

BEFORE THE MAYOR AND THE CITY COUNCIL  
OF THE CITY OF ALBION, IDAHO

ORDINANCE NO. 2015-09-01

AN ORDINANCE OF THE CITY OF ALBION, IDAHO REPEALING TWO (2) PARAGRAPHS OF SECTION 3.6. NATURAL RESOURCES OF THE ALBION CITY COMPREHENSIVE PLAN CONCERNING THE PHASING OUT OF LIVESTOCK WITHIN THE CITY LIMITS; AMENDING CERTAIN SECTIONS OF ALBION CITY CODE TITLE 5, THE ZONING REGULATIONS, SPECIFICALLY SECTIONS: 2-DEFINITIONS; 3-USE DISTRICT; 6,7,8-MOVE DEFINED PERMITTED USES, CONDITIONAL USES, AND SOME SETBACKS TO THE NEW ZONING CHART AT SECTION 9A; ADD SECTION 8A REGARDING PUBLIC ZONE; ADD NEW SECTION 9A SETTING FORTH A ZONING CHART TO SHOW PERMITTED, CONDITIONAL USE PERMITTED AND NOT PERMITTED USES IN THE DIFFERENT ZONING DISTRICTS AND PROVIDING A BUILDING SETBACK CHART FOR THE CITY; SECTION 11: SUBSECTION 5-1-11-4 REDEFINING HEARING PROCEDURES FOR CONDITIONAL USE PERMITS; SECTION 5-1-11-5 CLARIFYING AND REDEFINING ACTION BY COMMISSION; 5-1-11-6 CLARIFYING APPLICANT NOTIFICATION; 5-1-11-7 REPEAL PROVISION REGARDING EXPIRATION OF PERMIT; 5-1-11-8 RENUMBER VIOLATION SECTION AS NEW 5-1-11-7; OLD SECTION 14 REGARDING ENFORCEMENT IS MOVED AND RENUMBERED SECTION 18 AND MAXIMUM FINE AMOUNT IS AMENDED TO ONE THOUSAND DOLLARS; NEW SECTION 14 IS ADDED REGARDING POSSESSION, DENSITY, AND QUARTERING OF ANIMALS; REPEAL SECTION 5-1-16-32 ON FIREARMS USAGE; SECTION 5-1-16-33 IS RENUMBERED AS SECTION 17; OLD SECTION 17 REGARDING AMENDMENTS IS RENUMBERED AS SECTION 19; PROVIDING A SEVERABILITY CLAUSE AND GENERAL REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Commission for the City of Albion has held many meetings and work groups culminating in a re-working and revision of the Albion City Zoning Regulations; and

**WHEREAS**, the Planning and Zoning Commission held a public hearing on the proposed revisions on June 23, 2015 where it took comments and testimony, and after due deliberation the Commission sent the revisions to the City Council for the City of Albion with a written recommendation that the proposals be adopted with a small modification to not permit beekeeping within the City limits; and

**WHEREAS**, the City Council for the City of Albion properly noticed and held a public hearing on the proposed zoning regulation revisions on August 4, 2015, where it took comments and testimony and after due deliberation the Council adopted the revisions with the change of allowing beekeeping within the City limits; and

**WHEREAS**, the City Council for the City of Albion, after determining the extent and nature of the requested amendments, and after giving consideration to the effects of proposed changes upon delivery of public services within the City; and after considering the City's Comprehensive Plan and other evidence gathered through the hearing process, and after the Council has analyzed the proposed changes to ensure that they are not in conflict with the comprehensive plan finds that the revisions are in line with the comprehensive plan and will promote the public safety, health and welfare for citizens and others developing uses in the City, as the City is authorized to do pursuant to Chapter 3, Title 50, Idaho Code.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALBION, CASSIA COUNTY, IDAHO, AS FOLLOWS:**

**FIRST:** That current Albion City Comprehensive Plan, Section 3.6 Natural Resources be amended as shown in Exhibit A containing two (2) pages, which is attached hereto and incorporated herein by reference as though fully set forth, be and hereby is adopted as part of the City of Albion Comprehensive Plan.

**SECOND:** That the Albion City Code Title 5, as revised and as setting forth zoning regulations for a City of Albion, as set forth in the attached Exhibit B containing seventy-three (73) pages, which is hereby incorporated by reference, as though fully set forth herein, be and hereby is adopted as part of the Albion City Code.

**THIRD:** The provisions of this ordinance are severable, therefore, should any section or portion thereof be declared invalid by a court of competent jurisdiction, the remaining portions of this ordinance shall continue in full force and effect.

**FOURTH:** This ordinance specifically repeals any ordinance of the City of Albion or any part of the City of Albion Comprehensive Plan that is in conflict herewith.

**FIFTH:** This ordinance shall take effect and be in full force from and after passage, approval and publication, as by law provided.

**SIXTH:** The members of the City Council, by motion and vote and pursuant to Idaho Code ' 50-902, waived and dispensed with the requirement of three (3) separate readings of this Ordinance, by title and in full. Therefore, this ordinance shall take effect and be in full force from and after its first and only reading, passage, approval and publication.

PASSED this 1<sup>st</sup> day of September, 2015, by the City Council of the City of Albion, Idaho, on roll call vote, as recorded in the minutes of the Council.

APPROVED this 1<sup>st</sup> day of September, 2015, by the Mayor of the City of Albion, Idaho.

THE CITY OF ALBION, IDAHO

By   
Sharon Hardy-Mills, Mayor

ATTEST:

  
Mary Yeaman, City Clerk

CERTIFICATION

I, Mary Yeaman, the duly appointed Clerk for the City of Albion, Idaho do hereby certify that the foregoing document is a true and correct copy of Ordinance No. 2015-09-01, adopted by the Mayor and City Council of Albion, Idaho, on the 1st day September, 2015 and that the original of said document is in my possession as part of the permanent minutes of the City Council of the City of Albion, Idaho.

Dated this 1<sup>st</sup> day of September, 2015.

Clerk of the City of Albion, Idaho

  
Mary Yeaman, Clerk

# SUMMARY OF ORDINANCE NO. 2015-09-01

## CITY OF ALBION, IDAHO

**AN ORDINANCE OF THE CITY OF ALBION, IDAHO REPEALING TWO (2) PARAGRAPHS OF SECTION 3.6. NATURAL RESOURCES OF THE ALBION CITY COMPREHENSIVE PLAN CONCERNING THE PHASING OUT OF LIVESTOCK WITHIN THE CITY LIMITS; AMENDING AND REVISING CERTAIN SECTIONS OF ALBION CITY CODE TITLE 5, CHAPTER 1 THE ZONING REGULATIONS, AND RECODIFYING SAID TITLE 5, CHAPTER 1 IN THE ALBION CITY CODE PROVIDING A SEVERABILITY CLAUSE AND GENERAL REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

### **ARTICLE 1: SUMMARY OF PROVISIONS:**

1. Amend Section 3.6. Natural Resources of the Albion City Comprehensive Plan concerning the phasing out of livestock within the city limits and repealing those provision encouraging such phasing out;
2. Amending certain sections of Albion City Code Title 5, the Zoning regulations, specifically sections: 2- create and add many new definitions; 3- add public land as a use district; 6,7,8-move defined permitted uses, conditional uses, and some setbacks to the new zoning chart at section 9a; add section 8a regarding public zone; add new section 9a setting forth a zoning chart to show permitted, conditional use permitted and not permitted uses in the different zoning districts and providing a building setback chart for the city; section 11: subsection 5-1-11-4 redefining hearing procedures for conditional use permits; section 5-1-11-5 clarifying and redefining action by commission; 5-1-11-6 clarifying applicant notification; 5-1-11-7 repeal provision regarding expiration of permit; 5-1-11-8 renumber violation section as new 5-1-11-7; old section 14 regarding enforcement is moved and renumbered section 18 and maximum fine amount is amended to one thousand dollars; new section 14 is added regarding possession, density, and quartering of animals; repeal section 5-1-16-32 on firearms usage; section 5-1-16-33 is renumbered as section 17; and old section 17 regarding amendments is renumbered as section 19.

**ARTICLE 2:** The provisions of this ordinance are severable, therefore, should any section or portion thereof be declared invalid by a court of competent jurisdiction, the remaining portions of this ordinance shall continue in full force and effect.

**ARTICLE 3:** This ordinance specifically repeals any ordinance of the City of Albion or any part of the City of Albion Comprehensive Plan that is in conflict herewith.

### **ARTICLE 4: FULL TEXT AVAILABILITY.**

The full text of the City of Albion Ordinance No. 2015-09-01 adopting changes in the comprehensive plan to allow quartering of animals and also adopting substantial revisions and amendments to Title 5, Chapter 1 of the Albion City Code, which is the


City of Albion Zoning Ordinance, and providing an effective date, is available at the Albion City Office, 225 South Main Street, Albion, Idaho.

A copy of Ordinance No. 2015-09-01 will also be provided to any citizen, upon personal request during usual City Office business hours, Monday through Friday, excepting City recognized holidays.

**ARTICLE 5:** This ordinance shall take effect and be in full force from and after passage, approval and publication, as by law provided.

DATED this 1st day of September, 2015.

CITY OF ALBION, IDAHO

By:   
SHARON HARDY-MILLS, MAYOR

**ATTEST:**

By:   
MARY YEAMAN, Clerk

**CITY ATTORNEY'S STATEMENT**

I, the undersigned City Attorney for Albion, Idaho hereby certify that the foregoing Summary of Ordinance 2015-09-01, an Ordinance of the City of Albion, Idaho adopting changes to the comprehensive plan regarding quartering of animals and revising Title 5, Chapter 1 Zoning Ordinance of the Albion City Code, is a true and complete summary of said ordinance, as is required by Idaho Code section 50-901, and provides adequate notice to the public of said provisions.

DATED this 1st day of September, 2015.

City Attorney for Albion, Idaho

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Kerry D. McMurray