

ORDINANCE NO. 394

AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, AMENDING TITLE 12 OF THE CITY CODE, CREATING EXCEPTIONS TO ALLOW FOR A SIMPLIFIED PROCESS FOR LOT SPLITS, LOT COMBINATIONS, AND PROPERTY LINE ADJUSTMENTS.

WHEREAS, the Planning and Zoning Commission of the City of Idaho City desired to reduce the burden on applicants making simple adjustments and lot splits;

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

SECTION 1. That the City Code of Idaho City, Section 12-1-8 (Ordinance 362) be amended, in part, to read as follows:

SUBDIVISION: The result of an act of dividing any land, vacant or improved, into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of transfer of ownership or development, which may also include the dedication of a public or private street and the addition to, or creation of, a cemetery, except that the following divisions or adjustments of land shall not be considered a subdivision:

1. A readjustment of lot lines or division of a lot as shown on a recorded plat which does not result in a violation of the setbacks, frontage, or dimensional standards of this Code or any covenant pertaining to said plat.
2. A readjustment of property lines of an unrecorded parcel of land that does not result in a violation of the setbacks, frontage, or dimensional standards of this Code and does not increase the number of building sites.
3. A lot split creating up to two (2) parcels of land where the parcel being split has not been the subject of a lot split within the preceding five (5) years from the record of survey of that split.
4. An easement providing rights for ingress-egress, utilities, or drainage for one building site across any portion of a parcel of land, which does not transfer title to any portion of the parcel.
5. A division of land for financing or mortgage purposes only where the entire parcel remains in one ownership.
6. Allocation of land in the settlement of an estate of a decedent, or a court decree for the distribution of property.

SECTION 2. That the City Code of Idaho City be amended to add a new Chapter 6 to Title 12 titled "EXCEPTIONS" to read as follows:

12-6-1: Lot Split: The purpose of this section is to allow for the creation of up to two (2) parcels without being subject to the procedural provisions of the preliminary and final plat regulations

of this title, and provide a simplified administrative procedure for processing a simple division of land.

- A. An applicant must submit a complete application, including all information requested and payment of all fees, and the following:
 1. Proof that property taxes are current on any property affected by the adjustment or that there is a formal, written agreement between all property owners affected by the proposed adjustment(s).
 2. Unrecorded deeds with the legal description for the proposed lots;
 3. Signed and stamped survey prepared by a land surveyor licensed in the state of Idaho, that is not more than a year old, that includes the following information
 - i. Property lines, dimensions, and acreage;
 - ii. Legal description;
 - iii. Proof of adequate access to each parcel; and
 - iv. Existing structures, fences, parking/ driveway areas, easements, ditches, and waterways.
 4. If the lot split requested is such that the city requires engineer approval as required by the code, unless otherwise set forth herein, the lot split application must be reviewed and approved by the city engineer, and all costs and fees associated with the review by the city engineer shall be paid by the applicant prior to the acceptance by the city of any application
- B. Criteria. A lot split will not be approved unless it is shown:
 1. The number of resulting lots does not exceed two (2) lots.
 2. The lot is a Lot of Record and has not been divided in the preceding five (5) years.
 3. Each proposed lot meets all applicable requirements of the City Code and the zoning requirements of this Code, such that it has sufficient total area, area exclusive of easements and setbacks, total dimensions, street access, and frontage to permit construction thereon of a principal building together with its required parking.
 4. All existing remaining buildings shall meet all applicable zoning requirements regarding allowed uses and parking and shall comply with the setback requirements of the existing zone as measured from any parcel boundary being created in this process. Any setback that was legally nonconforming prior to the split may remain as a legal nonconforming setback, provided the legal nonconforming setback is not altered by the lot split and will not create a safety hazard or public nuisance.
 5. The division does not require the extension of public utilities (other than individual service lines) or other municipal facilities and no substantial alteration of existing utility installations is involved.
 6. The division does not require new public streets, and each proposed lot has either approved access from an existing public street or a recorded easement that contains the necessary right-of-way width.

7. Adequate water supply and sewage disposal are available adjacent to each resulting lot.
 8. That it conforms with the comprehensive plan and zoning code.
 9. That it is not be contrary to the public interest.
- C. Zoning and Permits. The same zoning of the originating lot will be applied to the resulting lots.

12-6-2: Property Boundary Adjustment: An applicant to adjust a property line or to create a new property boundary must submit a complete application, including the payment of all fees and the following:

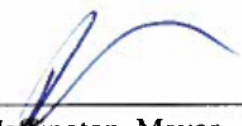
- A. Notarized consent from all property owners affected by the proposed adjustment(s).
- B. Proof that property taxes are current on any property affected by the adjustment or that there is a formal, written agreement between all property owners affected by the proposed adjustment(s).
- C. Unrecorded deeds with the legal description for the proposed lots;
- D. Signed and stamped survey prepared by a land surveyor licensed in the state of Idaho, that is not more than a year old, that includes the following information
 1. Property lines, dimensions, and acreage;
 2. Legal description;
 3. Proof of adequate access to each parcel; and
 4. Existing structures, fences, parking/ driveway areas, easements, ditches, and waterways.
- E. Any order of a court of competent jurisdiction affecting the properties.
- F. Criteria: A property boundary adjustment will not be approved unless it is shown:
 1. After the adjustment, each affected lot meets all applicable requirements of the City Code and the zoning requirements of this Code, such that it has sufficient total area, area exclusive of easements and setbacks, total dimensions, street access, and frontage to permit construction thereon of a principal building together with its required parking.
 2. All existing remaining buildings shall meet all applicable zoning requirements regarding allowed uses and parking and shall comply with the setback requirements of the existing zone as measured from any parcel boundary being created in this process. Any setback that was legally nonconforming prior to the split may remain as a legal nonconforming setback, provided the legal nonconforming setback is not altered by the lot split and will not create a safety hazard or public nuisance.
 3. The adjustment conforms with the comprehensive plan and zoning code.
 4. That it is not contrary to the public interest.

12-6-3: Hearing: A decision of the Commission may be appealed to the City Council for its review. The City Council will review the application de novo.

SECTION 3. That this ordinance shall be in full force and effect upon passage, approval, and publication according to law.


PASSED BY THE COUNCIL of the City of Idaho City this 24th day of June, 2026.

APPROVED BY THE MAYOR of the City of Idaho City this 24th day of June, 2026.



Ryan Herrington, Mayor

ATTEST:



Nancy L. Keeton, City Clerk - Treasurer

