

CITY OF ST. MARIES
ORDINANCE NO. 2025-787

AN ORDINANCE OF THE CITY OF ST. MARIES, BENEWAH COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING THE ST. MARIES CITY CODE TO ADOPT PROVISIONS FOR PLATTING OF CONDOMINIUMS; AMENDING TITLE 11, CHAPTER 2, SECTION 1, TO ADD DEFINITIONS FOR CONDOMINIUM AND CONDOMINIUM PLAT; AMENDING TITLE 11, TO ADOPT CHAPTER 14, ENTITLED CONDOMINIUM PLATS, TO PROVIDE THE REQUIREMENTS AND PROCEDURES FOR PLATTING CONDOMINIUMS; AMENDING TITLE 11, CHAPTER 12, SECTION 11-12-1 TO ADD CONDOMINIUM PLATS AND DELETE REDUNDANT PROVISIONS ON FEES AND A REQUIREMENT FOR APPROVAL OF APPLICATION FORMS, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Ordinance No. 2025-787 was adopted after notice and hearing required by state law and upon suspension of the rules, upon a roll call vote, and duly enacted at a regular session of the St. Maries City Council, on the December 8, 2025, and approved by the Mayor.

WHEREAS, Idaho Code § 67-6511 authorizes municipalities to amend their zoning ordinance after the notice and hearing procedures under Idaho Code § 67-6509 have been followed; and

WHEREAS, the Planning and Zoning Commission of the City of St. Maries (“Commission”) held a public hearing on December 4, 2025, on the amendments to the Municipal Code for platting condominiums; and

WHEREAS, notice of the public hearing before the Commission was published in the St. Maries Gazette Record on November 19, 2025, and the record shows that all other notices required by law were followed; and

WHEREAS, the Commission recommended approval of these amendments to ensure the City of St. Maries’ procedure for condominiums is clear to the public; and

WHEREAS, the City Council for the City of St. Maries (“City Council”) held a public meeting on the December 8, 2025, on the amendments to the code for platting condominiums; and

WHEREAS, the record shows that all other notices required by law were followed; and

WHEREAS, the City of St. Maries conducted a reading of the ordinance, and one half plus one of the members of the full council dispensed of the rule requiring two more readings; and

WHEREAS, pursuant to Idaho Code §§ 50-902, 67-6509, 67-6511, and other related statutes, the City of St. Maries finds that these amendments are not in conflict with the policies of the adopted comprehensive plan, and there are no adverse impacts upon the delivery of services

by any political subdivision providing public services, including school districts, within the planning jurisdiction.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. MARIES, BENEWAH COUNTY, IDAHO:

SECTION 1: That Title 11, Chapter 2, Section 1, entitled “Terms Defined”, be amended to include the following definitions:

CONDOMINIUM: As defined in section 55-101B, Idaho Code

CONDOMINIUM PLAT: A plat setting forth a division of units for condominium ownership purposes where there is no subdivision of the land upon which the units sit.

SECTION 2: That Title 11, Chapter 14, entitled “CONDOMINIUM PLATS”, be adopted as follows:

CHAPTER 14 **CONDOMINIUM PLATS**

SECTION:

11-14-1: Description and Applicability

11-14-2: Application Requirements

11-14-3: Approval Procedure

11-14-4: Final Approval and Recordation of Plat

11-14-1: DESCRIPTION AND APPLICABILITY:

The procedure set forth in this chapter shall apply to approval of condominium plats. It shall not be used to subdivide land. Subdivisions of land shall be completed in accordance with Title 11, Chapter 7 of City Code.

11-14-2: APPLICATION REQUIREMENTS:

A. Complete Application Required: The applicant shall submit one (1) application packet to the city clerk in electronic format and one (1) application packet by hard copy, except as may be approved by the Planning Administrator. The application shall include the proposed declaration of condominium, proposed condominium plat, and all materials required for approval as set forth in section 11-14-3, except as may be waived by the Administrator.

B. Fee: At the time of filing a condominium plat application, the applicant shall pay an application fee to the city as provided in the fee schedule approved by resolution of the Council.

C. Information Required: A proposed condominium plat and declaration of condominium shall include all information required under title 50, chapter 13, and title 55, chapter 15, Idaho Code.

D. Compliance With Zoning Regulations: The proposed condominium plat shall comply with all applicable requirements of the underlying zone. In addition, the structure(s) must be permitted as a duplex or multiple-family dwelling with a special use permit in zones that require such. Multi-unit storage facilities must also have an approved special use permit, if required by the zone.

E. Processing: No condominium plat application shall be processed until all maps and information required by this section have been filed, checked and accepted by the Planning Administrator, and the required fees have been paid.

F. Additional Requirements for Phased Condominiums:

1. If the condominium project will contain more than one phase, the condominium plat for the first phase and each subsequent phase must also include the following information:

a. All future buildings or structures planned for the site, showing appropriate dimensions and locations;

b. Identification of the order in which subsequent buildings or structures will be constructed;

c. A statement that each phase will be superseded by the subsequent phase.

11-14-3: APPROVAL PROCEDURE:

Procedure for Processing of Applications:

A. Site Inspection and Plan Review: The applicant must provide a draft declaration of condominium and conceptual condominium plat drawing. The Planning Administrator and applicant will review the approval process with the applicant and will confer with the applicant as to the design and feasibility of the proposal.

B. Existing Code Violations: If any unpermitted development has previously occurred on the site, or any other violations of this Code exist on the site, the violations must be corrected prior to application, except to the extent that approval of the application will remedy any such violation.

C. Condominium Design: The applicant and design consultant will then lay out the design of the project and, if necessary, will revise the proposed declaration of condominium, and the project surveyor will draw a proposed condominium plat.

D. Application: The applicant must then submit a complete application packet to the city clerk. Incomplete applications will not be processed.

E. Agency Review:

1. If the application is complete, the Planning Administrator shall review the application and forward it to other agencies with relevant jurisdiction or expertise with a request for review and comment within thirty (30) days of receipt. After the packets have been sent, the applicant should contact each agency to determine whether there are additional requirements which will apply to the proposed condominium. Agency responses should explain whether the proposal appears feasible and will meet the agency's requirements, any negative effects that may result from the condominium and any actions which may be needed to mitigate those effects and ensure that the development does not compromise the quality, or increase the cost, of public services and facilities, any additional information that may be needed, and what is required or recommended prior to final approval.

2. Agencies that may be asked to comment include, but are not limited to, the city engineer, the St. Maries Fire Protection District, the Idaho Transportation Department, the St. Maries School District, Panhandle Health District, the Idaho Department of Environmental Quality, and utility providers.

3. Requests by an agency for actions to be taken, or fees to be paid, to mitigate impacts of a condominium should be roughly proportional, both in nature and extent, to the impact of the proposed development.

F. Planning Commission public hearing: The Planning Administrator shall also schedule the application for a duly noticed public hearing with the Planning Commission, as outlined in Section 11-12-1. In their recommendation to the Council, to approve a condominium plat, the Commission must make the following findings:

1. The applicant has provided information sufficient to determine whether the application complies with the relevant requirements of this chapter.

2. The declaration of condominium meets the relevant requirements of title 55, chapter 15, Idaho Code.

3. The condominium plat meets the relevant requirements of this chapter, title 50, chapter 13, Idaho Code, and title 55, chapter 15, Idaho Code.

4. The condominium plat and the project are in compliance with other applicable provisions of this Code without variances.

5. The condominium plat and the project meet the requirements of all agencies with jurisdiction and those providing services.

6. Services and facilities which will serve the condominium are available and adequate.

7. The sanitary restrictions will be lifted prior to recordation.

8. Appropriate documents which establish a condominium owners' association which will bear responsibility for maintenance of commonly owned land, infrastructure, or other

improvements, have been approved by the Administrator and are ready to be recorded with the instruments described in Idaho Code § 55-1508.

9. Public notice and an opportunity for interested parties to comment on the application have been given in accordance with the applicable provisions of Idaho Code, this chapter and Section 11-12-1 of this Code.

G. The order of decision of the Council shall comply with section 67-6535, Idaho Code, and shall cite the applicable legal standards, state the evidence and conclusions on which the decision was based, and explain any relevant contested facts and its evaluation of these facts. Decisions of approval shall include any conditions of approval.

11-14-4 FINAL APPROVAL AND RECORDATION OF PLAT

A. For structures that have yet to be constructed or will be modified, the processing and approval of a condominium plat in accordance with this Chapter may be completed with a plat prepared with dimensions from construction plans. However, the condominium plat shall not be approved for recordation, as evidenced by the Mayor’s signature on the plat, until construction of the subject building has been completed and the as-built dimensions have been verified by the project surveyor and incorporated into the plat.

B. Within one year of approval, the applicant must meet any conditions and submit the mylar plat and any associated documents to the department in a form ready to record. The applicant must obtain all signatures on the plat and associated documents, except the Mayor and Recorder’s signatures, before submittal to the City. An extension of the one year period for recordation may be requested prior to the expiration of the then current period, and such requests may be granted by the Director for good cause shown. If the plat is not submitted within one year, and a request for extension is not timely made and granted by the Director, the approval shall be null and void.

SECTION 3: That Table A-1 and Table C-1 within Title 11, Chapter 12, Section 1 be amended, as follows:

TABLE A-1
AUTHORITIES AND PROCESSES

CC = City council		
PZ = Planning and zoning commission		PM = Public meeting
PZA = Planning and zoning administrator		PH = Public hearing

	Recommending Authority/Process	Final Decision Making Body/Process
Annexation	PZ/PH	CC/PM
Boundary adjustment line	N/A	PZA or PZ/PM

Comprehensive plan amendment	PZ/PH	CC/PM
Condominium plat	<u>PZ/PH</u>	<u>CC/PM</u>
Development code amendment	PZ/PH	CC/PM
Lot merger	n/a	PZA or PZ/PM
Special use permit or revocation	PZ/PH	CC/PM
Subdivisions and PUDs	PZ/PH	CC/PM
Vacation of any part of plat (including platted streets and alleyways)	N/A	CC/PH
Variances	PZ/PH	CC/PM
Zoning district boundary amendment	PZ/PH	CC/PM

TABLE C-1
PUBLIC NOTICING REQUIREMENTS

	Radius - Adjacent Properties	Radius - Properties Within 300 Feet	Publication	On Site	Agencies
Annexation		X	X	X	X
Comprehensive plan amendment			X		X
<u>Condominium plat</u>		<u>X</u>	<u>X</u>	<u>X</u>	
Development code amendment			X		X
Special use permit or revocation		X	X	X	X
Subdivisions (including PUD)		X		X	X
Vacation of any part of plat (streets and alley)		X	X		
Variances	X		X	X	
Zoning district boundary amendment		X	X	X	X
Zoning ordinance amendment			X		X
Other land use applications (as required by state law)			X	X	

SECTION 4: That Title 11, Chapter 12, Section 1, Subsection C, entitled “Adoption of Application Form”, and Subsection D, entitled “Amendment of Fee Schedule”, be repealed, in their entirety.

SECTION 5: SEVERABILITY. Any part of this ordinance found to be unlawful shall be deemed severable and shall not affect the remaining provisions hereof.

SECTION 6: CONFLICTS. All provisions of the ordinances of the City of St. Maries which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 7: EFFECTIVE DATE. This ordinance shall take effect and be in full force upon its passage, approval and publication, either in full or by summary as provided in Section 50-901A, Idaho Code, and published in at least one (1) issue of the St. Maries Gazette Record, a newspaper of general circulation within the City of St. Maries and the official newspaper thereof.

PASSED pursuant to the provisions of Idaho Code § 50-902, upon a proper roll call vote and duly enacted at a properly noticed session of the St. Maries City Council held on the December 08, 2025.

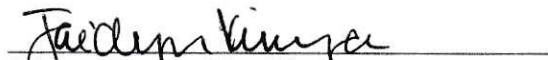
CITY OF ST. MARIES

By:



Tom Carver, Mayor

ATTEST:


Jaedyn Kinzer, City Clerk