

## **ORDINANCE NO. 187**

AN ORDINANCE OF THE CITY OF STANLEY, CUSTER COUNTY, IDAHO AMENDING TITLE 16, CHAPTERS 16.08, AND 16.10 OF THE STANLEY MUNICIPAL CODE TO ESTABLISH A PROCEDURE FOR MINOR LAND DIVISIONS AND TO SIMPLIFY THE PROCEDURE FOR LOT LINE SHIFTS AND CHANGES; PROVIDING FOR A REPEALING AND SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council would like to allow for the division of properties when the full subdivision process is not applicable, and

WHEREAS, the City Council would like to provide a process for lot shifts, lot changes, and minor land divisions that is as simple as is practical;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STANLEY, IDAHO AS FOLLOWS:

**SECTION 1.** Stanley Municipal Code, Title 16, Chapter 16.08, shall be amended by clarifying the definition for Lot Line Shifts and Changes, adding a definition for Minor Land Divisions, and shall be codified as follows:

### Chapter 16.08 DEFINITIONS

16.08.205: LOT LINE SHIFTS AND CHANGES: "Lot line shifts and changes" means a change or modification of the boundary lines between existing lots or parcels which does not reduce the area, frontage, width, depth, or building setback lines of each lot below the minimum zoning requirements and which does not create additional lots. Readjustment of lot lines is intended to include other minor changes to a subdivision or plat such as, but not limited to, notation changes, boundary shifts and removal of lot line(s), combining two or more lots, each of which do not reduce the area, frontage, width, depth, or building setback lines of each lot below the minimum zoning requirements, nor create additional lots.

16.08.320: MINOR LAND DIVISIONS: A "minor land division" means a division of a parcel of land into two or three tracts, lots or parcels for transfer of ownership, building development, leasing or encumbering with mortgage or deed of trust.

**SECTION 2.** Stanley Municipal Code, Title 16, Chapter 16.10, shall be amended by including a procedure for Minor Land Divisions, simplifying the procedure for Lot Line Shifts and Changes, and shall be codified as follows:

Chapter 16.10 ~~LOT LINE SHIFTS AND CHANGES, LOT CHANGES, AND MINOR LAND DIVISIONS~~

~~16.10.010: LOT LINE SHIFTS, AND LOT CHANGES, AND MINOR LAND DIVISIONS~~ A change or modification of the boundary lines between existing lots or parcels of land which does not reduce the area, frontage, width, depth, or building setback lines of each lot below the minimum zoning requirements of the district in which the lots or parcels are located, and which does not create additional lots, are exempted from the subdivision approval requirements in Chapters 16.12 through 16.44, and shall be accomplished by the following procedure:

A. Application to the city for ~~such~~ lot line shifts, ~~or~~ changes, or minor land divisions. A written application shall be filed with the city clerk and shall contain the following information:

1. Name, address and telephone number of the applicant.
2. Legal description of property and proof of ownership and/or agency.
3. Documentation of the permission of the owner of the parcel to be changed.
4. Zoning district the property is in.
5. Name of proposed plat amendment.
6. Name, address and telephone number of the engineer or surveyor who is preparing the final plat map.
7. Record of Survey conforming to the requirements of Idaho Code, Title 55, Chapter 19.
8. Descriptions of existing use and any proposed changes of use inclusive of any changes to traffic flow or access, including location of utility lines, wells, and easements..
8. ~~Description of lots after proposed lot line shifts or changes.~~
9. ~~Names and addresses of all owners within three hundred feet (300') of the properties, whether or not bisected by a public right of way as shown on record at the county assessor's office.~~

9.10. A preliminary map showing all existing buildings, lot lines, blocks and boundaries along with the proposed lot line changes, including description of lot sizes and setbacks as they would exist after the changes, shall accompany the application. Adjoining streets, street names, rights of way, alleys, access roads, and roadway widths must be included on the preliminary map. The map shall be to scale.

B. Prior to approving an application under this section, the city clerk council shall make the following findings:

1. That the proposed lot line shift, lot change, or minor land division conforms to existing zoning regulations, and; minimum requirements under this code for acreage, density, lot area and setbacks have been complied with;

2. That the proposed lot line shift, lot or change, or minor land division is in conformity with the comprehensive plan, and:

3. That the proposed lot line shift, lot change, or minor land division will not create a non-conforming use under the city's zoning regulations, or that it will not increase an existing non-conforming use.

3. That the proposed lot line shift or change is in the public interest and will not adversely impact adjoining property interests.

C. The City Clerk shall, upon finding that the application package is complete, and that the requirements of 16.10.010 (B)(1), (B)(2), and (B)(3) have been satisfied, approve the application. Approval, conditional approval, or disapproval shall occur within 30 days of the date of receipt of the application by the city.

D. E. Within ten (10) days after a decision has been rendered, the city clerk council shall provide the applicant with written notice of the action on the request.

E. D. Once the application has been approved, Upon approval of the application and preliminary map, the applicant shall be required to submit a final plat map that conforms to specifications on the approved application, prepared by an engineer or surveyor. for final approval by the city clerk council. The city shall require:

1. Two (2) Mylars for final approval and sign off by the city clerk council. One shall be retained for the records of the city. The second shall be returned to the applicant for their submission to Custer County for county approval.

2. Two (2) blue line copies of the final plat map for city records. (Ord. 132, 3-4-1998)

16.10.020: APPEAL: The applicant may appeal in writing the decision of the city clerk relative to application disapproval. Such appeal must be submitted to the city council within sixty (60) days of application disapproval. The city council shall render a decision within 60 days of receipt of appeal.

16.10.030: ~~16.10.020: FEES: Each applicant shall pay an administrative fee to cover the costs of processing the application by the city. The fee shall be set by resolution of the city council.~~ RECOVERY OF COSTS INCURRED BY LOT LINE SHIFTS, AND LOT CHANGES, AND LOT SPLITS: Any and all costs incurred due to lot line shifts, lot changes, and lot splits shall be borne by the party petitioning for such change. Eligible cost shall include the cost of mailing and publishing hearing notices, special meeting costs, and costs to change city zoning maps. (Ord. 132, 3-3-1998)

16.10.040: REPEATED DIVISION OF AN ORIGINAL PARCEL: No property involved in a Minor Land Division shall be involved in a subsequent Minor Land Division for a period of five (5) years from the recording date of the previous Record of Survey for a Minor Land Division.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid, such decision or decisions shall affect the validity of the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

PASSED BY THE CITY COUNCIL and approved by the Mayor of the City of Stanley, Idaho, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Herbert Mumford, Mayor

ATTEST:

\_\_\_\_\_  
Doug Plass, City Clerk

Published \_\_\_\_\_