

ORDINANCE NO.300

**AMENDING ORDINANCE NO. 285
ZONING AND SUBDIVISION ORDINANCE
OF THE CITY OF EAST HOPE, IDAHO
REGARDING WATERFRONT SETBACKS, LOT DESIGN & ZONING
PERMITS**

AN ORDINANCE OF THE CITY OF EAST HOPE, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING ORDINANCE 285, ZONING AND SUBDIVISION ORDINANCE OF THE CITY OF EAST HOPE, IDAHO, TO: CLARIFY WATERFRONT SETBACK APPLICABILITY; PROVIDE ZONING REVIEW FOR EXEMPT BUILDINGS; AND TO ESTABLISH A MINIMUM LOT WIDTH FOR NEW AND RECONFIGURED LOTS; AND PROVIDING A SAVINGS CLAUSE, SEVERABILITY AND AN EFFECTIVE DATE.

Whereas, East Hope City Council adopted the Zoning and Subdivision Ordinance No. 285 on April 9, 2019; and

Whereas, the Constitution of the State of Idaho, Article XII, Section 2, the Idaho Local Land Use Planning Act, Title 67, Chapter 65, and the Idaho Municipal Corporations Title 50, Chapters 3 and 9 provide authority for the City of East Hope to adopt ordinances establishing land use standards, procedures, and uses; and

Whereas, the Idaho Local Land Use Planning Act, Title 67, Chapter 65, sets forth the procedures for the adoption and amendment of land use codes; and

Whereas, Section 67-6518 of the Local Land Use Planning Act authorizes each governing board to adopt standards, including building design, yards, and other public and private development; and

Whereas, the City of East Hope desires to amend its zoning and subdivision standards to clarify waterfront setbacks, establish a review process for exempt structures, and set a minimum lot width for new and reconfigured lots; and

Whereas, the East Hope City Council conducted a duly noticed public hearing on June 13, 2023, to consider the proposed amendments.

Now therefore, be it ordained by the Mayor and City Council of the City of East Hope, Idaho as follows:

(Text to be added is shown with underline. Text to be removed is shown with ~~strikeout~~.

Section 1: Adoption:

Part A: Waterfront Setback:

Ordinance No. 285, Zoning and Subdivision Ordinance of the City of East Hope, Idaho, is hereby amended to provide a new Note 7 to the Waterfront standards row of Table 6-2, Zoning District Standards, to read as follows:

ZONING DISTRICT STANDARDS TABLE 6-2

STANDARD BY ZONE	Single-family Residential 1 (R1)	Medium Density Residential (R2)	Single-family Residential 1/3 (R3)	Shoreline Residential (SR)	Shoreline (S)	Neighborhood Commercial (NC)
Minimum lot size	1 acre	32,670 sq. ft.	1/3 acre	10,000 sq. ft.	10,000 sq. ft.	No minimum
Front yard setback	25'	25'	15'	12'	12'	15'
Side yard setback	Combined 25' (1)	Combined 15' (2)	7'	10'	10'	5'
Flanking street setback (3)	15'	15'	15'	15'	15'	15'
Rear yard setback	25'	25'	12'	12'	12'	5'
Corner lot, on both frontages	25'	25'	15'			15'
Triangular (3-sided) lot	(4)	(4)	(4)	(4)	(4)	(4)
Irregular-shaped lot	(5)	(5)	(5)	(5)	(5)	(5)
<u>Waterfront (7)</u>	50'	50'	50'	50'	50'	50'
Maximum lot coverage	33%	33%	33%	33%	33%	60%
Maximum building height (6)	18'	18'	18'	35'	35'	30'

Additional Table 6-2A Standards:

- (1) Combined total of side yard setbacks shall be 25 feet, with neither side less than 10 feet. Lots narrower than 65 feet on the front building line shall have combined side yard total of 15', with neither side less than 7 feet.
- (2) Combined total of side yards shall be 15 feet, with neither side less than 7 feet.
- (3) Flanking street setback shall apply to yards flanked by a street or easement that does not provide access to the lot or parcel.

(4) Triangular-shaped lots shall be deemed to have one front yard and two side yards. If the side flanks a street, the flanking street setback shall apply.

(5) For any lot or parcel for which yard definitions do not clearly apply, the planning administrator shall determine the setbacks, based upon orientation of property to streets, access easements, and adjoining property lines.

(6) Maximum height, or level with the up-slope property line, whichever is the higher elevation. The maximum building height shall be approximately perpendicular to the building line from the building's highest point to the up-slope property line. Municipal fire stations are excepted from this standard.

(7) Waterfront setback distance shall be measured from the applicable water body's ordinary or artificial high water mark, as defined by this code, to the nearest architectural projection of a structure or building. Applicable water bodies are surface waters such as streams, lakes, or rivers, as shown on the National Hydrography Dataset (NHD), as published by the U.S. Geological Survey.

Part B: Zoning Review For Exempt Structures:

Ordinance No. 285, Zoning and Subdivision Ordinance of the City of East Hope, Idaho, Section 7-6, Zoning Permit Review, is hereby amended to add the word "floodplain" to paragraph A, provide a new paragraph C, and to renumber existing paragraphs accordingly, to read as follows:

SECTION 7-6: ZONING PERMIT REVIEW

- A. Purpose. General Provisions. The zoning permit review assures that land development and building activity is in compliance with the adopted zoning, floodplain, and subdivision codes of the city. The planning administrator shall have the authority to conduct reviews and issue zoning approvals for building permits, stormwater plans, and other administrative permits authorized by this ordinance, subject to the procedures of Section 4-6 of this code.
- B. Prior to the construction, placement, modification, or reconstruction of any structure subject to the adopted building codes of the city, the property owner shall file a completed building permit application, site plan, fees, and supporting materials with the city clerk.
- C. Prior to the construction, placement, modification, or reconstruction of any structure that is exempt from the building codes, the property owner shall first seek approval from the city for the exemption and obtain zoning permit approval.
- D. The planning administrator shall determine whether the proposed building or use is in compliance with this ordinance and either approve or deny the application.

Part C: Design Standards:

Ordinance No. 285, Zoning and Subdivision Ordinance of the City of East Hope, Idaho, Section 11-9, Design Standards and Improvements, is hereby amended to add a new paragraph B 13, and Section 12-5, Design Standards paragraph E is hereby amended, all to read as follows:

SECTION 11-9: DESIGN STANDARDS & IMPROVEMENTS:

- B. 13. The minimum lot width shall be fifty (50) feet.

SECTION 12-5: STANDARDS:

- E. No additional lots or parcels shall be created and no lot or parcel shall be reduced below the minimum lot size or lot width required by zoning and subdivision standards, except that any adjustment of non-conforming properties shall not cause any of the reconfigured land to be any more non-conforming than the original lots or parcels;

Section 2: Savings Clause:

Ordinances repealed by this ordinance shall remain in force to authorize the enforcement, arrest, prosecution, conviction, or punishment of a person who violates ordinances in effect prior to the effective date of this ordinance.

Section 3: Severability:

The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

Section 4: Effective Date:

This ordinance shall be in full force and effect upon the passage and publication of the ordinance or ordinance summary in one (1) issue of the official newspaper of the City of East Hope.

Enacted as an ordinance of the City of East Hope, Idaho on this 13th day of June, 2023, upon the following roll call vote:

- Council Member Field absent
- Council Member Wells aye
- Council Member Butler aye
- Council Member Wilcox aye

Approved by the Mayor this 13th day of June, 2023

Vernon Fleisher
City of East Hope Mayor Vern Fleisher

Christy Franck
Attest: Christy Franck, City Clerk



Publication of this ordinance by summary in the official newspaper is hereby approved by the East Hope City Council on this 13th day of June, 2023, upon the following vote:

Council Member Field absent

Council Member Wells aye

Council Member Butler aye

Council Member Wilcox aye

Approved by the Mayor this 13th day of June, 2023.

Vernon Fleisher
City of East Hope Mayor Vern Fleisher

Christy Franck
Attest: Christy Franck, City Clerk

