



Twin Falls Planning & Zoning Commission Agenda

Monday, November 4, 2024, 6:00 PM

203 Main Ave East
Twin Fall, ID 83303

Special Meeting

Members -

City Limits: Chairperson Danielle Titus; Vice-Chair Cortney Campbell; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Tiffany Zimmerman

Area of Impact:

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Conflict of Interest Declaration
- 3) Consent Calendar
- 4) Items of Consideration
- 5) Public Hearings
 - a) **ACTION ITEM:** Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 1 "General Provisions". (PZ24-0129)
By: Jonathan Spendlove, Planning and Zoning Director
 - b) **ACTION ITEM:** Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 11 "Area of Impact". (PZ24-0139)
By: Jonathan Spendlove, Planning and Zoning Director
 - c) **ACTION ITEM:** Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 3 "Historic District & Regulations". (PZ24-0131)
By: Jonathan Spendlove, Planning and Zoning Director
- 6) Upcoming Meeting(s)
 - a) November 19, 2024.
- 7) Adjournment

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Kelli Ebersole (208) 735-7267 at least two working days before the meeting. Si desea esta información en Español, por favor llame a Josh Palmer al teléfono (208) 735-7312.

CITY OF TWIN FALLS

PLANNING & ZONING COMMISSION

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chair shall review the public hearing procedures.
2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chair, approach the microphone/podium, state their name, and then proceed with their

comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.

3. A City Staff Report shall summarize the application and history of the request.
4. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - **A complete explanation and description of the request.**
 - **Why the request is being made.**
 - **Location of the Property.**
 - **Impacts on the surrounding properties and efforts to mitigate those impacts.**
5. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chair may limit public testimony to no less than two (2) minutes per person.
 - **Individuals are not permitted to give their time to other speakers.**
 - **However, five (5) or more individuals that received written notice of the public hearing may appoint, by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chair. The spokesperson shall be limited to 15 minutes.**
 - **Written comments, including e-mail, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.**
8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond.
9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chair, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chair may limit the time permitted for the answer.
10. The Mayor or Chair shall close the Public Hearing. The City Council or Planning & Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.

* Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.



Date: Monday, November 4, 2024
To: Planning and Zoning Commission
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 1 "General Provisions". (PZ24-0129)

Time Estimate:

15-20 minutes for staff presentation.

Background:

In February 2018, the City Council tasked Planning and Zoning Staff to initiate a complete rewrite of Title 10: Zoning and Subdivision Regulations. The main goals of the rewrite are to accomplish the following:

- Update the current definitions;
- Simplify the code navigation process for users;
- Streamline the development approval process; and
- Make the code reflect the goals, language, and strategies of the 2016 Comprehensive Plan.

The chapter applicable to this Staff Report is the "General Provisions". This chapter was mostly adopted in the original ordinance (Ord. 2012) in 1981. In 1982, the purpose statement of Title 10 was amended to add the protection and mitigation efforts for flood conditions.

This chapter contains much the same language as before, the legal type language needs to be located somewhere, and this is where it typically ends up. This proposed amendment has consolidated the general provisions into one location. Some redundant sections have been removed, and some sections have been updated.

Approval Process:

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

Budget Impact:

N/A

Regulatory Impact:

Should this be approved, this section will be the general provisions for the zoning regulations. This outlines an effective date, grants authority, outlines applicability of the code, outlines the Planning and Zoning Commission's bylaws, etc.

History:

N/A

Analysis:

N/A

Conclusion:

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the general provisions chapter of Title 10 as presented;*
2. *Move to recommend denial for the proposed zoning text amendment to the general provisions chapter of Title 10; or*
3. *Move to table the item to a date certain of _____.*

Attachments:

1. Proposed General Provisions Chapter
2. Current General Provisions Chapter 10.28.2024

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10-1: GENERAL PROVISIONS

10-1-1: EFFECTIVE DATE.

The Twin Falls City Uniform Development Code was adopted on [insert date] and became effective on [insert date].

10-1-2: PURPOSE AND INTENT.

This Uniform Development Code is enacted to exercise the full range of authority available under Idaho Code 67-6502.

10-1-3: AUTHORITY

- A. Pursuant to the powers and jurisdictions vested through the laws, statutes and regulations of the State of Idaho, the Twin Falls Council does hereby exercise the power and authority to adopt zoning and subdivision regulations to regulate the development and use of lands under its jurisdiction. Such regulation of the development of land and the attachment of reasonable conditions to land development is an exercise of valid police power delegated by the State of Idaho to this City. The developer has the duty of compliance with these restrictions and standards set forth by the City of Twin Falls for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the City and to the safety and general welfare of the current and future property owners within subdivisions, neighborhoods, and the community at large.
- B. Under the power and authority so vested, the Twin Falls Council hereby declares that no building permit or zoning permit shall be issued for any property, lot, parcel or plat of land; nor shall any excavation or filling of land; or construction of any public or private improvements take place or be commenced thereon; except in conformity with these regulations; and no land subject to these regulations shall be subdivided and sold or

offered for sale, until the owner has obtained approval of a final plat in accordance with these regulations and the approved plat is filed with the County Recorder.

10-1-4: APPLICABILITY AND CONFORMITY

- A. The Uniform Development Code applies to all buildings, land, property, site improvements, and structures within the City of Twin Falls.
- B. In their interpretation and application, the provisions of this Uniform Development Code are the minimum requirements necessary to meet the purpose and intent of these regulations.
- C. Except as otherwise provided by these regulations, land, buildings, and premises in any district shall hereafter be used only in accordance with the regulations established for that district and the following general provisions.
 - 1. No building shall be erected, constructed, relocated, or structurally altered to have a greater height, proportion of coverage, or smaller yards or open spaces than permissible under the limitations set forth by these zoning district regulations. No yards, open spaces, or off-street parking space or loading space existing or provided shall be reduced below the minimum requirements set forth in these regulations, or further reduced if already less than said minimum requirements.
 - 2. No open space, yard, or off-street parking space or loading space that exists or is provided for a building or use and necessary to meet or partially meet the requirements of these regulations shall be considered as all or part of the yard, open space, off-street parking space, or loading space required for any other building or

upon any other lot unless otherwise permitted within this Title.

3. No legal lot held in single ownership at the effective date of these regulations shall be reduced in dimension or area so as to be smaller than required by this Title, unless otherwise permitted within this Title.
- D. Control Over Less Restrictive Agreements, Laws, and Regulations. The Uniform Development Code does not nullify any private agreement or covenant, and the City of Twin Falls will not enforce any private agreement, covenant, or contract. Wherever the Uniform Development Code is more restrictive than a private agreement or covenant, the Uniform Development Code controls. If any condition or requirement imposed by the Uniform Development Code is more restrictive than a condition or requirement imposed by any other law, rule or regulation of any kind, or contains and actual, implied, or apparent conflict, the more restrictive condition or requirement controls.
- E. References to Other Laws. Whenever a provision of the Uniform Development Code refers to any other part of the Twin Falls City Code, the reference applies to any subsequent amendment of that law.
- F. Text and Graphics. Illustrations, photographs, and graphics included in the Uniform Development Code are to illustrate the intent and requirement of the text. In the case of a conflict between the text and any Illustrations, photographs or graphics, the text controls.
- G. Current Versions & Citations. All references to other regulations or manuals in this Title refer to the most current adopted version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations or documents have been repealed and not

replaced by other regulations or manuals, Title requirements for compliance are no longer in effect, unless in direct conflict with the health, safety, and welfare of the general public.

10-1-5: MEDIATION

- A. Mediation may be requested in writing by the applicant, an affected party, the Planning & Zoning Commission, or the Council. Mediation may occur at any point during the decision-making process, or after a final decision has been made. If mediation occurs after a final decision, any resolution of differences through mediation must be the subject of another public hearing before the decision-making body.
- B. The applicant and any other affected persons objecting to the application shall participate in at least one mediation session if mediation is requested by the Planning & Zoning Commission or the Council. The Council shall select and pay the expense of the mediator for the first meeting among the interested parties. Compensation of the mediator shall be determined among the parties at the outset of any mediation undertaking. An applicant may decline to participate in mediation requested by an affected person, and an affected person may decline to participate in mediation requested by the applicant, except that the parties shall participate in at least one mediation session if directed to do so by the governing board.
- C. During mediation, any time limitation relevant to the application shall be tolled. Such tolling shall cease when the applicant or any other affected person, after having participated in at least one mediation session, states in writing that no further participation is desired and notifies the other parties, or upon notice of a request to mediate wherein no mediation session is scheduled for 28 days from the date of such request.

- D. The mediation process may be undertaken pursuant to the general limitations established by this section.
- E. The mediation process shall not be part of the official record regarding the application.

10-1-6: TRANSITIONAL DEVELOPMENT.

- A. Applications in Process. Development applications pending approval that are deemed complete by the Planning and Administrator and received prior to the effective date of these regulations will be reviewed under the terms of the previous title with regards to use, density, intensity, location, and site design features that impact any of these essential elements. Otherwise, the provisions of these regulations will be met with regards to any element of use or development that doesn't impact an essential element, as noted, or negatively affect a valid vested right as determined by the Planning and Administrator. Such provisions include, but are not limited to, landscaping, number and location of driveways, lighting, and signage.
- B. Unexpired Permits.
 - 1. The enactment of this Title shall not terminate or otherwise affect rights, variances, and permits acquired or authorized for work that is actively in progress under the provisions of any title hereby repealed.
 - 2. Where a building permit has been issued for the construction of a building or structure, and for an authorized use and occupancy thereof in accordance with the law in place prior to the effective date of these regulations said building or structure may be completed in conformance with the approved plans and on the basis for which the building permit has been issued,

provided construction of the building or structure is commenced within 180 days of the effective date of the permit and diligently pursued to completion.

- C. Prior Actions and Penalties. This Title shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous title, nor shall it be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue under such law or title.

10-1-7: SEVERABILITY.

If any section, paragraph, clause, sentence or provision the Uniform Development Code is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of the Uniform Development Code. The effect of the judgment is confined to the section, paragraph, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

10-1-8: VIOLATION AND PENALTIES.

- A. Whenever a violation of this Title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis of the same and shall be filed with the Administrator. The Administrator shall properly record such complaint, immediately investigate the same and take such action, or cause the same to be taken thereon as provided by this Title. The City Attorney shall, in addition to taking whatever criminal action is deemed necessary, take steps to civilly enjoin any violation of this Title.
- B. Any violation of the provisions of this Title or any failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues beyond notice shall be considered a separate offense. The landowner, tenant,

subdivider, builder, developer, public official, or any other person who commits, participates in, assists in or maintains such continuing violation may be found guilty of a separate offense for each day the violation continues. Nothing contained herein shall prevent the Council or any other public official or private citizen from taking such lawful action as it necessary to restrain or prevent any violation of this Title or the Idaho Code.

- C. Any person convicted of violating any of the provisions of this Title shall be punishable by imprisonment for a term not to exceed 90 days, a fine not to exceed \$300.00, or by both such fine and imprisonment, or as the Court shall deem necessary in the interest of justice.

10-1-9: ADMINISTRATION.

- A. Planning & Zoning Director. The Planning & Zoning Director, throughout this Title referred to as Administrator, shall administer the provisions of this Title and provide guidance to the Planning & Zoning Commission and the Council, and in addition, shall have the following duties:

1. Advise interested persons of the Unified Development Title provisions.
2. Adhere to best planning practices that promote the goals and objectives of the adopted Comprehensive Plan and other related adopted City policy documents.
3. Aid and assist applicants in the preparation and submission of required applications.
4. Issue zoning permits, notifications, and similar administrative duties.

5. Investigate all violations of this Title and notify the person responsible for such violations, ordering the action necessary to correct such violation.
6. Whenever there is doubt as to this classification of use not specifically mentioned in this Title, the determination shall be made by the Administrator. Such determination shall be based upon detailed description of the proposed use and such other information as may be required. The Administrator shall make such investigations as are necessary to compare the nature and characteristics of the proposed use with those of listed uses in the various districts, and shall determine that the use is, in all essentials, pertinent to the objectives of this Title, of the same character as a use listed as allowed or as a special use permitted in one of such specified district or districts. No use added by such administrative determination shall permit in any district a use which is a special use permitted in such districts or in any less restricted district, nor shall same permit a use which is an allowed use in a less restrictive district. The determination of the Administrator shall be final unless an appeal is made as hereinafter provided.
7. Appeals to the Planning & Zoning Commission concerning the Administrator's interpretation and administration of this Title may be taken by any person aggrieved by a decision of said Administrator. Said appeal will follow the procedures as found in 10-8-4(G) of this Title.

- B. Planning & Zoning Commission. This Title establishes a Planning & Zoning Commission which may be referred to as the Commission throughout these regulations. The Commission shall be constituted and shall function according to bylaws established and referenced herein and shall have all of the power or authority to consider titles or to recommend amendments to or repeal of any portion of this Title. The Commission shall provide guidance and assistance to the Council, holding public hearings as required by law, and shall grant or deny applications presented to the Commission, and shall make timely written recommendations to the Council in all matters relating to this Title in which the Council has final decision-making powers. Any action taken by the Commission which would be final unless appealed may be reviewed and heard by the Council per 10-8-4.
- C. Bylaws Of Planning & Zoning Commission. The following organizational bylaws for the Commission are hereby adopted as an integral part of this Title and shall function as guidelines for said Commission in executing their roles and responsibilities in administering this Title.
1. Creation and Purpose: In fulfilling the powers and duties by law conferred upon the Commission, the Commission shall, among other things, bear in mind the purpose of this Title, as established in 10-1-1, and the impact of decisions made in consideration of this purpose.
 2. Duties of the Commission: Consistent with the purposes of the Commission hereinabove set forth, the Commission shall have the following duties together with such other duties as are prescribed by law:
 - a. Initiate proposed amendments to this section.
 - b. Conduct a complete review and audit of the zoning code once every three years. The review will consist of measuring how the Uniform Development Code assists in meeting the goals and actions described by the Comprehensive Plan, and similar City policy documents.
 - c. Review all proposed amendments to this Title and make recommendations to the Council.
 - d. Conduct a comprehensive planning process designed to prepare, implement, review, and update a comprehensive plan as required by Idaho State Law.
 - e. Review all districts, subdistricts, and overlay districts, and make recommendations to the Council.
 - f. Grant special use permits as specified in this Title and under the conditions as herein specified with such additional safeguards as will uphold the intent of this Title.
 - g. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Administrator.
 - h. Authorize such variances from the terms of this Title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Title will result in unnecessary hardship, and so that the spirit of this Title shall be observed and substantial justice done.

3. Membership Terms and Qualifications:
 - a. The Commission shall consist of seven members. All members shall be appointed by the mayor, and confirmed by a majority vote of the full Council.
 - b. Members shall serve a term of three years beginning regularly on March 1st of each year with a maximum of two consecutive terms or six years.
 - c. Members shall have resided in the City of Twin Falls for two continuous years preceding their appointment, shall be residents of the City of Twin Falls at the time of appointment and said members must remain residents of the City during the term of office to which they were appointed.
 - d. As required by State Code 67-6526-4(K), or as amended, persons living within the delimited area of impact shall be entitled to representation on the Planning & Zoning Commission. Such representation shall as nearly as possible reflect the proportion of population living within the City of impact, as opposed to the population living within the areas of impact.
 - i. The Council thereby appoints one seat, of the seven member Commission, as the City Area of Impact representative.
 - ii. Appointments shall follow the process, schedule, and term limits found in City Code 10-1-11(C).
 - e. In appointing members to the Commission, the Council shall be certain that the area and interest within its jurisdiction are broadly represented by the appointed membership. Members shall be selected and appointed without respect to political affiliations.
4. Vacancies & Removal of Commission Members: Vacancies occurring otherwise than through the expiration of appointed terms shall be filled in the same manner as the original appointments. A member appointed to fill an unexpired term shall serve the remainder of the unexpired term and may be appointed to no more than two full consecutive terms. Members may be removed for cause only by a majority vote of the full Council.
5. Conflict of Interest: A member of the Commission shall not participate in any proceeding or action when the member, his employer, or his employee, business partner or associate, his business, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any action or potential interest in any proceedings shall be disclosed at or before any meeting, duly entered and recorded in the minutes, at which the action is being heard or considered.
6. Organization & Meetings: Upon organization, and thereafter at the first regular meeting in March of each year, the Commission shall elect, by a majority of the full membership, a chairperson and shall create and fill in a similar manner any other office that it may deem necessary.

- a. The chairperson may establish subcommittees, advisory committees, or neighborhood groups to advise and assist in carrying out the responsibilities of the Commission.
 - b. The chairperson (or vice chairperson) shall preside at all regular meetings of the Commission which may be scheduled on the second and fourth Tuesdays of each month for no less than nine months in a year. All meetings and records shall be open to the public and a record of all meetings, hearings, resolutions, studies, findings, permits, recommendations and actions shall be maintained by the Commission.
7. Public Hearings.
- a. The chairperson shall preside over and conduct all public hearings on all matters presented to the Planning & Zoning Commission. No public hearings shall be held except and until notice has been provided the public in conformance with the statutes of the State of Idaho.
 - b. The following rules shall be observed in the conduct of any public hearing before the Commission, hereinafter referred to as the hearing body. The following rules shall be known as the "Twin Falls Rules of Procedure".
 - i. The applicant shall not make any material changes to the application or proposal after publication of the notice of public hearing. If the applicant wishes to make a change to the application after the publication of the notice of public hearing, the applicant shall notify the Administrator and the hearing shall be canceled, to be rescheduled after the changes are submitted for staff review.
 - ii. Prior to opening the public hearing, the presiding officer shall review the public hearing process.
 - iii. All persons permitted to testify or speak before the hearing body at a public hearing shall declare their name and residency for the record. This rule shall not apply to staff or technical witnesses directed by the presiding officer to give evidence or information to the hearing body.
 - iv. No person shall be permitted to speak before the hearing body at a public hearing until such person has been recognized by the presiding officer.
 - v. All public hearing proceedings shall be recorded, and all persons speaking at such public hearings shall speak in such a manner as will assure that the recorded testimony or remarks will be accurate and trustworthy.
 - vi. Any exhibit introduced by any person shall be retained by the hearing body and made a part of the record therein.

vii. Presentations and Testimony shall follow this order and rules:

- A. Staff will present the information of the request.
- B. The applicant will then give their initial presentation which shall be limited to 15 minutes. The hearing body may grant additional time if a written request has been submitted prior to the public hearing.
- C. Members of the hearing body may then ask questions regarding the application.
- D. Testimony from the public may be limited by the presiding officer to no less than two minutes per person.
- E. Five or more persons receiving written notice of the public hearing may appoint a person to speak for them by submitting written authorization to the Administrator prior to 12:00 P.M. on the date of the hearing. Appointed spokespersons shall be limited to 15 minutes for their presentation.
- F. Written comments, including e-mail, shall be received 2 business days prior to the date of the hearing to be accepted for consideration by the hearing body.
- G. The applicant will be permitted five minutes for rebuttal/closing statements. After all testimony has been given, the public hearing shall be closed and no additional information may be requested or given, unless the public hearing is reopened.
- H. The speaker shall not be interrupted by members of the hearing body until his time limit has been expended or until he has finished his statement.
- I. At the end of a speaker's comments, each member, when recognized by the presiding officer, may be allowed to question the speaker and the speaker shall be limited to answers to the questions asked. The presiding officer may limit the time permitted for the answer. The question and answer period shall not be included in the speaker's time limit, as established.
- J. Any person not conforming to any of the listed rules may be prohibited from speaking before the public hearing. Should any person refuse to comply with such prohibition, he/she may be asked to leave the hearing, and thereafter removed from the room by order of the presiding officer.

- c. The main motion on the application shall be in the affirmative, to approve the application, and may include conditions from the staff report, or members of the hearing body. The main motion may be amended to establish or remove conditions. If the motion passes, the application is approved. If the motion fails, the application is deemed denied. Motions on appeals shall also be in the affirmative to approve the action requested by the applicant.
- 8. Quorum for The Conducting of Business and Voting:
 - a. A majority of the membership shall constitute a quorum for the transaction of business at any meeting of the Commission.
 - b. In the event any regular member is absent or not sitting due to a conflict of interest, said member shall not be counted for the purposes of constituting a quorum.
 - c. Each member shall be entitled to one vote and the acts of a majority of a quorum present at any regular or special meeting shall be the acts of the Commission.
- 9. These bylaws may and shall be amended in the same manner provided for amendments to this Title in general.
- 10. Special Meetings.
 - a. Special meetings of the Commission may be held at such times and at such places as agreed on by at least four members at a regularly scheduled public meeting. Written notice

of all such special meetings, including the time, date, and purpose of said meetings shall be provided to all members of the Commission. A special meeting can take place subject to the rules and process established in Section 74-204 of Idaho Code.

- b. No business may be conducted at any such special meeting upon any application or request of any citizen except and unless notice of the request and of the special meeting has been published as required by law.

10-1-10. RULES OF LANGUAGE CONSTRUCTION.

A. Meaning and Intent.

- 1. All references to other county, state, or federal regulations or policies mean the most current version and citation for those regulations and policies unless expressly indicated otherwise. When the referenced regulations have been repealed and not replaced, any requirements under these regulations for compliance with such regulations or policies shall be consistent with state statutes at the time of code adoption or amendment unless such action is determined by the Administrator to violate current law. To any extent such other regulation has not yet been adopted, such reference shall be ignored.
- 2. All references to employees, public officials, bodies, and agencies mean those of the City of Twin Falls, unless otherwise expressly stated.

3. Whenever a provision vests authority in the head of a department or other officer or employee of the City to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

B. Computation of Time.

1. References to "days" are to calendar days unless otherwise expressly stated. Reference to "business days" are references to regular working days of the City, excluding weekends and holidays observed by the City.
2. In computing any period of time prescribed or allowed by these regulations, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or a holiday, in which event the period runs until the end of the next day. As used in these regulations, "holiday" includes any day designated as such by the ~~county~~ **City**.
3. A day concludes at the close of business (5:00 p.m.), and any materials received after that time will be deemed to have been received the following day.

C. Tenses and Usage.

1. Words and numbers used in the singular include the plural, and words and numbers used in the plural include the singular.
2. Words used in the present tense include the past and future tense. The reverse is also true.

3. The words "shall," "will," and "must" are always mandatory; the word "may" is permissive, except when the context of its particular use is negative (e.g., "may not").
4. Requirements using numbers as stated "up to x," "not more than x," and "a maximum of x," always include "x."
5. Any reference to a chapter or section shall mean a chapter or section of these regulations, unless otherwise specified.
6. The word "district" is synonymous with the word "zone".
7. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, governmental unit, and any combination thereof.
8. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
9. The word "lot" includes the words "plot", "tract" or "parcel of land" as the context indicates.
10. The term "erected" means "constructed", "altered", "moved" or "repaired".
11. The word "street" includes the words "road", "route", and "highway."
12. Words used in the masculine gender include the feminine gender and vice versa, and gender-neutral words may substitute for gender-specific words (e.g., "they" instead of "she").

13. References to NAICS codes shall mean those codes assigned to businesses in the most recent edition of the North American Industrial Classification Manual published by the United States Office of Management and Budget unless otherwise explicitly stated. NAICS Codes are listed as an aid in interpretation and determination of specific uses included in a general class of uses.
 14. The word "contiguous" as applied to lots or districts shall be interpreted as meaning "sharing a common boundary, abutting."
 15. The phrase "on the premises of," as applied to accessory uses or structures shall be interpreted to mean "on the same lot or on a contiguous lot in the same ownership."
- D. Conjunctions. Unless the context clearly indicates otherwise, conjunctions have the following meanings within these regulations.
1. The word "and" in a list indicates that all connected items or provisions apply.
 2. The word "or" in a list means that connected items or provisions may apply singularly or in combination.

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TITLE 10

ZONING AND SUBDIVISION REGULATIONS

CHAPTER 1

GENERAL ZONING PROVISIONS

SECTION:

10-1-1: Title

10-1-2: Authority

10-1-3: Jurisdiction

10-1-4: Policy of City

10-1-5: Purpose

10-1-6: Interpretation

10-1-7: Conflicts of Law

10-1-8: Severability

10-1-9: Saving Provision

10-1-10: Amendments

10-1-11: Violation and Penalties

10-1-12: Effective Date

10-1-1: TITLE:

These regulations shall hereafter be known, cited and referred to as the development regulations of the City and shall include all zoning and subdivision regulations governing developments under the jurisdiction of the City.

10-1-2: AUTHORITY:

(A) Pursuant to the powers and jurisdictions vested through the laws, Statutes and regulations of the State of Idaho, the City Council does hereby exercise the power and authority to adopt zoning and subdivision regulations to regulate development of lands under its jurisdiction. Such regulation of the development of land and the attachment of reasonable conditions to land development is an exercise of valid police power delegated by the State to this City. The developer has the duty of compliance with reasonable conditions laid down by said Council for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economical development of the Municipality and to the safety and general welfare of the future property owners in the subdivision and of the community at large.

(B) Under the power and authority so vested, the Council hereby declares that no building permit or certificate of zoning compliance shall be issued for any parcel or plat of land subject to the regulations nor shall any excavation or filling of land or construction of any public or private improvements take place or be commenced thereon, except in conformity with these regulations and no land subject to these regulations shall be subdivided and sold or offered for sale until the owner has obtained approval of a final plat in accordance with these regulations ¹ and the approved plat is filed with the County Recorder.

Notes

¹ 1. See Section 10-12-2-4 of this Title.

10-1-3: JURISDICTION:

(A) These regulations shall apply to all lands and improvements within the corporate City limits.

(B) They shall also apply to lands and improvements outside the corporate City limits that:

1. Are within the designated "area of impact" ¹ and are not incorporated into an active agricultural unit of twenty (20) acres or more.

2. Are under written agreement by past or present owners to be regulated in return for enjoying the benefits of certain services normally available only to in-city lands.

(C) For subdivision regulation only, all lands within one mile of the corporate City limits are subject by State law to the

City's ordinances.

Notes

- ¹ 2. See Chapter 8 of this Title.

10-1-4: POLICY OF CITY:

It is hereby declared to be the policy of the City to consider the development of land within the jurisdiction of the City subject to the control of the City and to adopt development regulations to facilitate accomplishment of the goals and objectives of any comprehensive plans of the City for the orderly, planned, efficient and economical development of the City. It shall be the general policy of the City that:

(A) All land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace;

(B) Land shall not be subdivided until all available public facilities and improvements exist or have been given proper consideration by the City Council and proper provision has been made for drainage, water, sewerage and capital improvements such as schools, parks, recreation facilities, transportation facilities and improvements;

(C) All existing and proposed public improvements shall conform to and be properly related to any proposals shown in a comprehensive plan, official map or capital budget and program of the City;

(D) All existing and proposed public improvements shall conform to and be properly related to any proposals shown in a comprehensive plan, official map or capital budget and program of the City.

It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in any building and housing codes ¹, zoning ordinances, comprehensive plans, official maps, land use plans and capital budgets and programs adopted by the City.

Notes

- ¹ 1. See Title 4 of this Code.

10-1-5: PURPOSE:

Pursuant to the general policy of the City, these regulations are adopted for the following purposes:

(A) To protect and provide for the public health, safety and general welfare of the Municipality.

(B) To guide the future growth and development of the Municipality, in accordance with any comprehensive plan of the City.

(C) To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of population.

(D) To protect the character and the social and economic stability of all parts of the Municipality and to encourage the orderly and beneficial development of all parts of the Municipality.

(E) To protect and conserve the value of land throughout the Municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

(F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities.

(G) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

(H) To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.

(I) To insure that public facilities are available and will have a sufficient capacity to serve any proposed development.

(J) To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the Municipality in order to preserve the integrity, stability and beauty of the community and the value of the land.

(K) To preserve the natural beauty and topography of the Municipality and to insure appropriate development with regard to these natural features.

(L) To provide for open spaces through the most efficient design and layout of the land, including the use of average

density in providing for minimum width and area of lots, while preserving the density of land as established in this Title. (Ord. 2012, 7-6-81)

(M) To minimize public and private losses due to flood conditions as follows:

1. To minimize expenditure of public money and costly flood control projects;
2. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
3. To minimize prolonged business interruptions;
4. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
5. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
6. To insure that potential buyers are notified that property is in an area of special flood hazard; and,
7. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 2045, 7-6-82)

10-1-6: INTERPRETATION:

The Administrator ¹ shall be responsible for the interpretation of these regulations and any interpretation and application of the regulations shall be the minimum requirements for the promotion of the public health, safety and general welfare. This is not intended to abrogate any appeal rights provided herein.

Notes

¹ 1. See Section 10-17-1 of this Code.

10-1-7: CONFLICTS OF LAW:

(A) These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, Statute or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(B) These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that where the provisions of these regulations are more restrictive or impose higher standards or regulation than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the City Council or the Municipality in approving a subdivision or in enforcing these regulations, and such private provisions are not consistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder but will not be enforced by the City.

10-1-8: SEVERABILITY:

If any part of provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

10-1-9: SAVING PROVISION:

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the Municipality except as shall be expressly provided for in these regulations.

10-1-10: AMENDMENTS:

For the purpose of providing for the public health, safety and general welfare, the City may from time to time amend the provisions imposed by these development regulations. Public hearings on all proposed amendments shall be held by the City in the manner herein prescribed ¹.

Notes

¹ 1. See Chapter 14 of this Title.

10-1-11: VIOLATION AND PENALTIES:

Whenever a violation of this Title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis of the same and shall be filed with the Administrator. The Administrator shall properly record such complaint, immediately investigate the same and take such action, or cause the same to be taken thereon as provided by this Title ¹. The City Attorney shall, in addition to taking whatever criminal action is deemed necessary, take steps to civilly enjoin any violation of this Title.

Any violation of the provisions of this Title or any failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues beyond notice shall be considered a separate offense. The land owner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such continuing violation may be found guilty of a separate offense for each day the violation continues as aforesaid. Nothing herein contained shall prevent the Council or any other public official or private citizen from taking such lawful action as it necessary to restrain or prevent any violation of this Title or the Idaho Code.

Provided, however, that where property has been made nonconforming or where an existing nonconforming use has been increased by the exercise of eminent domain, it shall not be a violation and no penalty, either civil or criminal, shall result. Persons desiring to change or modify the use of said nonconforming properties in a manner which would, but for the exercise of eminent domain, be permitted outright, may apply for a special use permit, which permit may be granted with due consideration given to the health, safety and welfare of the citizens of the City.

Any person convicted of violating any of the provisions of this Title shall be punishable by imprisonment for a term not to exceed ninety (90) days, a fine not to exceed three hundred dollars (\$300.00) or by both such fine and imprisonment, or as the Court shall deem necessary in the interest of justice.

Notes

¹ 2. See Section 10-13-1-6 of this Code.

10-1-12: EFFECTIVE DATE:

The Zoning Code, as hereby adopted, shall be effective immediately upon its passage and publication as required by law, and shall be in full force and effect. (Ord. 2012, 7-6-81)



Date: Monday, November 4, 2024
To: Planning and Zoning Commission
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 11 "Area of Impact". (PZ24-0139)

Time Estimate:

15-20 minutes for staff presentation.

Background:

In February 2018, the City Council tasked Planning and Zoning Staff to initiate a complete rewrite of Title 10: Zoning and Subdivision Regulations. The main goals of the rewrite are to accomplish the following:

- Update the current definitions;
- Simplify the code navigation process for users;
- Streamline the development approval process; and
- Make the code reflect the goals, language, and strategies of the 2016 Comprehensive Plan.

The chapter applicable to this Staff Report is the "Area of City Impact". This chapter was mostly adopted in the Ordinance 2793 in 2004. In 2020, the administration of the Area of City Impact was added.

This Chapter has not seen significant changes from the previous code. Changing this section is governed by state statute. Recent state code updates has pushed the jurisdiction solely to the County. This amendment reflects the City's responsibility for the Area of Impact.

Approval Process:

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

Budget Impact:

N/A

Regulatory Impact:

Should this be approved, this section will be the Area of Impact chapter, bringing the City into conformance with new State Legislation.

History:

N/A

Analysis:

N/A

Conclusion:

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the area of impact chapter of Title 10 as presented;*
2. *Move to recommend denial for the proposed zoning text amendment to the area of impact chapter of Title 10; or*
3. *Move to table the item to a date certain of _____.*

Attachments:

1. Proposed Area of Impact Chapter
2. Current Area of City Impact Chapter 10.28.2024

CHAPTER 11: AREA OF IMPACT

10-11-1 ADMINISTRATION.

- A. The administration of the codes applicable to the City of Twin Falls area of impact shall be as appointed and authorized by the Board of Commissioners for Twin Falls County.
- B. Persons living within the City of Twin Falls area of impact shall be entitled to representation on the City Planning and Zoning Commission. Such representation shall as nearly as possible reflect the proportion of population living within the city as opposed to the population living within the City of Twin Falls area of impact. (Ord. 2020-006, 3-16-2020)

10-11-2 ENFORCEMENT.

Twin Falls County and its employees and agents shall enforce compliance with the provisions of this chapter within the City of Twin Falls area of impact. (Ord. 2020-006, 3-16-2020)

10-11-3 RENEGOTIATION.

The area of city impact may be reviewed at any time upon the request of either party. (Ord. 2793, 7-19-2004)

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CHAPTER 8

AREA OF CITY IMPACT

SECTION:

10-8-1: Integration Of Recitals

10-8-2: Geographic Area Of City Impact

10-8-3: Governing Plan And Ordinance

10-8-4: Administration

10-8-5: Enforcement

10-8-6: Renegotiation

10-8-1: INTEGRATION OF RECITALS:

The recitals set forth in ordinance 2279 on file in the office of the city clerk are incorporated in this chapter and by this reference made a part hereof. (Ord. 2793, 7-19-2004)

10-8-2: GEOGRAPHIC AREA OF CITY IMPACT:

The agreed upon area of city impact is as shown on the city of Twin Falls, Idaho, area of impact and zoning districts map. (Ord. 2793, 7-19-2004)

10-8-3: GOVERNING PLAN AND ORDINANCE:

(A) The city of Twin Falls comprehensive plan and Twin Falls, Idaho, revised area of impact and comprehensive plan land use map, together with the city of Twin Falls zoning and subdivision regulations contained in this title, and the city of Twin Falls, Idaho, area of impact and zoning districts map, are hereby adopted by reference by the county of Twin Falls to be in full force and effect in the area of city impact.

(B) Within the area of city impact, no provision of this chapter shall apply to any parcel of land twenty (20) acres or larger used solely for agricultural purposes. Within the area of city impact this chapter shall apply to any parcel of land proposed to be used for nonagricultural purposes. (Ord. 2793, 7-19-2004)

10-8-4: ADMINISTRATION:

(A) The administration of the codes applicable to the City of Twin Falls Area of Impact shall be as appointed and authorized by the Board of Commissioners for Twin Falls County.

(B) Persons living within the City of Twin Falls Area of Impact shall be entitled to representation on the City Planning and Zoning Commission. Such representation shall as nearly as possible reflect the proportion of population living within the city as opposed to the population living within the City of Twin Falls Area of Impact.

(Ord. 2020-006, 3-16-2020)

10-8-5: ENFORCEMENT:

Twin Falls County and its employees and agents shall enforce compliance with the provisions of this chapter within the City of Twin Falls Area of Impact. (Ord. 2020-006, 3-16-2020)

10-8-6: RENEGOTIATION:

The area of city impact may be reviewed and renegotiated at any time upon the request of either party hereto. (Ord. 2793, 7-19-2004)



Date: Monday, November 4, 2024
To: Planning and Zoning Commission
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 3 "Historic District & Regulations". (PZ24-0131)

Time Estimate:

15-20 minutes for staff presentation.

Background:

In February 2018, the City Council tasked Planning and Zoning Staff to initiate a complete rewrite of Title 10: Zoning and Subdivision Regulations. The main goals of the rewrite are to accomplish the following:

- Update the current definitions;
- Simplify the code navigation process for users;
- Streamline the development approval process; and
- Make the code reflect the goals, language, and strategies of the 2016 Comprehensive Plan.

The chapter applicable to this Staff Report is the "Historic Districts and Regulations" chapter. This chapter is a consolidation of multiple chapters, making this a new chapter to Title 10. The historic district regulations were outlined in Municipal Code section 10-4-22 back in 1999. In 2012, the design guideline regulations were added. The process and requirement to obtain a Certificate of Appropriateness was outlined in Municipal Code section 10-13-1 in 2017.

This chapter contains much the same language as before and consolidates into one (1) chapter / location.

Approval Process:

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

Budget Impact:

N/A

Regulatory Impact:

Should this be approved, this section will be the Historic Districts and Regulations chapter.

History:

N/A

Analysis:

N/A

Conclusion:

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

- 1. Move to recommend approval for the proposed zoning text amendment to the historic district and regulations chapter of Title 10 as presented;*
- 2. Move to recommend denial for the proposed zoning text amendment to the historic district and regulations chapter of Title 10; or*
- 3. Move to table the item to a date certain of _____.*

Attachments:

1. Proposed Historic District Regulations Chapter
2. Current Historic Preservation Regulations

10-3: HISTORIC DISTRICTS & REGULATIONS

10-3-1: APPLICABILITY.

The regulations included in this section apply to all properties located within the Twin Falls Downtown Historic District, Twin Falls City Park Historic District, and Warehouse Historic District. Current historic district boundary maps can be found in Chapter 13 of this Title, as approved by City Council.

10-3-2: CERTIFICATE OF APPROPRIATENESS

- A. Any applicant desiring to construct, repair, alter, restore, modify, relocate, demolish, or change in any manner the exterior portion of any building or structure within the Historic Districts listed in section 10-3-1 of this Title shall apply for and receive a Certificate of Appropriateness prior to any granting of building permits or changes to the exterior portion of said building or structure. A Certificate of Appropriateness is also required for the construction, repair, or change to aboveground utility structures, wireless communication facilities, and any type of permanent outdoor advertising within the Historic Districts listed in section 10-3-1 of this Title.
 - B. Application Process. Certificates of Appropriateness applications shall be approved or denied using the following procedure:
 1. Application. Any person desiring to obtain a Certificate of Appropriateness, as herein defined, shall submit the necessary application to the Administrator on forms as provided by the City.
2. Historic Preservation Commission Review.
 - a. Historic Preservation Commission review is required for the approval of a Certificate of Appropriateness. ~~for any historic contributing building in a district.~~
 - b. The Twin Falls City Historic Preservation Commission shall review the Design Guidelines as they exist or as amended for compliance before issuing a Certificate of Appropriateness.
 - c. The Historic Preservation Commission shall make its determination within 15 business days after submission of the application. Such a certificate is to be issued by the Administrator prior to the issuance of a building permit or other permit granted for purposes of construction or altering structures.
 - d. A Certificate of Appropriateness shall be required whether or not a building permit is required.
 - e. A decision of the Historic Preservation Commission regarding an application for a Certificate of Appropriateness may be appealed by the applicant to the City Council.

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10-4-22: WHO, WAREHOUSE HISTORIC OVERLAY DISTRICT:

10-4-22.1: PURPOSE:

This overlay district is intended to provide recognition and protection of the nationally registered Twin Falls historic warehouse district through the implementation of design guidelines for modifications, demolition or construction of buildings within the district. This overlay may be placed on the CB, OT, M1 or M2 zoning district. (Ord. 2608, 5-3-1999)

10-4-22.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Any use permitted in the basic district upon which the overlay is placed.

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Any use allowed by special use permit in the basic district upon which the overlay is placed.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2608, 5-3-1999)

10-4-22.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the warehouse historic overlay district:

(A) Lot Area: The minimum lot size as required by the basic district upon which the overlay is placed.

(B) Lot Occupancy: Same as that of the basic district upon which the overlay is placed.

(C) Building Height: Same as that of the basic district upon which the overlay is placed.

(D) Yards:

1. Front yards: Same as that of the basic district upon which the overlay is placed.

2. Side yards: Same as that of the basic district upon which the overlay is placed.

3. Rear yards: Same as that of the basic district upon which the overlay is placed.

(E) Access: Same as that of the basic district upon which the overlay is placed.

(F) Landscaping: Same as that of the basic district upon which the overlay is placed or such additional or other landscaping as required by the historic preservation commission.

(G) Off Street Parking: Same as that of the basic district upon which the overlay is placed. (Ord. 2608, 5-3-1999)

(H) Design Guidelines: No exterior portion of any building or other structure (including walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor aboveground utility structures nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within this district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the historic preservation commission. The historic preservation commission shall review the "Warehouse Historic District Design Guidelines" as they exist or as amended for compliance before issuing a certificate of appropriateness. Such a certificate is to be issued by the historic preservation commission prior to the issuance of a building permit or other permit granted for purposes of construction or altering structures. A certificate of appropriateness shall be required whether or not a building permit is required. A decision of the historic preservation commission regarding an application for a certificate of appropriateness may be appealed by the applicant to the city council. (Ord. 3025, 2-6-2012)

10-13-1: BUILDING PERMIT:

(A) Permit Required: No person shall erect, construct, enlarge, alter, repair, move, convert or demolish any building or structure in the city or cause the same to be done without first obtaining a separate building permit for each such building or structure from the city building official.

(B) Application For Permit: To apply for a permit the applicant shall first file an application therefor in writing on a form furnished for that purpose by the city building official, who shall determine the acceptability of the request in conformance with the building code, and who shall thereupon issue or deny the application.

(C) Certificate Of Appropriateness: For those properties located within the Twin Falls downtown historic district and the Twin Falls City Park historic district, before applying for a building permit, the property owner shall apply for and receive a certificate of appropriateness from the Twin Falls historic preservation commission.

1. No exterior portion of any building or other structure, including walls, fences, light fixtures, steps and pavement, or other appurtenant features, nor aboveground utility structures nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within these districts until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the historic preservation commission. The historic preservation commission shall review the "design guidelines" as they exist or as amended for compliance before issuing a certificate of appropriateness. The historic preservation commission shall make its determination within ten (10) business days after

submission of the application. Such a certificate is to be issued by the historic preservation commission prior to the issuance of a building permit or other permit granted for purposes of construction or altering structures.

2. A certificate of appropriateness shall be required whether or not a building permit is required.

3. A decision of the historic preservation commission regarding an application for a certificate of appropriateness may be appealed by the applicant to the city council. (Ord. 2017-009, 2-27-2017)