

# SUBDIVISION ORDINANCE

(REVISION 3 April 2014)



CITY OF ROBERTS  
PO BOX 242  
ROBERTS, ID. 83444  
208-228-3220

# SUBDIVISION ORDINANCE

**Ord. #499**

(Rev. 3 2014)

## CITY OF ROBERTS

PO BOX 242

ROBERTS, IDAHO 83444

208-228-3220

This Ordinance, unchanged from Rev. 2 2011, was reviewed by the Roberts Planning and Zoning Commission. After a public hearing by the Commission, as per Idaho Code 67-6509, on (3/22/2014) the ordinance was forwarded to the City Council for approval. On (4/8/2014) the Subdivision Ordinance was approved as the official Roberts Subdivision Ordinance.

MAYOR:

BJ Robert Berlin

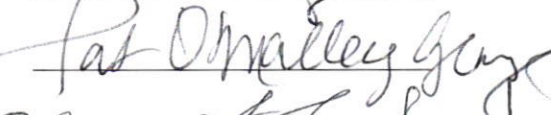


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## **SUBDIVISION ORDINANCE OF THE CITY OF ROBERTS, IDAHO**

BE IT ORDAINED by the Mayor and City Council of the City of Roberts

### **CHAPTER 1. TITLE, PURPOSE, JURISDICTION AND DEFINITIONS**

#### **SECTION 1. SHORT TITLE**

This ordinance shall be cited as the Subdivision Ordinance of the City of Roberts, Idaho in compliance with Idaho Code 67-6513.

#### **SECTION 2. PURPOSE**

The purpose of this ordinance is to protect the public health, safety, and welfare of the residents within the City of Roberts and the negotiated area of City impact by establishing regulations, administrative procedures and a process of review for the subdivision of land within the city limits. These regulations are established to prevent overcrowding of land; to lessen congestion of streets and highways; to provide adequate space, light and air; to provide adequate facilities for water, sewer, parks and recreation areas; sites for schools and other public uses; to provide for proper ingress and egress; and to require the conveyance of land by accurate legal description.

#### **SECTION 3. JURISDICTION**

These regulations shall apply to the subdividing of all land within the City of Roberts and shall include the following:

- A. The subdivision of land into two (2) or more tracts, lots or parcels for transfer of ownership.
- B. The dedication of any street or alley through or along any tract of land.
- C. The resubdivision of an original parcel of land into two (2) or more parcels except as provided in the exceptions listed below.
- D. The development of condominium projects. In condominium projects, as permitted by Idaho Code (50-1501 through 1527), the Planning and Zoning Commission and the City Council may regulate the attached conditions to the design and location of buildings, the creation, shape and size of condominium units, the provision and maintenance of open space and off-street parking.

Unless excepted pursuant to the provisions of this ordinance, the Planning and Zoning Commission and the City Council shall require the installation of public improvements and utilities for condominium projects as required under the provision of this ordinance. For purposes of the administration of zoning and subdivision regulations, the Planning and Zoning Commission may consider a condo development as a single building, requiring one front yard, two side yards and one rear yard and may grant such exceptions as are necessary to the zoning and subdivision regulations to permit such development.

IRRIGATION FACILITIES – Includes canals, laterals, ditches, conduits, pipes, gates, pumps and allied equipment necessary for the supply, delivery and drainage of irrigation water.

LOTS – A piece or parcel of land separated from other pieces or parcels by description, as in a subdivision or on a record survey map, by metes and bounds, for purposes of sale, lease or separate use.

CORNER LOT – A lot abutting on two (2) or more intersecting streets where the interior angle or intersection does not exceed one hundred thirty-five (135) degrees. A corner lot shall be considered to be in that block in which the lot fronts.

INTERIOR LOT – A lot having but one (1) side abutting on a street.

KEY LOT – An interior lot, one (1) side of which is contiguous to the rear line of a corner lot.

THROUGH LOT – A lot abutting two (2) parallel or approximately parallel streets.

LOT WIDTH – The width of a lot shall be:

- a. If the side properties are parallel, the shortest distance between these side lines.
- b. If the property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the mid-points of the front and rear property lines.

MOBILE HOME – A manufactured re-locatable single family living unit made prior to June 15, 1976, which does not meet the Federal Manufactured Home Construction and Safety Standards.

MANUFACTURED HOME – A single family dwelling unit, multi-sectional, and encloses a space of not less than 1000 square feet. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above grade. A manufactured home may be designed to be towed on its' own chassis or be site delivered by alternative means. The structure must conform to the HUD manufactured home construction and safety standards of June 15, 1976. See Idaho Code 67-6509A for further information.

MOBILE HOME PARK – Any site or tract of land under single ownership upon which two (2) or more mobile homes or manufactured home for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

NEIGHBORHOOD PLAN – A plan to guide the platting of remaining vacant parcels in a partially built-up neighborhood so as to make reasonable use of all land correlated street patterns and achieves the best possible land use relationships.

SUBDIVIDER – A sub divider shall be deemed to be the individual, firm, corporation, partnership, association, trust or other legal entity that titles the application and initiates proceedings for the subdivision of land in accordance with the provisions of this ordinance; And said sub divider need not be the owner of the property as defined by this ordinance.

SUBDIVISION COMMITTEE – A committee of the commission established to review preliminary plats.

TECHNICAL REVIEW COMMITTEE – A committee appointed by the Chairman of the Planning and Zoning Commission to review subdivision proposals.

USABLE LOT AREAS – That portion of a lot usable for or adaptable to the normal uses made of residential property, excluding any areas which may be covered by water, excessively steep or included in certain types of easements.

UTILITIES – Installations or facilities, underground or overhead, furnishing for the use of the public, electricity, gas, steam, communications, water, water drainage, sewer, or flood control, owned and operated by any persons, firms, corporations, departments or boards as applicable herein.

UTILITY COMMITTEE – An individual or group of individuals designated by the several utilities as their representative (s) in subdivision matters.

## **CHAPTER 2. PROCEDURE FOR SUBDIVISION APPROVAL**

### **SECTION 1. SUBDIVISION APPROVAL REQUIRED**

Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the Commission. No final plat shall be filed with the County Recorder until the plat has been acted upon by the Commission and approved by the Council and Mayor. All documents shall have proof of approval on the face of the document. No lots shall be sold until the plat has been recorded in the office of the County Recorder.

### **SECTION 2. PREAPPLICATION**

- A. Application – The sub divider may request a pre-application interview with the commission to enable the commission to comment on the subdivision and advise the applicant as to the proper procedure, forms and fee structure necessary for subdivision consideration. The pre-application shall include a copy of a sketch plan of the layout of the proposed subdivision. The sketch plan shall include the following:
1. The general layout and approximate dimensions of streets, blocks and lots.
  2. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site.
  3. The areas set aside for schools, parks and other public facilities.
- B. Fee – None required.
- C. Commission Action – The Commission shall notify the sub-divider within thirty (30) days from the date of the Pre-Application meeting as to the general conformance or nonconformance of the proposed subdivision with this ordinance as well as the following concerns:
1. Compliance with the City of Roberts Comprehensive Plan
  2. Determine whether Variances, Special Use Permits or Rezoning issues may have to be considered to bring the proposed subdivision into compliance with City Ordinances.
  3. Consideration of any unique environmental features or hazardous concerns that may be either directly or indirectly associated with subject property; such as areas that have been designated by the State as areas of critical environmental concern, unique plant or animal life, flood plain, airport flight pattern and the like.
  4. Consideration of other local and State agencies that the sub-divider should contact before preparing a Preliminary Plat.

1. The name of the proposed subdivision.
  2. The names, addresses and telephone numbers of the sub-divider and the engineer or surveyor who prepared the plat.
  3. The names, addresses and phone numbers of all adjoining owners of property whether or not bisected by a public right-of-way as shown on record in the County Assessor's Office.
  4. The legal description of the subdivision.
  5. A statement of the intended use of the proposed subdivision, such as; residential single-family, duplex or multi-family dwellings, commercial, industrial or recreational and a showing of any sites proposed for parks, playgrounds, schools, churches or other public uses.
  6. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development.
  7. A vicinity map showing the relationship of the proposed plat to the surrounding area (1/2 mile minimum radius, scale optional).
  8. The land use and existing zoning of the proposed subdivision and the adjacent land.
  9. Streets, street names, right-of-way and roadway widths, including adjoining streets.
  10. Lot lines and blocks showing the dimensions and numbers of each.
  11. Contour lines, shown at five (5) foot intervals where land slope is greater than ten percent (10 %) and at two (2) foot intervals where land slope is ten percent (10%) or less, referenced to an established bench mark, including location and elevation.
  12. A site report as required by the appropriate health district where individual wells or septic tanks are proposed
  13. Any proposed or existing utilities, including, but not limited to, storm and sanitary sewers, irrigation laterals, ditches, drainages, bridges, culverts, water mains, fire hydrants and their respective profiles.
  14. A copy of any proposed restrictive covenants and/or deed restrictions.
  15. Any dedications to the public and/or easements together with a statement of location dimensions and purpose of such.
  16. Any information required for special developments as specified in Chapter 4 of this ordinance.
  17. A statement as to whether or not a variance, as specified in Chapter 6, will be requested with respect to any provisions of this ordinance describing the particular provision, the variance requested, and the reasons therefore.
- E. Fee – At the time of submission of an application for preliminary plat, a non-refundable fee (fee schedule available at City Hall) for the plat application plus a non-refundable fee per lot shall be paid. There shall be no additional fee for the combining of preliminary and final plats.

4. Action on Combined Preliminary and Final Plat – If the Commission’s conclusion is favorable to the sub-divider’s request that the preliminary and final plat be considered as one, then a recommendation shall be forwarded to the Council in the same manner as herein specified for the final plat. The Commission may recommend that the combined application be approved, approved conditionally or disapproved.
- H. Appeals – Any person or aggrieved party or the sub-divider who appeared in person or in writing before the Commission who does not agree with the Commission’s recommendation may submit in writing, to the City Council, within ten (10) days after the final action of the Commission, a request for further consideration of the subdivision development before the Council makes the final decision. Upon receipt of the request, the council may set a date for a hearing to consider all information, testimony and the Commission’s minutes of the public hearing to reach a decision to follow or not follow the recommendation of the Commission. The Council shall only overrule the Commission by a favorable vote of one-half (1/2) plus one (1) of the full council.
- I. Approval Period –
1. Failure to file and obtain the certification of the acceptance of the final plat application by the Commission within one (1) year after action by the Commission shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the sub-divider and granted by the Commission.
  2. In the event that the development of the preliminary plat is made in successive contiguous segments in an orderly and reasonable manner and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of one (1) year may be considered for final approval without resubmission for preliminary plat approval.

#### SECTION 4. Final Plat

- A. Application – After the approval or conditional approval of the preliminary plat, the sub-divider may cause the total thereof, to be surveyed and a final plat prepared in accordance with the approved preliminary plat. The sub-divider shall submit to the Commission the following:
1. Three (3) copies of the final plat.
  2. Three (3) copies of the final engineering construction drawings for streets, water, sewers, sidewalks and other public improvements.

G. Method of Recording – Upon approval of the final plat by the council, the sub-divider's prepayment of recording fees, posting of the surety bond or other acceptable guarantee and the inclusion of the following signatures on the final plat, the City Clerk shall submit the final plat to the County Recorder's Office.

1. Certification and signature of the Council verifying that the subdivision has been approved.
2. Certification and signature of the City Clerk, if required, and the Chairperson of The Planning and Zoning Commission verifying that the subdivision meets the City requirements and has been approved by the City Council.
3. Certification of the sanitation restrictions on the face of the plat per Idaho Code 50-1326.

## CHAPTER 3. DESIGN STANDARDS

### SECTION 1. MINIMUM DESIGN STANDARDS REQUIRED

All plats submitted pursuant to the provisions of this ordinance shall comply with the minimum design standards set forth hereinafter in this Article unless higher standards adopted by any Highway District, State Highway Department, Health Agency, State Statute or Federal Law, in which case they would prevail over those set forth herein.

### SECTION 2. DEDICATION

With a proposed subdivision arterial and collector streets, as per the Comprehensive Plan, shall be dedicated to the public in all cases. In general, all other streets shall also be dedicated to the public use.

### SECTION 3. LOCATION

Street and road location shall conform to the following:

- A. Street Location and Arrangements – When an official street plan or comprehensive development plan has been adopted, subdivision streets shall conform to such plans.
- B. Minor Streets – Shall be arranged as to discourage their use by through traffic.
- C. Stub Streets Where adjoining areas are not subdivided, the arrangement of streets in the new subdivision shall be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas. A reserve strip may be required and held in public ownership.
- D. Relation to Topography – Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients.
- E. Alleys – Alleys shall be provided in multiple dwelling or commercial subdivisions unless other provisions are made for service access and off-street loading and parking. Dead end alleys shall be prohibited in all cases.
- F. Frontage Roads – Where a subdivision abuts or contains an arterial street, it shall be required that there be frontage roads approximately parallel to and on each side of such arterial street; or such other treatment as is necessary for the adequate protection of residential properties and to separate through traffic from local traffic.
- G. Cul-de-Sac Streets – Shall not be more than five hundred (500) feet in length and shall terminate with adequate turnaround having a minimum radius of fifty (50) feet for right-of-way.
- H. Half Streets – Half streets shall be prohibited except where unusual circumstances make such necessary to the reasonable development of a tract in conformance with this ordinance.
- I. Private Streets – Private streets and roads shall be prohibited except within Planned Unit Developments.

- F. Vertical Alignment of Intersection – A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be extended a minimum of one hundred (100) feet each way from the intersection. An allowance of two percent (2%) maximum intersection grade in rolling terrain and four percent (4%) in hilly terrain will be permitted.

## SECTION 7. PEDESTRIAN WALKWAYS

Right-of-way for pedestrian walkways in the middle of long blocks may be required to obtain convenient pedestrian circulation to schools, parks or shopping areas. The pedestrian easement shall be at least ten (10) feet wide.

## SECTION 8. EASEMENTS

Unobstructed utility easements shall be provided along front lot lines and side lot lines when deemed necessary; total easement width shall not be less than twelve (12) feet. Unobstructed drainage way easements shall be provided as required by the Council.

## SECTION 9. BLOCKS

Every block shall be so designed as to provide two (2) tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary; blocks shall not be less than three hundred (300) feet long in all cases.

## SECTION 10. LOTS

Lots shall conform to the following:

- A. Zoning – The lot width, depth and total area shall not be less than the requirements of any applicable zoning ordinance.
- B. Future Arrangements – Where parcels of land are subdivided into unusually large lots, (such as when large lots are approved for septic tanks, the parcels shall be subdivided where feasible, so as to allow for future resubdividing into smaller parcels. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever such future subdividing or lot splitting is contemplated the plan thereof shall be approved by the Commission prior to the taking of such action.

## SECTION 11. PLANTING STRIPS AND RESERVE STRIPS

Planting strips and reserve strips shall conform to the following:

- A. Planting Strips – Planting strips shall be required to be placed next to incompatible features such as highways, railroads, commercial or industrial uses to screen the view from residential properties. Such screening shall be a minimum of twenty (20) feet wide and shall not be a part of the normal street right-of-way or utility easement.

## CHAPTER 4. IMPROVEMENT STANDARDS

### SECTION 1. RESPONSIBILITY FOR PLANS

It shall be the responsibility of the sub-divider of every proposed subdivision to have a complete set of construction plans prepared by a registered engineer which includes profiles, cross-section, specifications and other supporting data for all required streets utilities and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All construction plans shall be prepared in accordance with the public agency's standards or specifications

### SECTION 2. REQUIRED PUBLIC IMPROVEMENTS

Every sub-divider shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

- A. Monuments – Monuments shall be set in accordance with Idaho Code 50-1303.
- B. Streets and Alleys – All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the City Council and in compliance with State Law.
- C. Curbs and Gutters – Rolled curbs and gutters shall be required on all streets. All construction shall be in accordance with the standards and specifications adopted by the City Council.
- D. Installation of Public Utilities – Underground utilities are encouraged and may be required subject to the City Council adopted policies and ordinances.
- E. Bicycle Pathways – May be required as part of the public right-of-way as may be specified in an overall bicycle plan as adopted by the City Council.
- F. Driveways – All driveway openings in curbs shall be as specified by the Public Works Dept., Highway District or State Highway Dept.
- G. Storm Drainage – An adequate storm drainage system shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the Council. Construction shall follow the specifications established by the Council.
- H. Public Water Supply and Sewer Systems – All public water supply and sewer systems shall be an extension of the municipal systems in place.  
Idaho Code 50-1326 requires that all water and sewer plans be submitted to the State Dept. of environmental and Community Services or its authorized agent for approval
- I. Fire Hydrants and Water Mains – Adequate fire protection shall be required in accordance with the appropriate Fire District Standards
- J. Street Name Signs – Shall be installed in the appropriate locations at each street intersection in accordance with the local standards
- K. Sidewalks and Pedestrian Walkways – Sidewalks shall be required on both sides of the street and shall be constructed in accordance with the specifications adopted by Council.

or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

- D. Conditional Approval of Final Plat – With respect to financial guarantees, the approval of all final plats shall be conditioned on the accomplishment of one (1) of the following:
1. The construction of improvements required by this ordinance shall have been completed by the sub-divider and approved by the Council.
  2. Surety acceptable to the Council shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.
- E. Inspection of Public Improvements Under Construction – Before approving a final plat and construction plans and specifications for public improvements, an agreement between the sub-divider and the Council shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.
- F. Penalty in Case of Failure to Complete the Construction of a Public Improvement – In the event the sub-divider shall, in any case, fail to complete such work within the period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Council to proceed to have such work completed. In order to accomplish this, the Council shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit or negotiable bond which the sub-divider may have deposited in lieu of a surety bond or may take such steps as may be necessary to require performance by the bonding or surety company and as included in a written agreement between the Council and the sub-divider.

#### SECTION 4. SUBDIVISION WITHIN A FLOOD PLAIN

- A. Flood Areas – For any proposed subdivision that is located within a flood plain, the developer shall provide the Commission with a development plan of adequate scale and supporting documentation that will show and explain at least the following:
1. Location of all planned improvements
  2. The location of the floodway and the floodway fringe per engineering practices as specified by the Army Corps of Engineers.
  3. The location of the present water channel.
  4. Any planned rerouting of waterways.
  5. All major drainage ways.
  6. Areas of frequent flooding.
  7. Means of flood proofing buildings.
  8. Means of insuring loans for improvements within the flood plain.

- B. Plan Submission – The developer shall prepare and submit an environmental assessment along with the preliminary plat application for any development that is proposed within an area of critical concern.
- C. Content of Environmental Impact Statement – The content of the environmental impact statement shall be prepared by an interdisciplinary team of professionals that shall provide answers to the following questions:
1. What changes will occur to the area of environmental concern as a result of the proposed development?
  2. What corrective action or alternative development plans could occur so as not to significantly change the area of environmental concern?
  3. What changes in the area of environmental concern are unavoidable?
  4. What beneficial or detrimental effect would the development have on the environment (i.e.: animal life, plant life, social concerns, noise, visual or others)?

## **CHAPTER 5. VACATIONS AND DEDICATIONS**

### **SECTION 1. APPLICATION PROCEDURE**

- A. Application – Any property owner desiring to vacate an existing subdivision, public right-of-way or easement, or, desiring to dedicate a street right-of-way or easement shall complete an application and submit it to the commission at a regularly scheduled meeting. These provisions shall not apply to the widening of any street which is shown in the comprehensive development plan or the dedication of streets, right-of-ways or easements to be shown on a recorded subdivision.
- B. Commission Action – Upon receipt of the completed application the Commission shall affix the date of application acceptance thereon. The Commission shall place the application on the agenda for consideration at that meeting.

### **SECTION 2. ACTION**

- A. Commission Recommendation – The Commission shall review the request and all agency responses and make a recommendation to the Council for either approval, conditional approval or denial.
- B. Council Action –
  - 1. When considering an application for vacation procedures, the Council shall establish a date for a public hearing and give such public notice as required by Idaho Code 67-6509. The Council may approve, disapprove or modify the application. Whenever public rights-of-way or lands are vacated, the Council shall provide adjacent property owners with a quit claim deed for the vacated right-of-way in such proportions as prescribed by law.
  - 2. When considering an application for dedication procedures, the Council may approve, deny or modify the application. When a dedication is approved, the required street improvements shall be constructed or a bond furnished assuring the construction, prior to acceptance of any dedication of land, the owner shall furnish to the council a deed describing and conveying such lands to be recorded with the County Recorder.

## **CHAPTER 6. VARIANCES**

### **SECTION 1. PURPOSE**

The Commission may recommend to the Council, as a result of unique circumstances such as topographic-physical limitations or a planned unit development, a variance from the provisions of this Ordinance on a finding that undue hardship results from the strict compliance with specific provisions or requirements of the Ordinance or that application of such provision or requirement is impracticable.

### **SECTION 2. FINDINGS**

No variance shall be favorably acted upon by the Council unless there is a finding upon recommendation by the Commission, as the result of a public hearing, that all of the following exists:

- A. That there are such special conditions affecting the property that the strict application of the provisions of this Ordinance would clearly be impracticable or unreasonable; in such cases, the sub-divider shall first state his reasons in writing as to the specific provision or requirement involved.
- B. That strict compliance with the requirements of this Ordinance would result in hardship to the sub divider because of unusual topography, other physical conditions or other conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of this Ordinance.
- C. That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
- D. That such variance will not violate provisions of the Idaho Code.
- E. That such variance will not have the effect of nullifying the interest and purpose of this Ordinance and the Comprehensive Plan.

## **CHAPTER 7. DETECTION OF VIOLATION, ENFORCEMENT AND PENALTIES**

### **SECTION 1. DETECTION OF VIOLATION**

The Commission shall periodically research the County Assessor's records and perform the necessary investigation to detect any violations of this Ordinance.

### **SECTION 2. ENFORCEMENT**

No subdivision plat required by this Ordinance or the Idaho Code shall be admitted to the public land records of the County or recorded by the County Recorder until such subdivision plat has been approved by the Council. No lots shall be sold until the subdivision plat has been recorded by the County Recorder. No construction of public improvements required by this Ordinance shall commence prior to approval of the final plat by the Council and Mayor. The City Attorney shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this Ordinance.

### **SECTION 3. PENALTIES**

Penalties for failure to comply with the provisions of this Ordinance shall be as follows:

“Violation of any of the provisions of this Ordinance or failure to comply with any of its' requirements shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offence. The landowner, tenant, sub divider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offence. Nothing herein contained shall prevent the Council, public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or of Idaho Code.”

Penalties

Any person who violates this Ordinance shall be guilty of a misdemeanor, and on conviction thereof, shall be subject to fine and/or incarceration as per Idaho Code 50-302.

## CHAPTER 8. AMMENDMENT PROCEDURES

The Council may, from time to time, amend, supplement or repeal the regulations and provisions of this Ordinance upon recommendation from the Commission, in the following manner:

- A. The Commission, prior to recommending an amendment, supplement or repeal of the Ordinance, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The Commission shall also make available a notice to other papers and radio and television stations serving the jurisdiction for a public announcement. Following the Commission hearing, if the Commission makes a material change in the Ordinance other than that published for the present hearing, further notice and hearing shall be provided before the Commission forwards its recommendation to the Council. A record of the hearings, findings made and actions taken shall be maintained. (As per Idaho Code 67-6509).
- B. The Council, prior to adopting an amendment, supplement or repeal of the Ordinance, may conduct at least one (1) public hearing using the same procedures as the Commission. (As per Idaho Code 67-6509). The Council shall not hold a public hearing, give notice of a proposed public hearing nor take action until recommendations have been received from the Commission. Following the hearing of the Council, if the Council makes a material change in the Ordinance, other than that published for the present hearing, further notice and hearing shall be provided before the Council adopts the amendment, supplement or repeal.

