

Revisions to Title 9

CHAPTER 2

DEFINITIONS

- LOT LINE ADJUSTMENT: A minor movement of a property line(s) between two or more adjacent parcels.
- LOT SPLIT: The division of land, not involving the opening, widening or extension of any street, road or easement of access and does not involve more than four (4) lots, including the remainder of the original tract.
- SUSTAINABILITY: A long term approach to environmental protection and process improvements.
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CHAPTER 5

AMENDMENTS AND RECLASSIFICATION AND ANNEXATION

- 9-5-1: AUTHORITY
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9-5-1: AUTHORITY

The Land Use Code may be amended whenever the city council deems that amendment is required for public convenience, necessity or general welfare. The city council, subject to procedures provided by law, may amend, supplement, change or repeal the regulations, restrictions, and boundaries or classifications of property. (Ord. 38, 11-5-1984; Ord. 23, 5-1981; Ord. 22, 5-1981; Ord. 2008-4)

9-5-2: INITIATION OF AMENDMENTS

- A. Amendments to the comprehensive plan or this Title may be initiated in one of the following ways:
 - 1. The planning and zoning commission makes a recommendation to the city council;
 - 2. The city council adopts a motion by a council member to amend the comprehensive plan or this Title; and

3. A property owner or a person who has an existing interest in property within the city or area of city impact requests a change to the comprehensive plan or this Title by application to the city clerk.
- B. Requests or applications for amendments to the comprehensive plan or this Title received by the city clerk shall be submitted to the planning and zoning commission for review.
- C. Applications shall contain the following information:
 1. Name, address, and phone number of applicant;
 2. Proposed amendment;
 3. Present land use and zoning district;
 4. Proposed land use and zoning district;
 5. A list of all property owners and their mailing addresses who are within three hundred feet (300') of the external boundaries of the land being proposed for land use reclassification;
 6. A statement of why the proposed amendment is requested, how the proposed amendment relates to the comprehensive plan and how the proposed amendment fits the criteria of this Title; and
 7. Further justification if the rezone request is for small and/or single ownership tracts.

9-5-3: PLANNING AND ZONING EVALUATION

The planning and zoning commission, within fifteen (15) days of receiving a request or application, shall evaluate the request or application and determine the extent and nature of the amendment requested.

9-5-4: PLANNING AND ZONING NOTICE AND PUBLIC HEARING

- A. **Public Hearing Required:** The planning and zoning commission, prior to recommending an amendment, reclassification, supplement, or repeal of a comprehensive plan provision or land use regulation, shall conduct at least one public hearing in which interested persons have an opportunity to be heard.
 1. At least fifteen (15) days prior to the hearing, notice of the time and place and summary of the proposed amendment to be discussed shall be published in the official newspaper or paper of general circulation in the area.
 2. The planning and zoning commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement.
 3. Notice shall be provided by mail to property owners or purchasers of record of land being considered for reclassification, and within three hundred feet (300') of the external boundaries of the land being considered.
 4. When notice is required to be given to two hundred (200) or more property owners or residents, an alternative form of procedure of official notice of public hearing for the planning and zoning commission shall be that the public hearing notice shall be published in the official newspaper or newspaper of

general circulation in the area through a display advertisement at least four inches (4") by two (2) columns in size at least fifteen (15) days prior to the public hearing date.

5. Notice shall also be posted on the premises being considered for reclassification not less than one week prior to the hearing.

~~B. Public Hearing Required: The planning and zoning commission, prior to recommending an amendment, supplement, or repeal of a comprehensive plan provision or land use regulation, shall conduct at least one public hearing in which interested persons have an opportunity to be heard.~~

~~C. Procedure For A Zone Change:~~

- ~~1. Notice shall be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred feet (300') of the external boundaries of the land being considered.~~
- ~~2. When notice is required to be given to two hundred (200) or more property owners or residents, an alternative form of procedure of official notice of public hearing for the planning and zoning commission shall be that the public hearing notice shall be published in the official newspaper or newspaper of general circulation in the area through a display advertisement at least four inches (4") by two (2) columns in size at least fifteen (15) days prior to the public hearing date.~~
- ~~3. Notice shall also be posted on the premises not less than one week prior to the hearing.~~

~~D.B.~~ Changes Require Further Notice And Hearing: Following the planning and zoning commission hearing, if the planning and zoning commission makes a material change in the ordinance, other than that published for present hearing, further notice and hearings shall be provided either before the planning and zoning commission or before the city council.

~~E.C.~~ Records Maintained: A record of the hearing, findings made, and actions taken shall be maintained for a period of at least six (6) months.

9-5-5: ANNEXATION

A. Annexation Provisions: Annexation by the city shall follow the general provisions provided by section 50-222 and 50-223 of the Idaho Code and the following provisions under this Chapter.

1. Prior to city council approving an ordinance for annexation, the planning and zoning commission shall hold a public hearing (see 9-5-4).
2. The commission shall receive testimony regarding the annexation, comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed. A zoning district classification of the property is required prior to the public hearing.

~~A. Annexation Provisions: Annexation by the city shall follow the general provisions provided by section 50-222 of the Idaho Code. A zoning district classification of the property is required before public hearing.~~

- ~~1. Notice shall be provided at least fifteen (15) days prior to the public hearing by mail to property owners or purchasers of record within the land being considered for annexation.~~
- ~~2. Notice shall also be provided at least fifteen (15) days prior to the public hearing to property owners or purchasers of record within three hundred feet (300') of the external boundaries of the land being considered for annexation.~~
- ~~3. When notice is required to be given to two hundred (200) or more property owners or residents, an alternative form of procedure of official notice of public hearing for the planning and zoning commission shall be that the public hearing notice be published in the official newspaper or newspaper of general circulation in the area through a display advertisement at least four inches (4") by two (2) columns in size at least fifteen (15) days prior to the public hearing date.~~
- ~~4.3. Notice shall also be posted on the premises not less than one week prior to the hearing.~~

- B. Annexation Agreement: The city attorney, in consultation with city staff, may, but is not required to, draft an annexation agreement to address conditions specific to the annexation request. Following the public hearing, the planning and zoning commission's recommendation to the city council may include suggestions and revisions to the annexation agreement.

9-5-6: RECOMMENDATION TO CITY COUNCIL

- A. No later than two (2) regular meetings from a planning and zoning public hearing, a recommendation shall be submitted to city council. (Ord. 2010-?)
- B. The planning and zoning commission may recommend that the amendment, reclassification, annexation, supplement, provision or regulation request be granted as submitted or it may recommend a modification of the request, or recommend that the request be denied. The planning and zoning commission shall ensure that any recommendation for amendment, reclassification, or annexation is in accordance with the comprehensive plan.

~~No later than four (4) regular meetings from the receipt of the proposed amendment, reclassification, or annexation, the planning and zoning commission shall transmit its recommendation to the city council. The planning and zoning commission may recommend that the amendment, reclassification, or annexation request be granted as submitted or it may recommend a modification of the request, or recommend that the request be denied. The planning and zoning commission shall ensure that any recommendation for amendment, reclassification, or annexation is in accordance with the comprehensive plan.~~

9-5-7: ACTION BY CITY COUNCIL

- A. Public Hearing: Prior to adopting, revising, or rejecting a proposed amendment, reclassification, annexation, supplement, provision or regulation, the city council may conduct at least one public hearing within sixty (60) days of the planning and zoning commission's recommendation. The city council shall use the same notice and hearing procedures used by the planning and zoning commission.

- B. Material Change: If there is a material change from what was presented at public hearing, further notice and hearing shall be provided within sixty (60) days of the planning and zoning commission's recommendation before city council renders a decision.
 - C. Acceptance Of Recommendation: The city council shall accept the recommendation of the planning and zoning commission, unless rejected by majority vote. Such action by the city council shall be taken within forty-five (45) days of the planning and zoning commission recommendation if city council does not conduct a public hearing.
 - D. Amendment Approval: In the event city council shall approve an amendment, reclassification, annexation, supplement, provision or regulation, such change shall be made upon preparation, passage, and publication in the manner required by law.
- ~~A. Public Hearing: Prior to adopting, revising, or rejecting a proposed amendment, reclassification, or annexation, the city council may conduct at least one public hearing within thirty (30) days of the planning and zoning commission's recommendation. The city council shall use the same notice and hearing procedures used by the planning and zoning commission. If there is a material change from what was presented at public hearing, further notice and hearing shall be provided within thirty (30) days of the previous hearing before the city council adopts the proposed amendment, reclassification, or annexation.~~
- ~~B. Acceptance Of Recommendation: The city council shall accept the recommendation of the planning and zoning commission, unless rejected by majority vote. Such action by the city council shall be taken within fifteen (15) days of the planning and zoning commission recommendation if city council does not conduct a public hearing. If city council conducts a public hearing, such action by the city council shall be taken within thirty (30) days following the city council public hearing.~~
- ~~C. Amendment Approval: In the event the city council shall approve an amendment, reclassification, or annexation request, such amendment shall thereafter be made a part of this Title upon preparation, passage, and publication in the manner required by law.~~

9-5-8: RESUBMISSION OF APPLICATION

No application for a land use reclassification of any property that has been denied shall be resubmitted in either substantially the same form or with reference to substantially the same premises for the same purpose within a period of six (6) months from the date of such denial, unless there is an amendment to the comprehensive plan that applies to the specific property under consideration. (Ord. 2008-4)

CHAPTER 10

ARTICLE 6

REGULATIONS

9-10-06-7: ANIMAL REGULATIONS

ANIMAL	DISTRICTS													
	A	TA	R1	R2	R3	MU	CD	C1	C2	C3	BP	M1	M2	OS
Cat	P	P ₃	P ₂	P ₂	P ₁	C	P ₁	P ₁	P ₁			P ₁	P ₁	C
Chickens	P	P _a	A ₅			C								
Cows	P	P _a				C								C
Dog	P	P ₂	P ₂	P ₂	P ₁	C	P ₁	P ₁	P ₁			P ₁	P ₁	C
Goats	P	P _a	A ₁			C								
Horses	P	P _a				C								C
Llamas	P	P _a				C								C
Rabbits	P	P _a	A ₅			C								
Sheep	P	P _a												
Other domestic animals	P	C				C								C
Non-domestic animals _b	C													C
P – PERMITTED	A – ANIMAL PERMIT			C – CONDITIONAL USE				BLANK – NOT PERMITTED						
1, 2 or 3 Maximum number of cats and/or dogs allowed per unit or household.														
A ₅ Maximum number of rabbits or chickens (no roosters). A ₁ Maximum number of goats per ½ acre.														
a Maximum number of animals allowed per acre in a TA district:														
Chickens and/or rabbits		Accumulative total of 25 penned rabbits and/or chickens												
Cows, horses and/or llamas		Accumulative total of 2 cows, horses and/or llamas and their attendant young												
Goats and/or sheep		Accumulative total of 5 goats and/or sheep												
b Non-domestic animals include elk, deer and other wildlife.														
R1 District: Permitted farm animals shall be maintained in buildings or enclosures not less than minimum setbacks as listed under 9-10-4-2.														

CHAPTER 11

ARTICLE 4

PROCEDURE

9-11-04-4: ~~LOT SPLIT~~ ~~FOUR OR LESS LOTS, PARCELS OR SITES~~

A. ~~Conditions Required~~ ~~Lot Split~~: ~~The developer may request that~~ A lot split the subdivision application may be approved using metes and bounds descriptions and without the necessity of recording a final plat when the proposed subdivision has four (4) or less lots, parcels or sites and if the following conditions are met:

~~1. Any required street dedications or street widening involved are properly recorded as part of subdivision approval.~~ There shall be no more than four (4) lots, including the remainder of the original tract.

~~1.~~ All lots access an existing local or minor collector street and there is no opening, widening or extension of any street, road or easement of access.

2. No major special development considerations are involved, such as development in a flood plain, on a hillside, etc.

~~2.~~3. The proposed lot split subdivision is not an obvious part of a larger parcel of land, which may be subdivided, following procedures otherwise set forth in this Title.

~~3.~~4. The proposed lot split subdivision, if approved, will not conflict with the intent of this Title, the Comprehensive Plan, ~~the Zoning Title~~ or other existing regulations.

~~4.~~5. The public interest, including installation of any required offset improvements such as curb and gutter, sidewalk and street surfacing, or water and sewer infrastructure can be properly met if the lot split subdivision is approved.

~~B. Developer Request: The developer may request that the subdivision application be processed as both a preliminary and final plat if all the following exist:~~

~~1. The proposed subdivision does not exceed four (4) lots.~~

~~2. No new street dedication or street widening is involved.~~

~~3. No major special development considerations are involved, such as development in flood plain, hillside, etc.~~

~~4. All required information for both preliminary and final plat is complete and in an acceptable form.~~

~~C.B.~~ Lot Split Subdivision Application: ~~If the developer elects to proceed with the platting process, he shall file~~ A completed lot split subdivision application with required documentation form as prescribed by the planning and zoning commission and eight (8) copies of the ~~and a fee shall be submitted preliminary/final plat with~~ to the administrator.

~~D.C.~~ Review By Agencies: The Administrator shall transmit ~~one copy of the~~ application documents to ~~C~~city departments and agencies for review. If no written reply is received from any of the various departments or interested agencies within ~~fifteen~~thirty (30~~15~~) days from the date of notification, approval of the proposal by such department or agency will be considered granted.

~~E.D.~~ Planning And Zoning Commission Action: The ~~application~~preliminary/final plat shall be placed on the planning and zoning commission agenda for consideration at the next regular meeting. The planning and zoning commission shall approve, approve conditionally or disapprove the plat. Reasons for action shall be specified in writing within thirty (30) days.

~~F.E.~~ City Council Action: At the next regular meeting of the Council, the city council shall act upon the recommendation of the planning and zoning commission within thirty (30) days after the meeting. The city council may approve, approve conditionally or disapprove the recommendation.

1. Approved or Approved Conditionally: A development agreement listing specific conditions shall be approved by the city council.
2. Disapproved: The developer must submit a new proposal to the planning and zoning commission