



Memo

To: Mayor Davis and Members of the City Council

From: Donna Phillips, Community Development Director

Date: September 15, 2026

Agenda Item: Proposed Amendments to Title 11 Zone Regulations & Repeal and Replace of Title 12 Subdivision Regulations

Agenda Item Location

Workshop

Outcomes Expected From Workshop

Staff are looking to answer the Council's questions regarding proposed amendments as workshopped through the hearing bodies and at the conclusion of the workshop to be directed to start the public hearing process with the Planning and Zoning Commission.

Background

In the Fall of last year, the City Council adopted an update to the Comprehensive Plan, and in that update included some areas of the existing code which subsequently would need updating. Additionally, as a result of the spring 2025 Idaho legislative session several laws were passed with implementation dates to occur in July of 2026 which subsequently had implementation dates of February 1st of 2027. The later date is as a result of the time it would take municipalities to work through code revisions to address the changes mandated by Idaho statutes. And finally, staff, the City Council, and the Planning and Zoning Commission have identified several proposed changes to these two titles to come forward concurrently with the other changes.

In the table below is a recap of the dates either the Planning and Zoning Commission, City Council, or both hearing bodies have workshopped proposed amendments to these codes. Should you wish to review the workshops, the videos can be found at [youtube.com/@cityofhayden/featured](https://www.youtube.com/@cityofhayden/featured) . An in-depth recap was completed at the last three workshops of the Planning and Zoning Commission, but all are provided for your reference.

Date of Workshop	City Council	Planning & Zoning	Topics Covered
04/01/2024		X	Noise, Sewer, Zoning, Subdivisions
05/20/2024		X	Wetlands
06/17/2024		X	Noise, Kennels, Signage, Wetlands
07/01/2024		X	Noise, Kennels, Signage, Wetlands
1/27/2025	X	X	Noise, Animals, Surface Restoration, Utilities, Historic Structures, Signage, Subdivisions, Wetlands,
Date of Workshop	City Council	Planning & Zoning	Topic Covered
04/07/2025	X	X	Comp Plan Updates
09/15/2025		X	Comp Plan Updates & Rural Zone Designation
11/3/2025		X	Quiet Times, Rural Zone, Use Table, Mobile Food Establishment, Frontage Improvements, Sign, Subdivisions, Outdoor Storage
06/01/2026		X	Title 11 Zoning Regulations
06/15/2026	X	X	Starter Home Subdivisions,
07/20/2026		X	Title 12 Subdivision Code Amendments
08/03/2026		X	Title 12 Subdivision Regulations, Title 12-5-3 and Section 11-2-11 Starter Home Design Standards
08/31/2026		X	Title 11 Zoning Regulations & Title 12 Subdivision Regulations
09/14/2026		X	Title 11 Zoning Regulations & Title 12 Subdivision Regulations

Status of Code Development

Title 11 Zoning Regulations is a document showing the changes proposed with areas struck through (~~struck through~~) and words underlined (underlined) in a variety of colors. These colors don't signify much except that the document has been reviewed and edited by a number of people (staff members, changes made at the direction of PZC, or by Clare Marley, Ruen Yeager Associates (RYA)). Comments which haven't been completely vetted to everyone's satisfaction at the time of this memo are still shown in the sidelines (along with dialogue back and forth across the reviewers). Fonda Jovick and her team are reviewing the code amendments as proposed as well. At the workshop with Planning and Zoning last night (September 14, 2026), the Commission believes they are close to complete.

Title 11 Zoning Regulations is proposed to have amendments to the code and not a replacement of the code. With that said, Table 11-2-4 may be a repeal and replace simply because it is too confusing with the strike through and add parts as well as the restructuring of the table. To give the changes context, please review the proposed changes in concert with the existing Title 11 found on the City's website ([CHAPTER 1 GENERAL PROVISIONS](#)).

Title 12 Subdivision Regulations is a repeal and replace. Meaning what exists today will be completely replaced by a new Title 12 Subdivision Regulations. There are several reasons for this, but most notably the additions of language currently existing in the Master Development Agreement (MDA) and Construction Improvement Agreement (CIA) are being pulled from the agreements and added directly into city code.

As the hearing bodies have reviewed codes over the last several years, they have seen staff work diligently at moving the definitions related to the title to the beginning of that particular title. This change has occurred to reduce inconsistencies with the application of the definition through the various chapters of the title. With that said the definitions and their proposed amendments throughout both titles come from a variety of sources to include other agencies, state statute, agreements, additional clarity, etc. Additionally, as with all verbiage “context” is important to the definition. As Beverly (Permit Tech – Building) pointed out “Assembly” in the Zoning Regulations means - to put together or combine individual components; whereas in the IBC (International Building Code), “Assembly” is an occupancy classification for the grouping of people.

Summary of Proposed Amendments

Title 11 Zoning Regulations:

Chapter 1: General Provisions

The opening paragraph of the chapter was provided the title of “Purpose” and is referred to later in the chapters. Most notably with respect to its references to the Comprehensive Plan. Definitions were updated in four categories to work seamlessly with the use table in 11-2-4, as well as state statute, other agencies, and areas of the title. Duplication related to enforcement was removed. New and Unlisted uses process was amended to include both hearing bodies. References were updated. Exception requests were given some parameters of when an exception may be requested and heard. Process for an appeal request was updated. A new section was added (11-1-10) to address decisions provided through various administrative reviews (architectural design review, mixed use design standard review, site plan review, phased master site plan review, review with respect to site development with a conditional use permit, variance, zoning development agreement, etc.).

Chapter 2: Zoning Districts:

The Purpose of each Zone District Table in 11-2-2 and the Site Area & Setback Requirements Table (11-2-3) were updated to include the new “Rural” Zone Designation. Where an Accessory Dwelling Unit will be allowed was also updated in accordance with amendments to state statutes. The Use Table in 11-2-4 has also been updated to include the new “Rural” Zone designation and has been amended to provide separations in accordance to Residential/Residential Accessory Uses and Non-Residential Principal/ Non-Residential Accessory Uses. This was in most part due to confusion by the public related to the uses being categorized into intensity or similar uses as they are today. References to Mixed Use I or Mixed Use II were removed due to updates in the Future Land Use Map. Development Standards specific to a type of use were updated for the Accessory Dwelling Unit (ADU), Short Term Rentals, Manufactured Homes, Outdoor Storage, Roadside Stands (New), Neighborhood Commercial Nodes, Mixed Use Design Standards, Rural Design Standards (New), Mobile Food Establishment Standards (New – Rework of the Pilot), Starter Home Subdivision Design Standards, Parks and Open Space Design (New).

Chapter 3: Non-Conforming Uses:

Updated the reference in the section related to the hearing body for a variance.

Chapter 4: General Standards of Development:

This chapter was updated to address some inconsistencies to references and formatting, and to update types of uses consistent with the use table and definitions. Parking exceptions (page 79) were amended to give clarity as to when/how a parking exception would occur and updated the example provided accordingly. Parking Dimensions, Off-site parking requirements, pedestrian access, required site improvements and frontage improvements were also addressed. Under 11-4-7(E) Construction of Site Improvements two new sections were added. The first section was to tie the site construction back to general construction requirements in Title 9, quiet hour requirements in Title 4, and dust requirements in Title 11. The second addition was regarding burning on a site. Duration of site plan approvals was updated to directly identify timelines related to how a site plan was approved.

Chapter 5: Sign Code:

General information regarding signs was added for clarity. Definitions were updated to remove inconsistencies and to provide clarity. Updated 11-5-5 for signs authorized without a permit. Added a location verification review to ensure that the signs proposed don't require a permit but are placed in locations consistent with the code – out of site triangles, easements, and on private property and not within the right-of-way. Under 11-5-6 for signs authorized with a permit, updated the zones to include the new “Rural Zone” and Banner signs, and updated tables for clarity and removal of duplication. Updated master sign plan requirements to better align with tenant improvement permits and timelines of the customer. Throughout the code it is identified that if it isn't listed it isn't allowed; however, there seemed to be some confusion with signs on fences. That has been added under prohibited signs for clarity. Simplification and clarity have been used to update the standards for specific sign types. For example, instead of listing all the residential zones in these charts, “R” is used to represent the non-residential uses in the A, RU, R-S, R-1, and MR zone designations. “C” is used for non-residential uses in the C, L-I, and MU zone designations, and “CBD” for the Central Business District.

Chapter 7: Conditional Use Permit:

Added a new section regarding the requirement for a pre-development meeting with City Staff prior to the submission of a conditional use permit. General standards of approval for a conditional use permit were reviewed by staff, planning and zoning, added to and removed from, with final provided language as amended.

Chapter 8: Variances:

Updated References.

Title 12 Subdivision Regulations:

Proposed to Repeal Title 12 Subdivision Regulations Ordinance Chapter 1-10 and Replace with Title 12 Subdivision Regulations Ordinance Chapter 1-7.

As you review the proposed changes, you will see comments referring to MDA (Master Development Agreement) and CIA (Construction Improvement Agreement). The intent here is to bring the information which has been within what we consider to be standardized documents into the code.

Then if the City has an agreement related to a development project it will be with respect to something different than the norm. Most likely some reduced form of the CIA will still be required for all projects identifying the nuances associated with that project. Legal is reviewing the proposed changes currently.

Final formatting and numbering have not occurred. The Agreements identified the owner/applicant/developer as the “Developer” and the code identifies these three as the “Owner”. Staff are working through the language changes with respect to these as part of the final drafts of the code amendments.

Chapter 1: General Provisions:

Purpose, Authority, Fees, Enforcement & Penalty, Interpretation & Conflict, and Condition-Based Exceptions and Survey are like existing codes. Development and Construction Agreements have the first bits of merged documents added. The distinction between Major and Minor Amendments is a new section to give a more standardized approach to how changes in a project are handled.

Chapter 2 Definitions and Interpretations:

Definitions from specific to the title, to the agreements added to the title, and new definitions consistent with the state and/or other agencies were updated. Except as expressly defined in the title, words used in this title shall be given their ordinary meaning consistent with common usage and context.

Chapter 3: Boundary Line Adjustment:

This chapter location in the title was moved to the front of the subdivision process as inherently a boundary line adjustment does not create additional lots. It is noted in the last paragraph of 12-3-1 that the plats would include a Phased Subdivision, Condominium Plat, Townhome Plat or Planned Unit Development. A Condominium Plat and a Townhome Plat are similar but different and therefore have been proposed to be broken into separate platting requirements.

Chapter 4: Subdivisions:

This chapter is added to address all subdivisions of land and the general process from application of preliminary plat through final plat, acceptance of infrastructure and warranty period. Each of these areas, are then reviewed in detail in coming chapters. (E) on page 16 still reference the MDA, but this paragraph will be changed to reference the process should be modified to include when the MDA would be required and not for all cases should the City Council agree with Planning and Zoning about the inclusion of the agreement language in the City Code.

Chapter 5: Subdivision Preliminary Plat:

This chapter discusses the process, requirements of submittal, public notice and hearings, standards of approval, to the decision by the appropriate hearing body of the preliminary plat. Preliminary Construction Drawings are a requirement of the preliminary plat (50-70% design, generally). Review of these as part of the preliminary plat is not an approval of Construction Plans for construction of the subdivision.

Chapter 6: Subdivision Construction:

This chapter begins with those items which are required to be dedicated and right-of-way which are to be improved. It continues with other required infrastructure improvements and dedications, and then provides for when a requirement for a home/property owner's association shall be required. The chapter discusses the detailed requirements of the final set of construction drawings, and permits (from the City and outside agencies which may be required). It goes on to discuss the requirements to construct in the City, insurance requirements, CIA, minimum construction standards, pre-construction meeting, quality control program, general standards of workmanship, inspection requirements, and surety requirements. The chapter discusses public utilities both City and of other providers. At the conclusion of the chapter discussion is provided regarding what must be done prior to the City accepting the infrastructure to begin the warranty period, and the requirements during and to conclude the warranty period.

Chapter 7: Final Plats:

This chapter is broken up into sections to address general plat requirements of Subdivision Final plat and then the nuances of the Plat for a Lot Consolidation Plat, Condominium Plat, and Townhome Plat.

One area that has been proposed to be changed is in relation to the document recordation. Currently, upon approval of the City Council, staff have driven the final plat and its associated documents to the County for recordation. The proposed amendment identifies the plat (and associated documents) must be recorded within 30 days of the City Engineer signature, or the approval will become null and void. Additionally, it requires the applicant to submit to the City the recorded documents electronically.

Lot Consolidation plat is a plat that combines platted lots or unplatted parcels into one legal lot. Townhome lots are land which a structure may be existing or may be constructed that is wholly independent of any adjoining (common wall) constructed residence. This would include utilities provided to this individual lot. Condominium Lot can be a residential/non-residential lot which generally does not include the land to an individual but rather the land and common area are usually owned collectively in percentages by the owners of the structure and/or land. Utilities do not have to be provided individually to each unit but may be provided to the building and then collectively owned to the unit.