue efforts to **complete gaps and connections in the greenbelt**. Inventory opportunities for public purchase or easements that add to the greenbelt. Coordinate with the Cities of Boise and Eagle in completing the greenbelt.

5.6 Objective: Respect wildlife along the river.

Action Steps:

5.6.1 Maintain **portions of the greenbelt as gravel paths for walkers only**.

5.6.2 **Enforce leash laws and pet waste regulations.**

5.6.3 Continue to provide **informational signs about wildlife** and the need for habitat protection.

5.6.4 **Continue educational programs,** such as those provided by the library, **on the value of wildlife along the river**.

5.6.5 Work with the Idaho Fish and Game Department to **build an enhanced fish habitat area for catch and release fishing.**

5.7 Objective: Maintain and protect the greenbelt.

Action Steps:

5.71. Explore options for a **dedicated funding source for maintaining the greenbelt.**

5.7.2 Solicit and **support community volunteer efforts for maintaining the greenbelt.**

5.7.3 **Protect the greenbelt from private development**. Enforce codes for private property maintenance, and control of runoff, litter and debris. Adopt minimum setback requirements for new development.

5.7.4 Support efforts to **encourage courtesy and respect among greenbelt users,** with the needs of recreational users taking priority over commuter cyclists. Consider licensure of bicycles, more volunteers and police presence on the greenbelt.

Goal 6. Diversity in Housing

6.1 Objective: Eliminate and upgrade substandard housing.

Action Steps:

6.1.1 Create **incentives for improving the conditions of substandard housing.** Among the considerations are:

- technical and design assistance;
- workshop on property maintenance for landlords;
- coordination with providers of low costs loans; and
- reduced planning and development fees and expedited permitting.

6.1.2 Create **disincentives for the continuance of substandard housing units by:**

- continue the aggressive enforcement of health and safety violations of the building and fire code; and
- amend the Land Use Code to restrict the replacement of mobile homes with units built prior to 1976.

6.2 Objective: Maintain the city's "fair share" of affordable housing.

Action Steps:

6.2.1 Initiate and support **a regional dialogue on affordable housing**. Better understand the future housing challenges and need for affordable housing.

6.2.2 Partner with private developers and other agencies in **maintaining a supply of affordable housing.**

6.2.3 Consider the **formation of a city commission on housing** to recommend policies to the City Council and provide city representation on regional housing initiatives.

6.3 Objective: Maintain the diversity of housing.

6.3.1 Provide for **a variety of housing types** in the Land Use Code including smaller cottage and second housing units. Allow for housing that attract niche markets such as senior housing, live-work structures, and cooperative housing.

Goal 7. Connect the City

7.1. Objective: Create pedestrian and bicycle friendly connections.

Action Steps:

7.2.1 Develop a **master plan for pedestrian and bicycle pathways**. The plan should include the locations and design for various types of pathways including:

- separated bike paths and on-street bike lanes;
- sidewalk sections of various width and design depending on location;
- pathways that connect with the green belt and other major activity areas; and
- pathways along ditch and canals.

7.2.2 Reinforce **responsible bicycling** through signage, speed limits and education programs provided by youth oriented agencies such as the Boys and Girls Club and the Library. .

7.2 Objective: Promote public transportation along State, Chinden, Glenwood and Adams with stops in neighborhoods.

Action Steps:

7.2.1 Participate in **discussions on regional transit**.

7.2.2 Secure **funding for providing and maintaining public transit** within the City.

7.2.3 Support efforts of Valley Regional Transit for **fixed transit stops and more frequent service.**

7.2.4 Promote **public awareness of the value of public transit**.

7.2.5 Partner with ITD, ACHD and Valley Regional Transit on a **corridor study for Chinden Boulevard** with these objectives:

- to improve the design of Chinden Boulevard emphasizing multi-modal facilities, including consideration for bus turn-outs and stations at the transit nodes;
- to maintain vehicular mobility and traffic flow in balance with other transportation modes;
- to improve the convenience for both drivers and pedestrians.
- to improve the accessibility across the corridor for local mobility; and
- to improve the appearance of the corridor.

7.2.6 Pursue opportunities for the **creation of a street car route** for local public transportation along Chinden Boulevard.

7.3 Objective: Control traffic through neighborhoods.

Action Steps:

7.3.1 **Discourage the use of cul-de-sacs** for controlling traffic through neighborhoods.

7.3.2 **Increase interconnectivity within neighborhoods** to reduce the concentration of traffic on a few streets. Consider the creation of new street sections such as lanes that provide access through blocks, but discourage through traffic.

7.3.3 Adopt a **local street plan** which provides for additional street connections, especially east and west.

7.3.4 **Improve streets and alleys parallel to Chinden Boulevard** and prohibit vacation of these streets.

7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.

Action Steps:

7.4.1 Amend the Land Use Code to **create incentives for wider and detached sidewalks.** Coordinate with ACHD to allow for sidewalks in easements within the property setback.

7.4.2 Work with ITD in **developing standards for sidewalk improvements along state highways.**

7.4.3 Aggressively **encourage the Fire District to reduce street standards** for fire apparatus to create more safe and neighborly local streets.

Goal 8. Maintain a Safe City

8.1 Objective: Invest in public safety.

Action Steps:

8.1.1 **Reduce the disproportionate amount of crime** in the city by enforcing nuisance codes and standards for safe and healthy housing.

8.1.2 **Create safety zones** around parks, schools and public gathering places to limit locations where sex offenders can reside. Work to expand the legislation to increase the areas around other uses that attract children, like the Boys and Girls Club.

8.1.3 Establish **a dedicated funding source for** installation and maintenance of **street lighting, and** consider **increasing the current fee** for all residents**.** Focus on improving street lighting in the eastern portion of the City.

8.1.4 Continue to **enforce city nuisance codes,** impose fines and seek legal relief against negligent property owners.

8.1.5 Continue to **support community policing** by the Public Safety Department.

8.1.6 **Update the city's emergency management plan** for natural and man-made disasters. Plan for flooding events.

8.2 Objective: Support community involvement in public safety.

Action Steps:

8.2.1 Continue **support for Neighborhood Watch, police volunteers, the Police Academy, and the ride-along program**.

8.2.2 Use the **city website more effectively in communicating public safety information.**

Goal 9. Develop a Sustainable City

9.1 Objective: Protect the aquifer.

Action Steps:

9.1.1 Continue to **enforce city codes for regulating or eliminating discharges** from spills, dumping or disposal of waste materials, and reducing pollutants in storm water discharges.

See also Action Step 4.1.5.

9.2 Objective: Protect riparian and flood way areas.

Action Steps:

9.2.1 Continue to **administer Federal Emergency Management Agency regulations for development in flood hazard areas.**

9.3 Objective: Promote green building construction.

Action Steps:

9.3.1 Develop **a pilot program using green building techniques** and materials. Based on the success of the program, amend the building code to require green building in all new construction.

9.3.2 Provide **information to the public and developers on the benefits of green building construction**, including the federal tax benefits in construction of green, affordable housing.

9.3.3 **Train building officials and inspectors on the administration of green building practices**, and allow for expedited permit review and inspection for green building construction.

Goal 10. Plan for the Future

10.1 Objective: The Expo Idaho site is redeveloped.

Action Steps: **See 3.1.1 through 3.1.4.**

10.2 Objective: The Old Town site is a live-work district.

Action Steps:

10.2.1 Amend the Land Use Code to **create a new zoning district to allow for live–work activities in the Old Town Site.** The new zoning district would have the following objectives:

- to direct future development through form and design, not separation of uses;
- to maintain the fine grain lot size and development pattern by controlling building footprint or square footage of building to lot size; and
- to control large scale industrial or commercial uses.

10.2.2 Provide **incentives for housing and buildings within the district where artists and crafts persons can live, work and exhibit their art.**

10.2.3 **Amend the building code to allow for live-work occupancies** in a single structure.

10.3 Objective: "Special opportunity areas" are identified for future planning.

Action Steps:

10.3.1 **Develop sub-area plans** for: (1) the Expo Idaho; (2) the area around 37th and Adams Street; (3) the ITD property at Chinden Boulevard and Coffey Street; (4) the area west of the city limits and south of Chinden Boulevard; and (5) the east gateway at Chinden Boulevard; and (6) the area between the river and Riverside Drive east of Glenwood Street.

10.4 Objective: Create mixed-use, high-density/intensity nodes along State Street and Chinden Boulevard.

Action Steps:

10.4.1 **Follow recommendations of the State Street Corridor Study.** Allow for higher density residential, transit-oriented development nodes within the one quarter mile of the State Street intersections with Collister Street, Glenwood Street, Bogart Street and Horseshoe Bend Road.

10.4.2 Allow for **transit-oriented development nodes** within the one quarter mile of the intersections with Chinden Boulevard at Garrett Avenue, Glenwood Street, 50th Street, Veteran's Memorial Parkway, and Orchard Street.

10.4.3 Amend the Land Use Code to **create a transit oriented development zone**. The requirements for the zone should include:

- high-density residential (twenty-two units per acre) and service, entertainment and commercial uses integrated horizontally and/or vertically within multi-story (three or more stories);
- a minimum area to allow for 100,000 square feet or sixty to eighty housing units;
- public spaces and convenient pedestrian access from the transit stop or station through the TOD zone; and
- reduction in parking requirements for uses in the TOD zone; and

10.4.4 Provide a **transition in the height and scale of development** with three and four-story, mixed use along Chinden Boulevard; three-story, mixed use south of the Chinden Corridor; and no more than two stories closer to river.

10.5 Objective: Create a "Main Street" commercial district along portions of Adams Street and other neighborhood locations.

Action Steps:

10.5.1 Amend the Land Use Code **to create a new commercial zoning district for small-scale retail, office, commercial and residential uses.** The requirements of the district should consider:

- site design that supports pedestrian-scale development;
- allow for a mix of uses;
- maximum two-story buildings with three stories at corner locations;
- maximum front yard setback standard;
- on-street and off-street parking behind buildings;
- pedestrian amenities such as wide sidewalks, benches, public art and decorative paving.

10.5.2 **Limit the location of the new neighborhood commercial districts** to areas that are a maximum of two blocks in length and that can provide transition and buffering to any adjoining residential land uses.

10.6 Objective: Continue to support commercial and industrial land uses.

Action Steps:

10.6.1 Consider the **creation of a "Bradley Technology District"** around 50th and Bradley streets. Exclude non-commercial uses from the district to encourage the area as center for industry.

10.6.2 Encourage the **concentration of recreation vehicle sales and services in a mall-like setting along Chinden Boulevard.**

10.7 Objective: Participate in regional planning.

Action Steps:

10.7.1 Support the **city's representation and leadership on regional planning efforts.**

Goal 11. Serve the City

11.1 Objective: Support additional education facilities.

Action Steps:

11.1.1 Continue to **support efforts to establish and maintain a public or private elementary and secondary school in the city.**

11.1.2 Consider creating **a distance learning community college at the Expo Idaho site.**

11.2 Objective: Continue to support existing public facilities and develop more civic uses sought by the community.

Action Steps:

11.2.1 Continue **support of the Senior Center, Boys and Girls Club, and library.**

11.2.2 Investigate the feasibility and community support for **creating a cultural center, museum, theater and a community center for all ages**.

11.2.3 On a period basis, **evaluate the effectiveness of all community services and facilities** in meeting the needs of the community.

11.3 Objective: Upgrade and maintain water services.

Action Steps:

11.3.1 Continue efforts to **inventory and identify needs for future improvements and expansion in water and sewer infrastructure**. **Obtain new water entitlements** needed for future development.

11.3.2 Develop programs and incentives to **encourage water conservation.**

11.4 Objective: Be fiscally responsible.

Action Steps:

11.4.1 Adopt a **long-range strategic and financial plan** that addresses capital investment, operation, and maintenance.

11.4.2 Adopt a **five-year capital improvement program.**

11.5 Objective: Support a positive business environment

Action Steps:

11.5.1 **Support the efforts of local businesses in organizing associations,** including the creation of a local chamber of commerce.

11.5.2 Adopt a **customer-oriented permit process** that provides professionally competent and effective service delivery to applicants.

11.5.3 **Publish an information brochure** on doing business in Garden City to assist new business owners in understanding the city requirements.

11.5.4 **Market the City to smaller businesses** and support a positive business environment.

Agency Comments:
Garden City Sewer Division has noted no issue with the proposal.
Idaho Transportation Department has noted no issue with this proposal.
Central District Health has noted no objections with the proposal.

Public Comments:
No public comment has been received to date.

Public Notice:

1. An agency notice sent July 18, 2016
2. A Public Service Announcement was sent on July 25, 2016
3. A Legal Notice was published in the Idaho Statesman on July 27, 2016

Attachments:

- Application
- Draft Ordinance
- Draft Conclusions of Law, Finding of Fact and Recommendations

GARDEN CITY PLANNING AND ZONING COMMISSION

Garden City Code Title 8 Amendment

) FINDINGS OF FACT, CONCLUSIONS

CPAFY2016-1) OF LAW, AND DECISION

This proposal came before the Garden City Planning and Zoning Commission for consideration on August 17, 2016. The Commission reviewed the proposal and considered public testimony. Based on the evidence presented, the Commission makes the following findings of fact and conclusions of law and decision:

FINDINGS OF FACT

1. Public hearing notices for the proposed application were published on July 27, 2016.
2. Application materials and notice were located on the Garden City website July 18, 2016.
3. Notice was sent to agencies on July 18, 2016.
4. A Public Service Announcement was provided on July 25, 2016.
5. The Garden City Newsletter sent out notice on July 31, 2016
6. A Public Notice was located in the Garden City Hall lobby on August 4, 2016.
7. Comments were received from Idaho Transportation Department, Garden City Sewer Division, and Central District Health.
8. Written testimony was not received.
9. The Garden City Planning and Zoning Commission held a public hearing on August 17, 2016. Staff Jenah Thornborrow presented the proposed changes, XXX represented the application, and testimony was received by:
    a. XXX

CONCLUSIONS OF LAW

In consideration of a preliminary subdivision or combined preliminary and final subdivision, the decision-making body makes the following findings per 8 -6B-5 Development Code Amendment:

1. The text amendment complies with the applicable provisions of the comprehensive plan;

The text amendment is not supported by the Garden City Comprehensive Plan. The vast majority of the affected properties are in Garden City Comprehensive Plan Land Use Designations that would not be compatible with the use 'vehicle sales and rental'. Additionally the Garden City Comprehensive Plan objectives, 1.4 (1.4.2), 2.3, (2.3.1), 2.4 (2.4.2), 10.4 (10.4.2, 10.4.3, 10.4.4), 10.5 (10.5.1) do not support the request.

2. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and

There are an adequate number of properties in Garden City that could allow for the use 'vehicle sales and rental'. Expanding the potential for this use beyond the properties that are already deemed as potentially acceptable locations for the use could be detrimental to the viability of other properties with permitted uses adjacent to these properties.

3. The text amendment shall not result in an adverse impact upon the delivery of services by any

DRAFT

political subdivision providing public services within the city.

The text amendment does not adversely affect the ability to provide public services within the city.

RECOMMENDATION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Garden City Planning and Zoning Commission do hereby **RECOMMEND DENIAL** of application file CPAFY2016-1 amendments to Title 8, to reduce minimum site area requirement for *Vehicle Sales and Rental* from 30,000 square feet to 25,000 square feet.

_____

Chairman, Planning and Zoning Commission Date

DRAFT

GARDEN CITY PLANNING AND ZONING COMMISSION

Garden City Code Title 8 Amendment

) FINDINGS OF FACT, CONCLUSIONS

CPAFY2016-1) OF LAW, AND DECISION

This proposal came before the Garden City Planning and Zoning Commission for consideration on August 17, 2016. The Commission reviewed the proposal and considered public testimony. Based on the evidence presented, the Commission makes the following findings of fact and conclusions of law and decision:

FINDINGS OF FACT

1. Public hearing notices for the proposed application were published on July 27, 2016.
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    a. XXX

CONCLUSIONS OF LAW

In consideration of a preliminary subdivision or combined preliminary and final subdivision, the decision-making body makes the following findings per 8 -6B-5 Development Code Amendment:

1. The text amendment complies with the applicable provisions of the comprehensive plan;

The text amendment is in compliance with the Garden City Comprehensive Plan.

2. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and

The text amendment will not be detrimental to the public health, safety, and welfare of the community.

3. The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.

The text amendment does not adversely affect the ability to provide public services within the city.

RECOMMENDATION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Garden City Planning and Zoning Commission do hereby **RECOMMEND APPROVAL** of application file CPAFY2016-1

DRAFT

amendments to Title 8, to reduce minimum site area requirement for *Vehicle Sales and Rental* from 30,000 square feet to 25,000 square feet.

_____

Chairman, Planning and Zoning Commission Date

DRAFT

Ordinance 988-16

BY THE COUNCIL: BEAUMONT, HIGGINS, MITCHELL AND SOUZA

AN ORDINANCE OF THE CITY OF GARDEN CITY, ADA COUNTY, IDAHO, AMENDING THE GARDEN CITY CODE, TITLE 8 TO CARRY OUT THE PURPOSES OF THE "LOCAL LAND USE PLANNING ACT", IC §67-6501 ET.SEQ. AND TO AMMEND 8-2C-43, VEHICLE SALES AND RENTAL TO REDUCE THE MINIMUM LOT SIZE FROM 30,000 SQUARE FEET TO 25,000 SQUARE FEET PROVIDING CONFLICTS AND SAVINGS CLAUSES AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GARDEN CITY, ADA COUNTY, IDAHO:

SECTION 1: Garden City Code Table 8-2C-43 "VEHICLE SALES AND RENTAL" is amending the following provision:

A. Minimum Site Area: The use shall have a minimum site area of ~~thirty thousand (30,000)~~ twenty-five thousand (25,000) square feet.

B. Accessory Use:

1. Vehicle repair may be allowed as an accessory use, subject to the standards as set forth in section 8-2C-41, "Vehicle Body Shop And Vehicle Service", of this article.

2. Vehicle repair shall be limited to forty percent (40%) of the gross floor area of enclosed space.

SECTION 2 : **CONFLICTS:** Should any Ordinance or part thereof be in conflict with the provisions of this Ordinance, said Ordinance shall be superseded to the extent of such conflict.

SECTION 3: SEVERABILITY: Should any of the provisions of this Ordinance be held invalid for any cause, or should any portion of this Ordinance be declared invalid, then such declaration of invalidity shall not affect the remainder or balance of this Ordinance.

SECTION 4: EFFECTIVE DATE. This ordinance shall be in full force and effect from and after passage, approval, and publication.

ADOPTED by the City Council and **APPROVED** by the Mayor of the City of Garden City, Idaho, this 10th day of **October**, 2016.

ATTEST: **APPROVED:**

_____	_____
Lisa M. Leiby	John G. Evans
CITY TREASURER CLERK	MAYOR

DRAFT

Diane Kushlan AICP
PLANNING AND MANAGEMENT SERVICES

Date: For the Meeting of October 17, 2007

To: Garden City Planning and Zoning Commission

Form: Diane T. Kushlan, AICP

Subject: Development Code Work Session

For your meeting on October 17th, the next work session is scheduled on the Development Code. This session will focus on Chapter 2. Article C. LAND USE PROVISIONS. This code section lays out the requirements specific to a land use category. It replaces portions of the current code chapter 7 PERFORMANCE STANDARDS. This work is being transmitted to you now so you will have time to review it before the meeting on October 17th.

Here are the some questions and caveats to keep in mind as you review this section:

1. This section works in concert with the Table 8-2B-1 ALLOWED USES IN ALL BASE ZONING DISTRICTS. (Attached is the latest draft of that table with highlighted changes from the last meeting.) If a use is identified as "P" on the table, the use would be allowed in the district subject to meeting the requirements identified in this new section LAND USE PROVISIONS. If the use did not meet land use provisions of this section, a conditional use permit would be required. If a use is identified as "C", the use would be allowed in the district subject to the provisions in this section, as well as any other conditions that might be required through a conditional use permit.
2. This section also works in association with Chapter 4 DESIGN AND DEVELOPMENT REGULATIONS. This chapter is the requirements applicable to all land uses. So if you are concerned that there is no reference to design, landscaping, parking, signs, etc. in this section LAND USE PROVISIONS, those issues will be in this yet to be developed Chapter 4.
3. In reviewing this section, you may also be interested in referring back to the definitions of the use, Chapter 7 DEFINITIONS, which was distributed to you at the last meeting.
4. The format of the section is an alphabetical listing of the land use categories. Not all use categories identified in the table is included, since not all uses require specific provisions. The provisions follow a general sequence of headings, although none of the land use categories has provisions under all the headings and there are some unique headings for a few land uses. The sequence, headings and description are as follows:
    a. **Minimum site or lot area**- A larger minimum area is required than what is allowed for the District as a whole. This applies to uses that have operations requiring a larger space or because of the requirements for the use (setbacks, landscaping), a larger area is required. It has also been used to discourage the pattern of strip commercial by requiring greater lot sizes for uses that can proliferate in smaller size parcels.

b. **Setbacks**- A greater setback to property lines than what is allowed in the base residential districts is required for some larger scale uses. Additional setbacks to more sensitive land uses such as residences, schools, hospitals and parks is another setback requirement, and additional setbacks between the same uses is also a provision.
c. **Site Layout-** This heading covers a variety of provisions that relate to how a site is laid out and how specific operations and facilities on the site should be located. These are unique site layout requirements in addition to provisions that will be in Chapter 4.
d. Access and parking – Special provisions for driveway access, drive aisles internal to the site, and parking are identified. These are in addition to what will be required in Chapter 4.
e. **Limitations-** These provisions identify restrictions on how the use will be conducted including hours of operation, outside activities, and occupancy.
f. Site Maintenance – How a site or certain aspects of the use will be maintained are identified under this heading.
g. **Accessory Uses**- Some uses allow for accessory uses and some primary use categories can be accessory uses. This section provides further definition and restrictions on those accessory uses.
h. **Additional Standards –** There are some sub-categories of the primary use category that require additional requirements that are specified under this category.
i. Other regulations that apply – There are other requirements in the Code, both in Title 8 and other sections that apply to some uses, and those are cited under this heading. (This is an area that will be amended as we develop Chapter 4. with general provisions)

5. The City is trying to encourage development and re-development. One way to meet that objective is to set standards in advance rather than on a case by case basis through a conditional use permit. That is the purpose of these provisions. Look at how the use is treated in the Table 8-2B-1 ALLOWED USES IN ALL BASE ZONING DISTRICTS, and ask:
    a. If these standards are imposed, would a conditional use permit be required?
    b. Are there other requirements that should be included, so that a conditional use permit would not be needed, or are there site specific issues with this use that cannot be addressed through general provisions like these?
    c. Are these provisions too restrictive, so that uses would still go through a conditional use permit?
6. Here are some other questions to think about:
    a. Are similar types of uses treated the same in term of the requirements? You will note some repetition with some provisions.
    b. Are there some provisions that are so universal, the provision really belongs in Chapter 4?
    c. Are other provisions needed that have not been addressed?
    d. Are there some additional sub-categories of uses that need special standards?
    e. There are some alternatives noted in the margin; which do you prefer?

Thanks for your attention to this important work. Please call me or Jenah before the meeting if you have questions or want to discuss, and I look forward to our work session on October 17th! d.

CHAPTER 2

BASE ZONING DISTRICT REGULATIONS

ARTICLE C. LAND USE PROVISIONS

SECTIONS:

8-2C-1 PURPOSE
8-2c-2: AGRICULTURE
8-2c-3 AMUSEMENT AND ENTERTAINMENT CENTERS
9-2c-4 ANIMAL CARE FACILITY
9-2c-5 BED AND BREAKFAST
9-2c-6 BUILDING MATERIAL, GARDEN EQUIPMENT AND SUPPLIES
9-2c-7 CHURCH OR PLACE OF RELIGIOUS WORSHIP
9-2c-8 CLUB
9-2c-9 COMMERCIAL ENTERTAINMENT FACILITIES
9-2c-10 DAY CARE FACILITY
9-2c-11 DRINKING ESTABLISHMENT
9-2c-12 DRIVE-THROUGH ESTABLISHMENT
9-2c-13 EQUIPMENT RENTAL, SALES AND SERVICE
9-2c-14 FINANCIAL INSTITUTIONS
9-2c-15 FOOD PRODUCTS PROCESSING
9-2c-16 FUEL SALES
9-2c-17 HOME OCCUPATIONS
9-2c-18 HOSPITAL
9-2c-19 INDUSTRY
9-2c-20 KENNEL
9-2c-21 LAUNDROMAT
9-2c-22 LODGING
9-2c-23 NURSERY
9-2c-24 NURSING AND RESIDENTIAL CARE FACILITIES
9-2c-25 PERSONAL AND PROFESSIONAL SERVICES
9-2c-26 RECREATIONAL VEHICLE PARK
9-2c-27 RECREATIONAL VEHICLE DEALER
9-2c-28 SCHOOL
9-2c-29 SEXUALLY ORIENTED BUSINESSES
9-2c-30 SHOPS FOR BUILDING CONTRACTORS
9-2c-31 STORAGE FACILITY OR YARD
9-2c-32 TEMPORARY USES
9-2c-33 TERMINAL YARD, TRUCKING
9-2c-34 VEHICLE REPAIR AND VEHICLE BODY SHOP
9-2c-35 VEHICLE SALES AND RENTAL
9-2c-36 VEHICLE WASHING FACILITY
9-2c-37 WAREHOUSE, STORAGE AND WHOLESALE
9-2c-38 WIRELESS COMMUNICATION FACILITY

8-2C-1 **PURPOSE:** This Article provides specific standards for certain allowed uses as set forth within the applicable base zoning districts.

8-2C-2: **AGRICULTURE:**

A. **Minimum Lot Size**. The minimum lot size for maintaining animals is 43,560 square feet (one acre).

B. **Setbacks.**

1. Buildings or confinement areas (not perimeter fencing), for animals and poultry shall not be closer than forty feet (40') from any existing residential structure not on the property, and not less than twenty feet (20') from the property lines, whichever is greater.

2. The feeding or sheltering of animals or poultry in penned enclosures shall not be within one hundred feet (100') of any residential zoning district.

C. **Site Layout.** Animals and poultry shall be maintained within fences, buildings, or confined feeding watering areas.

D. **Limitations.** The overall animal density shall not exceed the following: four (4) horses; or four (4) cows; or four (4) sheep; or four (4) hogs; or four (4) lambs; or four (4) llamas; or four (4) goats, or a combination thereof not exceeding four (4) animals per lot or an equivalent animal density as approved by the zoning administrator.

E. **Site Maintenance.**

1. The site shall be returned to a clean condition after the termination of the growing and packing season, including free of debris and garbage.

2. Unsold food products, trees, greens, or debris generated by the use shall be properly disposed off the site.

3. All surfaces used for parking on the site shall be constructed with paving, vegetative cover or of dustless material.

F. **Accessory Uses**. Accessory uses for packing, treating and storing produce shall be secondary to that of normal agricultural activities.

G. **Additional Standards for Riding Stables and Schools.**

1. All stables or loafing sheds shall be located a minimum of one hundred feet (100') from any residential structure not on the property.

2. All facilities, including stables, riding rings and horse trailer parking shall be located with full consideration to their proximity to adjacent uses and their noise and odor impacts effect upon adjacent and surrounding properties.

8-2C-3 **AMUSEMENT AND ENTERTAINMENT CENTERS:**

A. **Other Regulations Apply**. A use that is a pool, billiard or card room shall comply with the licensing requirements as set forth in Title 3 BUSINESS AND LICENSING REGULATIONS of this Code.

9-2C-4 **ANIMAL CARE FACILITY:**

A. **Site Layout.** All animal care facilities shall be entirely enclosed, soundproofed, and air conditioned.

Comment [MSOffice1]: This is an alternative to the current 300' setback from residential uses.

B. **Site Maintenance**. The property shall be maintained with adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.

C. **Accessory Uses.** Grooming and temporary boarding of animals for a maximum of 30 days is allowed if incidental to the animal care facility.

D. **Other Regulations Apply.** The operator shall have a continuing obligation to comply with all city, county and state regulations relative to such an operation.

9-2C-5 **BED AND BREAKFAST:**

A. **Limitations**.

1. The bed and breakfast shall be limited to a maximum of five guest rooms.

Comment [MSOffice2]: Discretionary number

2. Service shall be limited to the rental of bedrooms or suites, and meal/beverage service shall be provided for registered guests only.

3. Separate/additional kitchens for guests are not allowed.

4. A bed and breakfast within a residential zoning district shall not be used for private parties, receptions, or similar activities, unless the activities are specifically authorized by the Conditional Use Permit approval for the bed and breakfast inn.

B. **Site Maintenance.** A manager shall be present on the site at all times.

9-2C-6 **BUILDING MATERIAL, GARDEN EQUIPMENT AND SUPPLIES:**

A. **Other Regulations Apply.** Outdoor storage areas for materials (excluding growing plants in-ground or in-containers), and mechanical equipment shall comply with the regulations as set forth in Section xx OUTDOOR STORAGE DISPLAY AND STORAGE of this Title.

9-2C-7 **CHURCH OR PLACE OF RELIGIOUS WORSHIP:**

A. **Setbacks.** In the residential zoning districts, the interior side setback shall be a minimum of fifteen (15) feet and the rear setback shall be a minimum of twenty-five (25) feet. The front setback shall be the same as that required for an allowed use.

B. **Accessory uses**:

1. Schools, child day care services, meeting facilities for clubs and organizations, and other similar uses not operated primarily for the purpose of religious

instruction, worship, government of the church, or the fellowship of its congregation may be permitted to the extent the use is otherwise permitted in the district.

2. Accessory uses associated with a church or place of religious worship located in a residential district may only operate between the hours of 6:00 am and 9:00 PM.

9-2C-8 **CLUB:**

A. **Setbacks.** No outdoor activity area associated with the use shall be located within fifty (50) feet of any property line.

B. **Accessory uses.** The sale and or distribution of beer and wine shall be allowed as an accessory use.

9-2C-9 **COMMERCIAL ENTERTAINMENT FACILITIES:**

A. **Setbacks.** If the use involves the sale of alcoholic beverages, the use shall not be located within one thousand feet (1,000') of a property used for a church or school.

B. **Limitations**. No outside activity or event shall be allowed on the site, except as allowed through a conditional use permit that takes into account the public health and welfare, the interests of adjoining property owners, noise, traffic and vehicular and pedestrian safety

C. **Other Regulations Apply**.

1. The use shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.

2. The use shall comply with the licensing requirements as set forth in Title 3 BUSINESS AND LICENSING REGULATIONS of this Code.

9-2C-10 **DAY CARE FACILITY:**

A. **Determining the type of facility.** In determining the type of day care facility, the total number of individuals cared for during the day and not the number of individuals at the facility at one time, is the determining factor. The operator's children are excluded from the number.

B. **Access and Parking**: On-site vehicle pickup, parking and turnaround areas shall be provided to ensure safe discharge and pickup of clients.

C. **Limitations**. In residential districts or uses adjoining an adjacent residence, the hours of operation shall be between 6:00 a.m. to 9:00 p.m.

D. **Additional standards for day care facilities that serve children**:

1. All outdoor play areas shall be completely enclosed by minimum six foot (6') fence to secure against exit/entry by small children and to screen abutting properties.

2. Outdoor play equipment over six feet high, (6') shall not be located in a front yard or within any required yard.

3. Outdoor play areas in residential districts adjacent to an existing residence shall not be used after dusk.

4. The use shall comply with the licensing requirements as set forth in Title 3 BUSINESS AND LICENSING REGULATIONS of this Code.

9-2C-11 **DRINKING ESTABLISHMENT:**

A. **Setbacks.** The drinking establishment shall not be located within one thousand feet (1,000') of a property used for a church or school.

B. **Limitations**. No outside activity or event shall be allowed on the site, except as allowed through a conditional use permit that takes into account the public health and welfare, the interests of adjoining property owners, noise, traffic and vehicular and pedestrian safety.

C. **Other Regulations Apply**.

1. The use shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.

2. The use shall comply with the licensing requirements as set forth in Title 3 BUSINESS AND LICENSING REGULATIONS of this Code.

9-2C-12 **DRIVE-THROUGH ESTABLISHMENT:**

~~**Enclosures.** The site shall be enclosed on the property line with landscaping and fencing, except for ingress and egress, to prevent trash, noise and illumination from moving onto other properties;~~

~~A six foot (6') high sight obscuring fence shall be installed and maintained along the property line that adjoins a residential dwelling unit;~~

Comment [MSOffice3]: This is an existing standard, that would prevent the integration of sites. Recommend it be deleted.

Comment [MSOffice4]: Existing provision

A**.** **Setbacks.** A drive-through establishment use shall not be closer than 500 feet from a residence, park; or a school.

B. **Site Layout.**

1. New drive-through facilities shall be oriented toward the side or rear yards and not placed between the street right-of-way and the primary customer entrance. (see Figure XX)

2. A six (6) foot sight obscuring fence shall be provided where a stacking lane or window location adjoins a residential district or an adjacent residence.

3. Adequate trash receptacles shall be provided within an enclosed structure.

4. The direction of night lighting shall be away from any other property.

C. **Access and Parking.** Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:

1. Access to the pedestrian customer shall be provided facing the public right-of-way.

2. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right-of-way by patrons.

3. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking.

4. Any stacking lane greater than 100' in length shall provide for an escape lane.

5. The design and construction of the drive-through facilities shall minimize the number of driveway cuts.

D. **Additional Standards for Drive-through Selling Food or Beverages.** A drive-through establishment for the sale of food or beverages shall not be closer than 1000' from another drive-through establishment for the sale of food or beverages.

Comment [MSOffice5]: New provisions to restrict strip commercial.

9-2C-13 **EQUIPMENT RENTAL, SALES AND SERVICE:**

A. Limitations.

1. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.

2. All equipment repairs shall be limited to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.

3. Damaged or wrecked equipment shall not be stored on-site for purposes other than repair.

4. All equipment shall be parked on-site and not in adjoining streets or alleys.

5. All discarded vehicle parts or equipment, or permanently disabled, dismantled, or junked vehicles shall be removed from the premises within 30 days of arrival.

B. **Site Maintenance.** All paved areas shall be maintained grease-free.

Comment [MSOffice6]: Delhie may have some other standards to include here.

9-2C-14 **FINANCIAL INSTITUTIONS:**

A. Other Regulations Apply.

1. The location, access and safety features of all automated teller machines (ATM) shall be subject to review and approval by the Garden City Police Department, and in accord with the standards set forth in Sections XXX SELF SERVICE USES of this Title.

2. The use as a pawnshop shall comply with the licensing requirements as set forth in Title 3 BUSINESS AND LICENSING REGULATIONS of this Code.

9-2C-15 **FOOD PRODUCTS PROCESSING:**

A. **Setbacks:**

1. All structures, loading areas, outdoor activity areas, exclusive of parking shall be located a minimum of five hundred feet (500') from any abutting residential districts.

2. Uses shall be located a minimum of one thousand feet (1,000') from any hospital.

B. **Limitations**. No outside activity or event shall be allowed on the site, except as allowed through a conditional use permit that takes into account the public health and welfare, the interests of adjoining property owners, odor, noise, traffic and vehicular and pedestrian safety.

C. **Other Regulations Apply.** The operator shall have a continuing obligation to comply with all city, county and state regulations relative to such an operation.

9-2C-16 **FUEL SALES:**

A. **Minimum Lot Area.** The lot area shall be at least 15,000 square feet, with a minimum of 125 feet of frontage on a public street. This requirement shall not apply to the remodeling or expansion of a preexisting uses.

B. **Setbacks.** The use shall be located at least five hundred feet (500') from a residential zone, a residence, or lodging.

C. **Site Layout.**

1. Air, water, telephone, and vending machines shall be located in an area that does not impede vehicular traffic.

2. All restroom entrances shall be screened from view from adjacent properties or street rights-of-way.

Comment [MSOffice7]: Check with Police.

3. The total height of any overhead canopy or weather protection device shall not exceed twenty feet (20').

D. **Access and Parking.**

1. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right-of-way by patrons.

2. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking.

E. **Site Maintenance.** All paved areas shall be maintained grease-free.

F. **Accessory Use**.

1. Mobile recycling trucks, emission control trucks and temporary, nonpermanent structures may not be located on fuel sales facility site through approval of a Conditional Use Permit.

2. When fuel sales are allowed as an accessory use, the fuel sales facilities shall not occupy more than twenty-five percent (25%) of the subject property.

G. **Other Regulations Apply.**

1. If the use is unattended, the standards as set forth in Section XXX SELF SERVICE USES of this Title shall also apply.

2. Installation of underground fuel tanks shall require written approval from the Idaho Division of Environmental Quality, Idaho Department of Water Resources, and the Fire Authority.

9-2C-17 **HOME OCCUPATIONS:**

A. **Maximum Size**.

1. A home occupation use shall be conducted entirely within a structure and shall occupy no more twenty-five (25) percent of the gross floor area of the residential structure. The maximum floor area calculation shall include on-site storage areas, and any portion of the home occupation that is located within an accessory structure.

2. The floor area maximum can be exceeded if the storage area is located off-site.

3. The area devoted to home occupation shall not occupy an area required for residential parking.

B. **Site Layout.**

1. There shall be no alteration to the residential character of the premises as a result of the home occupation use.

2. The existence of a home occupation use shall not be apparent beyond the boundaries of the subject site.

3. No outdoor storage or display of equipment, appliances, materials, or supplies shall be allowed.

4. Only One (1) sign not exceeding four (4) square feet in area, non-illuminated and mounted flat against the building shall be allowed.

C. **Limitations.**

1. There shall be no items sold in the home occupations other than products crafted on the premises. Items manufactured off-site may be sold through mail order or through the internet as long as the home occupation use (including storage area) does not exceed 500 square feet of floor area.

2. No equipment or process shall be used in a home occupation, which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

3. Guns and ammunition shall not be sold as part of a home occupation except that a home occupation for a gunsmith or firearms collector licensed by the Bureau of Alcohol, Tobacco, and Firearms as a gunsmith or firearm collector is allowed.

Comment [MSOffice8]: Police review.

4. The home occupation shall not serve as a headquarters or main office where employees come to the site and are dispatched to other locations.

5. Only a resident of the dwelling unit and one other person other than a family member shall be employed in the operation of home occupation use.

6. The home occupation shall not involve the use of more than one (1) commercial vehicle.

7. A home occupation use shall not allow any clients or customers without prior appointments.

8. Client/customer appointments are limited to the hours of 7 A.M. to 10 A.M., Monday through Friday.

9-2C-18 **HOSPITAL:**

A. **Setback**. No hospital shall be located within 1,000 feet of the following uses: explosive manufacturing or storage, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, food product storage and processing plant.

B. **Access**. If the hospital provides emergency care, the location shall have direct access on an arterial street.

C. **Accessory Uses.** Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve patrons of the hospital and their visitors only.

9-2C-19 **INDUSTRY:**

A. **Setback.**

1. All mechanical equipment emissions; shipping and/or delivery; or other outdoor activity areas shall be located a minimum of five hundred feet (500') from any abutting residential districts.

2. Any use involving explosive manufacturing or storage, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, food product storage and processing plant shall be located a minimum of 1,000 feet from a hospital.

B. **Limitations.** The following adverse effects shall be mitigated through setbacks, buffers, sound attenuation and/or hours of operation:

1. Noise, odor, or vibrations; or direct or reflected glare; detectable by the human senses without the aid of instruments.

2. Radioactivity and electric or electromagnetic disturbances which unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties.

3. Any other emission or radiation which endangers human health, results in damages to vegetation or property or which exceed health and safety standards.

C. **Other Regulations Apply.** A use in this category may require approval from the Environmental Protection Agency, the U. S. Department of Agriculture, Central District Health Department, the Ada County Air Quality Board and Idaho Department of Water Resources.

9-2C-20 **KENNEL:**

A. **Minimum Site Area.**

1. The minimum site area for up to three (3) dogs shall be and 22,000 square feet.

2. An appropriate increase in the area requirement shall be allowed as determined by the Garden City animal control officer for any number of dogs greater than three (3).

B. **Setback.** A minimum of one hundred fifty feet (150') of distance shall be required to be maintained from the kennel facility to any residence or lodging not on the property.

C. **Site Maintenance.**

1. Adequate shelter shall be required for the number of dogs to be kept, including adequate means of restraining such dogs from running at large.

2. The property shall be maintained with adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.

D. **Other Regulations Apply.** The operator shall have a continuing obligation to comply with all city, county and state regulations relative to such an operation.

9-2C-21 **LAUNDROMAT:**

A. **Limitations**. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. in the Mixed Use Residential (MU-R) and Mixed Use Commercial (MU-C) Districts.

B. **Other Regulations Apply**. If unattended, the use shall meet the requirements of Section xx SELF-SERVICE USES of this Title.

9-2C-22 **LODGING:**

A. **Minimum Lot Size.** The minimum lot size for lodging uses shall be 30,000 square feet.

B. **Limitations.**

1. A maximum of sixty (60) percent of the lodging may contain a kitchen.

2. Lodging guest rooms shall not be provided on less than a daily basis.

9-2C-23 **NURSERY:**

A. **Minimum Lot size.** The minimum lot size for a nursery or urban farm shall be 15,000 square feet.

B. **Site Maintenance.**

3. The site shall be returned to a clean condition after the termination of the selling season, including free of debris and garbage.

4. Unsold food products, trees, greens, or debris generated by the use shall be properly disposed off the site.

5. All surfaces used for parking on the site shall be constructed with paving, vegetative cover or of dustless material.

9-2C-24 **NURSING AND RESIDENTIAL CARE FACILITIES:**

A. **Limitations.** If the use results in more than ten (10) persons occupying a dwelling at any one time, the applicant or owner shall concurrently apply for a change of occupancy as required by Title 7 BUILDING REGULATIONS of the Garden City Code.

B. **Additional Standards for Uses Providing Care to Children and Juveniles under the Age of Eighteen (18) Years:**

1. All outdoor play areas shall be completely enclosed by minimum six foot (6') non-scalable fence to secure against exit/entry by small children and to screen abutting properties.

2. Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard.

3. Outdoor play areas in residential districts or uses adjacent to an existing residence shall not be used after dusk.

C. **Additional Standards for Uses Providing Care to Patients Who Suffer from Conditions that May Cause Disorientation.** A barrier with a minimum height of six feet (6'), along the perimeter of any portion of the site that is accessible to these patients shall be provided.

Comment [MSOffice9]: Police suggest anything else? Register with them?

D. **Other Regulations Apply**. The owner and/or operator of the facility shall secure and maintain a license from the State of Idaho Department of Health and Welfare—Facility Standards Division

9-2C-25 **PERSONAL AND PROFESSIONAL SERVICES:**

A. **Other Regulations Apply**. A use that is a private security, escort service or massage service shall comply with the licensing requirements as set forth in Title 3 BUSINESS AND LICENSING REGULATIONS of this Code.

9-2C-26 **RECREATIONAL VEHICLE PARK:**

A. **Minimum Area Requirements.**

1. The minimum site area for a recreational vehicle park shall be three (3) acres.

2. A recreational vehicle space shall have an area of not less than 700 square feet exclusive of driveways and common areas

B. **Setbacks**

1. The location all RV sites shall meet the setback of the base zoning district.

2. No outdoor activity area associated with the use shall be located within fifty (50) feet of any property line.

C. **Site Layout.**

1. The site layout shall reflect the requirements of the Health and Fire Authorities with respect to water supply, sewage disposal, fire hydrants, sanitary facilities, building location, street layout and park design.

2. Roadways shall have a minimum width of thirty (30) feet or a minimum width of twenty (20) feet where parking is not permitted and an equal amount of off road parking is provided. Roadways shall be paved.

3. Each RV space shall have at least one ten (10) by twenty (20) foot parking space exclusive of the RV itself. Parking and driveway areas shall be paved.

4. Outdoor lighting shall be provided. Lighting shall be oriented to prevent direct illumination onto abutting property.

5. The park shall be screened on all sides by a sight obscuring planting screen, fence or combination thereof.

6. One waste disposal dump station shall be provided for each one hundred (100) sites, or part thereof. All sewer and water lines shall be first approved by the City Engineer.

7. Trash receptacles shall be provided at a rate of thirty (30) gallons of refuse capacity for each two spaces or equivalent.

8. Each RV space shall be provided with electrical service.

D. **Limitations.** No space shall be lease out for more than fourteen (14) days to the same individual.

E. **Site Maintenance.** A manager shall be present on the site at all times.

9-2C-27 **RECREATIONAL VEHICLE DEALER:**

A. **Minimum Lot Size.** The minimum lot size for a recreational vehicle dealer shall be 30,000 square feet.

B. **Accessory Use.**

1. Vehicle repair may be allowed as an accessory use, subject to the standards for VEHICLE REPAIR.

2. Vehicle repair shall be limited to forty (40) percent of the gross floor area of enclosed space.

9-2C-28 **SCHOOL:**

A. **Setbacks.** In the residential zoning districts, the interior side setback shall be a minimum of fifteen (15) feet and the rear setback shall be a minimum of twenty-five (25) feet. The front setback shall be the same as that required for an allowed use.

B. **Site Layout.**

1. In residential zoning districts, a minimum of 125 square feet of outdoor play area shall be provided for each child enrolled.

2. In nonresidential zoning districts, a minimum of 75 square feet of outdoor play area shall be provided for each child enrolled.

3. No outdoor play area shall be located within a required front or corner side setback or within 25 feet of a residential use.

4. Portable classrooms shall not be located in the front yard of the principal school structure or located in any required setback.

C. **Access and Parking.** On-site vehicle pickup, parking and turnaround areas shall be provided to ensure safe discharge and pickup of students.

D. **Accessory uses**. Accessory uses including, but not limited to, day care facilities, special events, community services, social services, meeting facilities for clubs and organizations, and school administration may be allowed.

E. **Additional Standards for Private Schools**. Written documentation that the facility meets the minimum site area guidelines as established by the Idaho State Department of Education shall be provided.

F. **Additional Standards for Vocational or Trade Schools**.

1. A school involving the instruction of truck driving, heavy equipment operation or any other vocation involving noise generating instruction shall not be allowed in a residential district.

2. Written documentation that the school will have major curriculum relating to technological industrial research and processes shall be provided.

9-2C-29 **SEXUALLY ORIENTED BUSINESSES:**

A. **Setbacks.**

1. The use shall be located at least two thousand five hundred feet (2,500') from any school, child daycare, church or place of religious worship.

2. The use shall also be located at least one thousand five hundred (1,500) feet from any of the following: (a) Another adult oriented business; (b) any boys' club, girls' club, or similar existing youth organizations; (c) a public park; (d) a public building; (e) a school bus stop; or (f) any property zoned for residential use or in use as residential property.

3. Said distances shall be measured in a straight line without regard to intervening structures from the nearest entrance of the sexually oriented business to the nearest property line or boundary line, or school bus stop.

B. **Signs.**

1. Signs for the use shall not contain any emphasis, either by movement, picture, or otherwise, on matter relating to the sexually oriented business.

2. A legible door sign stating “Persons less than 18 years of age not permitted” shall be installed and maintained at each entrance to the business. The sign shall be no less than 0.5 square feet and no greater than on (1) square foot in area.

9-2C-30 **SHOPS FOR BUILDING CONTRACTORS:**

A. **Site Layout.** No structure, facility, drive lane, parking area, or loading area shall be located adjacent to a residential district without a sound attenuation wall.

B. **Parking and Access**.

1. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

2. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.

C. **Limitations.** The site shall not be used as VEHICLE WRECKING OR JUNK YARD as herein defined.

D. **Site Maintenance.**

1. All outdoor storage of materials or vehicles shall be maintained in an orderly manner so as not to create a public nuisance.

2. Materials or vehicles shall not be stored within the required yards.

3. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

E. **Other Standards Apply**. Outdoor storage areas shall comply with Section xx OUTDOOR STORAGE of this Title.

9-2C-31 **STORAGE FACILITY OR YARD:**

A. **Site Layout.**

1. The distance between structures shall be a minimum of twenty-five feet (25’).

2. The storage facility shall be completely fenced, walled, or enclosed and screened from public view. Where abutting a residential district or public road, chain link shall not be allowed as fencing material.

Comment [MSOffice10]: Maybe also allow landscaping??

3. No structure, facility, drive lane, parking area, or loading area shall be located adjacent to a residential district without a sound attenuation wall.

B. **Parking and Access**.

3. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

4. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.

C. **Limitations.**

1. Storage units, facility areas or vehicles shall not be used as dwellings or as a commercial or industrial place of business.

2. The site shall not be used as VEHICLE WRECKING OR JUNK YARD as herein defined.

D **Site Maintenance.**

1. All outdoor storage of materials or vehicles shall be maintained in an orderly manner so as not to create a public nuisance.

2. Materials or vehicles shall not be stored within the required yards.

3. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

E. **Additional Standards for Storage Facility, Self Service:**

3. The manufacture or sale of any item by a tenant from or at a self-service storage facility is specifically prohibited.

4. On site auctions of unclaimed items by the storage facility owners shall be allowed as a temporary use in accord with the Section XX TEMPORARY USE of this Title.

5. If abutting a residential district, the facility hours of public operation shall be limited to 6:00 a.m. to 11:00 p.m.

6. If the use is unattended, the standards as set forth in Section XXX SELF SERVICE USES of this Title shall also apply, or require on-site manager at all times

Comment [MSOffice11]: An alternative provision.

F. **Additional Standard for Storage Yard, Commercial Recreation Vehicle.** Storage shall be limited to operable recreational vehicles only.

G. **Additional Standards for Storage Yard, Residential Recreation Vehicle.**

1. Recreational vehicle storage facilities shall be approved only as an accessory use to a platted subdivision and/or approved planned unit development.

2. Storage shall be limited to vehicles only and shall not include heavy equipment.

H. **Additional Standard for Storage Yard, as an Accessory Use.** Outside storage of materials for commercial or industrial uses shall be limited to those items owned or used by the business.

I. **Additional Standard for Storage Yard, Vehicle Impound.** All uses shall be licensed by the City.

Comment [MSOffice12]: ??

9-2C-32 **TEMPORARY USES:**

A. **Setbacks.** Structures and/or the display of merchandise shall comply with the setback requirements of the district within which it is located.

B. **Site Layout.**

1. Temporary structures and merchandise shall be displayed so as not to interfere with the clear vision triangle. In no case shall items be displayed, or business conducted within the public right-of-way, unless otherwise authorized by the Transportation Authority.

2. Compressors, fans, pumps, and other motorized equipment shall be located or shielded to reduce noise levels to adjoining properties.

3. Except for the construction of an office for model home sales, a maximum of one (1) structure shall be allowed and may cover a maximum of 500 square feet.

4. If a private sidewalk or pedestrian way in front of the building is used for the temporary use, a minimum width of four (4) feet shall remain unobstructed for pedestrian use.

C. **Parking and access:**

1. Adequate off-street parking shall be provided to serve the use.

2. The use shall not displace the required off-street parking spaces or loading areas of the permitted uses on the site.

3. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

4. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.

D. **Limitations**:

1. Except for the construction of an office for model home sales, the use shall not result in the construction of any permanent structures that would not otherwise be permitted subject to the regulations of this Title.

2. Any temporary structures shall be portable and completely removed at the end of the allowed time period.

3. Except as otherwise defined in this section, a temporary use is allowed for a specified period not exceeding twelve (12) months from the date of issuance of a temporary use permit.

4. For seasonal stands or events, the temporary use permit shall specify a beginning and end date.

E. **Site Maintenance:**

1. The site shall be returned to a clean condition after the termination of the use, including free of debris and garbage.

2. Unsold food products, trees, greens, or debris generated by the use shall be properly disposed off the site.

F **Additional Standards for Firework Stands:**

1. The use shall be prohibited in residential districts.

2. Other Standards apply:

   a. The applicant or owner shall obtain written approval of the Fire Authority and Garden City Police Department.

   b. Dates of the fireworks sales shall comply with Idaho Code §39-2606.

Comment [MSOffice13]: Police want to know?

G. **Additional Standards for Model Home Sales and Construction Office:**

1. The sales office shall be located on a lot within a subdivision or planned unit development.

2. The sales shall be limited to the sale of lots and/or dwellings within the development.

3. When required, the applicant or owner shall obtain a building permit to convert the sales office to a dwelling or shall remove the sales office within 30 days of the sale or rent of the final lot or space.

4. Temporary buildings, construction trailers, equipment and materials may be permitted in any district during the period construction work is in progress. Such temporary facilities or equipment shall be removed within 60 days of completion of the construction work.

H. **Additional Standards for Seasonal Sale of Agricultural and Food Products:** Such sales are limited to a period of time not to exceed two (2) consecutive months for pumpkin and Christmas tree sales, and four (4)

consecutive months per calendar year for other uses. Christmas tree lots shall be removed by the 1st day of January.

I. **Additional Standards for Arts, Entertainment or Recreation Event:**

1. Events, such as festivals, carnivals, circuses, fairs, and amusement rides may be allowed in any non-residential district for a period not to exceed two (2) weeks within any ninety (90) day period.

2. The Garden City Police Department shall approve the location and access for any use in this category.

Comment [MSOffice14]: Do they care?

J. **Additional Standards for Vendors not associated with an Arts, Entertainment or Recreation Event:**

1. The applicant shall provide notarized consent of the property owner.

2. The use shall be prohibited in Residential Districts.

3. Signs shall only be allowed on the vending units and shall not exceed sixteen (16) square feet in area.

4. No direct sales to customers in vehicles shall be allowed.

K. **Other Standards apply.**

1. All signs erected in association with the use shall be in compliance with the regulations for signs as set forth in Chapter xx SIGNS of this Title.

2. All outdoor display of merchandise shall be incompliance with the standard set for the in Chapter xx SEASONAL DISPLAY OF MERCHANDISE of this Title.

3. A building permit for temporary structures may be required as set forth in Chapter 8 BUILDING REGULATIONS of this Code.

9-2C-33 **TERMINAL YARD, TRUCKING:**

A. **Minimum Lot size.** The use shall have a minimum lot size of 30,000 square feet.

B. **Setback.**

1. The use shall be located a minimum of one thousand feet (1,000') from any hospital.

2. No outdoor activity area shall be located within five hundred feet (500') from any residential district.

C. **Access.** The use shall be located with direct access on a principal arterial or state highway and with no access through residential streets.

D. **Accessory Uses.** Accessory uses are allowed through approval of a conditional use permit that have a direct relationship to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.

E. **Other Standards Apply.** Installation of underground fuel tanks shall require written approval from the Idaho Division of Environmental Quality, Idaho Department of Water Resources, and the Fire Authority.

9-2C-34 **VEHICLE REPAIR and VEHICLE BODY SHOP:**

A. **Minimum Lot size.** The use shall have a minimum lot size of 15,000 square feet.

B. **Site Layout.**

1. All hydraulic hoists and pits, and all equipment for greasing, lubrication, and allowed repairs shall be enclosed entirely within a structure.

2. All parts, inventory and vehicles waiting to be repaired shall be kept inside an entirely enclosed building or hidden behind a solid sight obscuring fence or other visual barrier as set forth in section XX STORAGE YARD of this title.

3. All new structures constructed for vehicle/equipment repair shall be constructed so that the entrances to individual workstation/service bays do not face abutting residential parcels or the public rights-of-way.

4. Tires taken in on trade that have no more than salvage value shall be stored in a solid wall enclosure.

C. **Limitations.**

1. No servicing of trucks in excess of one and one-half ton capacity or industrial equipment of any type or character shall be allowed in the C or MU-C district without a conditional use permit.

2. All vehicle/equipment repair uses and related activities shall be limited to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.

3. Damaged or wrecked vehicles shall not be stored on-site for purposes other than repair.

4. All vehicles that are repaired and are waiting to be picked up by the owner of the vehicle shall be parked on-site and not in adjoining streets or alleys.

5. All discarded vehicle parts or equipment, or permanently disabled, dismantled, or junked vehicles shall be removed from the premises within 30 days of arrival.

D. Site Maintenance. All paved areas shall be maintained grease-free.

Comment [MSOffice15]: Delhie may have some other standards to include here.

9-2C-35 **VEHICLE SALES AND RENTAL:**

A. **Minimum Site size.** The use shall have a minimum lot size of 30,000 square feet.

B. **Accessory use**

1. Vehicle repair may be allowed as an accessory use, subject to the standards for VEHICLE REPAIR.

2. Vehicle repair shall be limited to forty (40) percent of the gross floor area of enclosed space.

9-2C-36 **VEHICLE WASHING FACILITY:**

A. **Access and Parking.** Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:

1. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right-of-way by patrons;

2. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking;

3. The stacking lane shall not be located within ten feet (10') of any residential district or existing residence; and

4. Any stacking lane greater than 100' in length shall provide for an escape lane.

5. The design and construction of the drive-through facilities shall minimize the number of driveway cuts

B. **Limitations.** Any use that is not fully enclosed shall be located a minimum five hundred feet (500') from any abutting residential district, and shall be limited in operating hours from 6:00 a.m. to 11:00 p.m.

C. **Other Regulations Apply**. If unattended, the use shall meet the requirements of Section xx self-service uses of this Title.

9-2C-37 **WAREHOUSE, STORAGE AND WHOLESALE:**

A. **Limitations.** Outside activity areas shall be located a minimum of three hundred feet (300') from any property line adjoining a residence or a residential district.

B. **Accessory uses.** The use may include accessory office uses not to exceed twenty five percent (25%) and retail sales not to exceed ten percent (10%) of the gross floor area of the use.

9-2C-38 **WIRELESS COMMUNICATION FACILITY:**

A. **Setback.** A wireless communication facility shall not be located closer than five thousand two hundred eighty feet (5,280') (1 mile) from an existing wireless communication facility.

Table 8-2B-1 **ALLOWED USES IN ALL BASE ZONING DISTRICTS**

	R-1	R-2	R-3	R-20	C	LI	MU-R	MU-C
Agriculture	P							
Amusement Centers					P	C	C	P
Animal Care Facility	C				P	P	C	P
Artist Studio					P	P	P	P
Bed And Breakfast		C	C	C	P		P	P
Bicycle Sales Service, Storage, Rental					P	P	P	P
Building Material, Garden And Equipment					C	C		C
Church Or Place Of Religious Worship		C	C	C	C	C	C	C
Club					C			C
Commercial Entertainment Facilities					C			C
Day Care, Center					C	C	C	C
Day Care, Neighborhood	C	C	C	C			C	
Day Care, Personal	P	P	P	P			P	
Drinking Establishment, full service					C	C	C	C
Drinking Establishment, limited service					P	C	C	P
Drive Through Establishment					C	C		
Dry Cleaning Establishment				C	P	P	P	P
Dwelling Unit, Group			C	P			P	P
Dwelling Unit, Multiple Family			P	P			P	P
Dwelling Unit, Single Family Attached	P	P	P	P	C		P	P
Dwelling Unit, Single Family Detached		P	P	P	C		P	P
Dwelling Unit, Two-Family		P	P	P	C		P	P
Eating Establishment, full service				C	C	C	C	C
Eating Establishments, limited service				C	P	P	C	P
Equipment Rental, sales and services					C	P		C
Exceptional Use	C	C	C	C	C	C	C	C

	R-1	R-2	R-3	R-20	C	LI	MU-R	MU-C
Financial Institutions					P	P	P	P
Food Products Storage and Processing					C	C		
Food Store					P			C
Fuel Sales Facility					C	C		C
Fuel Yard					C	C		
Health Care And Social Services					P	P	P	P
Home Occupation	P	P	P	P	P		P	P
Hospital					C			C
Industrial, Craftsman					P	P	P	P
Industrial, Heavy						C		
Industry, Information					P	P	P	P
Industry, Light					C	P		
Kennel	C	C	C	C		C	C	C
Laboratory - Medical, Dental, Optical					P	P	C	P
Laundromat, Self-Service Cleaner					P	P	P	P
Laundry and Dry Cleaning, Commercial Plant					P	P		C
Lodging					C		C	C
Mobile Home Park		C	C	C			C	
Mortuary					C			P
Motorcycle Sales, Service, Storage, Rental					P	C		C
Nursery Or Urban Farm	P				P	C	C	P
Nursing And Residential Care		C	C	C	C		C	C
Parking Facility					C	C	C	C
Personal And Professional Services					P	P	P	P
Public Service Facility					C	C		C
Public Uses					C	C		C
Recreational Vehicle Dealer					C			
Recreational Vehicle Park					C			C
Retail Store					P	C	P	P
School		C	C	C	C	C	C	C

	R-1	R-2	R-3	R-20	C	LI	MU-R	MU-C
Sexually Oriented Businesses					C			
Shop For Building Contractor					P	P		C
Storage Facility, self-service					P	C		
Storage Yard						C		C
Storage Yard, Commercial Recreational Vehicle					C	C		
Storage Yard, Residential Recreational Vehicle	C	C	C	C			C	
Storage, Vehicle Impound Yard						P		C
Temporary Use	P	P	P	P	P		P	P
Terminal Yard, Trucking					C	P		C
Vehicle Body Shop					P	P		C
Vehicle Sales and Rental					P	C		C
Vehicle Service					P	P	C	C
Vehicle Washing Facility					P	C		
Vehicle Wrecking						C		
Warehouse And Storage, Wholesale					C	C	C	C
Wireless Communication Facility					C	C		

Comment [MSOffice16]: Should vehicle wrecking be allowed?

CENTRAL DISTRICT HEALTH DEPARTMENT

Environmental Health Division

Return to:
- ☐ ACZ
- ☐ Boise
- ☐ Eagle
- ☑ Garden City
- ☐ Kuna
- ☐ Meridian
- ☐ Star

Rezone # CPA FY2016-1

Conditional Use #

Preliminary / Final / Short Plat

Garden City

☑ 1. We have No Objections to this Proposal.

☐ 2. We recommend Denial of this Proposal.

☐ 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.

☐ 4. We will require more data concerning soil conditions on this Proposal before we can comment.

☐ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
- ☐ high seasonal ground water
- ☐ waste flow characteristics
- ☐ bedrock from original grade
- ☐ other _____

☐ 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.

☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.

☐ 8. After written approval from appropriate entities are submitted, we can approve this proposal for:
- ☐ central sewage
- ☐ community sewage system
- ☐ community water well
- ☐ interim sewage
- ☐ central water
- ☐ individual sewage
- ☐ individual water

☐ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
- ☐ central sewage
- ☐ community sewage system
- ☐ community water
- ☐ sewage dry lines
- ☐ central water

☐ 10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.

☐ 11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.

☐ 12. We will require plans be submitted for a plan review for any:
- ☐ food establishment
- ☐ swimming pools or spas
- ☐ child care center
- ☐ beverage establishment
- ☐ grocery store

☐ 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

☐ 14. _____

Reviewed By: Ron Boozer

Date: 7/27/16

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028
Boise, ID 83707-2028

(208) 334-8300
itd.idaho.gov

July 20, 2016

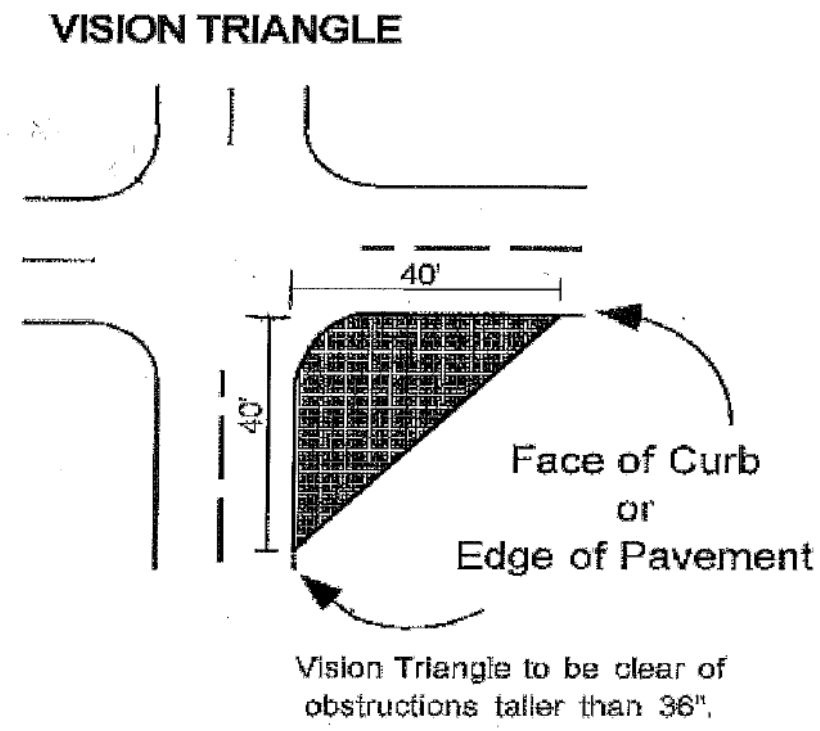
Mr. Jeff Lowe
Garden City Development Service Division
City of Garden City
6015 Glenwood Street
Garden City, Idaho 83714

VIA EMAIL

RE: CPAFY2016-1 ENTERPISE CAR RENTAL (MRAZ)

The Idaho Transportation Department (ITD) has reviewed the referenced application for code change by Enterprise Car Rental (Matt Mraz) located at 4960 West Chinden Boulevard, north of SH-20/26. ITD has the following comments:

1. ITD has no objection to the proposed code change.
2. No new approaches on SH-20/26 are requested or approved for this application.
3. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway system.
4. Any work within the State right-of-way will require a permit before any work commences. The applicant may contact Shona Tonkin to apply for this permit.
5. The applicant needs to be informed that the existing shoulder is for drainage of the State Highway. Any work within the State right-of-way will need to address any drainage issues.
6. Section 49-221 of the Idaho Code restricts the placement of any hedge, shrubbery, fence, wall, or other sight obstructions of any nature where they constitute a traffic hazard at the intersection of roads with other roads, private alleys, bike or pedestrian paths when they are within the “vision triangle” of vehicle operators. The boundaries of the “vision triangle” are defined as follows:
    a. By extending perpendicular lines along the face of curb from their point of intersection 40 feet in either direction; and
    b. By a height between 3 feet and 10 feet above the existing centerline highway elevation.



7. Irrigation systems shall be no closer than 5 feet from the pavement edge and shall be adjusted so as not to cause water to cover any portion of the highway pavement.
8. No rocks over 4 inches maximum size will be allowed in the ITD Right-of-Way.
9. Provisions shall be established for the responsibility of future maintenance of any landscaping within ITD Right-of-Way.
10. No trees are allowed within ITD Right-of-Way. Only planting of forage, plants, grasses, flowers, and shrubs with a mature height not to exceed 3 feet at full growth will be allowed.

If you have any questions, you may contact Shona Tonkin at 334-8341 or me at 332-7190.

Sincerely,

Ken Couch
Development Services Coordinator
Ken.Couch@itd.idaho.gov

Michael G. Irvan
Commissioner/
Administrative Chief

Margaret Dimmick
Commissioner

Jeff Ramey
Commissioner

Shelley Young
Administrative
Manager

NORTH ADA COUNTY

August 3, 2016

Garden City Development Services - Planning

Re: Comprehensive Plan Amendment CPA2016-1

This application is to change a code change to 8-2C-43 to reduce the minimum site area for a vehicle sales and rental from 30,000 square feet to 25,000 square feet.

The North Ada County Fire & Rescue has reviewed the application and has no objections to the proposed amendment.

Regards,

Ron Johnson
Division Chief – Assistant Fire Marshal
Boise Fire Department

5800 Glenwood • Garden City, Idaho 83714 • (208) 375-0906

From: Troy Vaughn
To: Jenah Thornborrow; Erika Akin; building
Subject: RE: Garden City Agency Notice
Date: Monday, July 18, 2016 3:57:27 PM

No concerns from me at this time.
Thanks,

From: planning
Sent: Monday, July 18, 2016 2:56 PM
To: Deanna@idahosmartgrowth.org; Colin Schmidt; Kevin Wallis; Lindsey Pettyjohn; Troy Vaughn; Chas Heaton; City Council; Charles Wadams; Frank Walker; Rick Allen; Abe Blount; Adam Straubinger; bob_kibler@fws.gov; bpietras@idl.idaho.gov; S. Bryce Farris; carla.bernardi@cableone.biz; clittle@achdidaho.org; cmiller@compassidaho.org; cnitz@adaweb.net; criddle@cityofboise.org; Danielle Robbins; dgordon@cityofboise.org; Mark Perfect; Eric Exline; fromm.carla@epa.gov; greg.j.martinez@usace.army.mil; idprospect@aol.com; jamie.huff@dhs.gov; Joe Canning_Work; Jim Morrison; Jim Poe; Katy Moeller; Lanette Daw; Lori Badigian ; linda.clark@deq.idaho.gov; lisaharm@msn.com; Lisa Leiby; Mack Myers; mark.wasdahl@itd.idaho.gov; mark@pioneerirrigation.com; mreno@cdhd.idaho.gov; msinglet@intgas.com; Nadine Curtis; New Dry Creek Ron Sedlacek; parks4fun4u@aol.com; Pam Beaumont; Projectmgr@boiseriver.org; Fairview Acres; Ronald Johnson ; rkinney@republicservices.com; Rob Olson; rphillips@idahopower.com; rward@idfg.idaho.gov; sanderst@dhw.idaho.gov; sdouglas@idl.idaho.gov; Shelley Young; syarrington@achdidaho.org; tmcmorrow@spro.net; Tom Patterson; wbsdmb@qwestoffice.net
Subject: Garden City Agency Notice

FROM: Garden City Development Service Department, City of Garden City, (208) 472-2921, 6015 Glenwood, Garden City, ID 83714.

THE FOLLOWING ITEMS WILL BE HEARD AT A PUBLIC HEARING BEFORE THE GARDEN CITY PLANNING AND ZONING AT 6:30 P.M. Wednesday, August 17, 2016, AT GARDEN CITY HALL, 6015 GLENWOOD STREET, GARDEN CITY, IDAHO TO CONSIDER A REQUEST FOR:

THE FOLLOWING ITEM, IN ADDITION TO BEING HEARD AT THE PLANNING AND ZONING COMMISSION MEETING WILL BE HEARD AT A PUBLIC HEARING BEFORE THE GARDEN CITY COUNCIL AT 6:00 P.M. MONDAY, SEPTEMBER 12, 2016, AT GARDEN CITY HALL, 6015 GLENWOOD STREET, GARDEN CITY, IDAHO TO CONSIDER A REQUEST FOR

A. CUPFY2016-8: Tamara Thompson with the Land Group is requesting Conditional Use approval of an improved access to the Boise River. The site is located at 2900 Chinden Blvd, Riverside Hotel, and is within C-1 zoning district and the Live Work Create Comprehensive Plan designation.
Tamara@thelandgroupinc.com

B. CPAFY2016-1: Matt Mraz, is requesting a code change to 8-2C-43 to reduce the minimum site area for a vehicle sales and rental from 30,000 square feet to 25,000 square feet. **Matthew.A.Mraze@SHI.com**

Application materials can be found at http://www.gardencityidaho.org/index.asp?

SEC=435AAA7D-EB0F-4395-AA73-B9091191194B&DE=C576AE59-A8FC-4AB2-95FE-F4E863151740&Type=B_EV

NOTE: Please send comments to Garden City Development Services by **August 3, 2016**. If you do not respond by this date it will be considered "No Comment".
It is the responsibility of those interested and/or affected jurisdictions to schedule their own applicable meeting. In some cases, Garden City's applications are processed before other jurisdictions' response, and the conditions of approval state that the approval is subject to statutory requirements of affected other jurisdictions. Please address your comments to the applicant as well as Development Services Department planning@gardencityidaho.org or Development Services Department, 6015 Glenwood, Garden City, Idaho 83714