

10-1: GENERAL PROVISIONS

10-1-1: EFFECTIVE DATE.

The Twin Falls City Uniform Development Code was adopted on December 8, 2025 and became effective on January 1, 2026.

10-1-2: PURPOSE AND INTENT.

This Uniform Development Code is enacted to exercise the full range of authority available under Idaho Code 67-6502.

10-1-3: AUTHORITY

- A. Pursuant to the powers and jurisdictions vested through the laws, statutes and regulations of the State of Idaho, the Twin Falls Council does hereby exercise the power and authority to adopt zoning and subdivision regulations to regulate the development and use of lands under its jurisdiction. Such regulation of the development of land and the attachment of reasonable conditions to land development is an exercise of valid police power delegated by the State of Idaho to this City. The developer has the duty of compliance with these restrictions and standards set forth by the City of Twin Falls for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the City and to the safety and general welfare of the current and future property owners within subdivisions, neighborhoods, and the community at large.
- B. Under the power and authority so vested, the Twin Falls Council hereby declares that no building permit or zoning permit shall be issued for any property, lot, parcel or plat of land; nor shall any excavation or filling of land; or construction of any public or private improvements take place or be commenced thereon; except in conformity with these regulations; and no land subject to these regulations shall be subdivided and sold or

offered for sale, until the owner has obtained approval of a final plat in accordance with these regulations and the approved plat is filed with the County Recorder.

10-1-4: APPLICABILITY AND CONFORMITY

- A. The Uniform Development Code applies to all buildings, land, property, site improvements, and structures within the City of Twin Falls.
- B. In their interpretation and application, the provisions of this Uniform Development Code are the minimum requirements necessary to meet the purpose and intent of these regulations.
- C. Except as otherwise provided by these regulations, land, buildings, and premises in any district shall hereafter be used only in accordance with the regulations established for that district and the following general provisions.
1. No building shall be erected, constructed, relocated, or structurally altered to have a greater height, proportion of coverage, or smaller yards or open spaces than permissible under the limitations set forth by these zoning district regulations. No yards, open spaces, or off-street parking space or loading space existing or provided shall be reduced below the minimum requirements set forth in these regulations, or further reduced if already less than said minimum requirements.
 2. An open space, yard, or parking/loading space that is needed to comply with regulations for one building or use cannot count towards the requirements for another building or lot unless explicitly allowed by the regulations.

3. No legal lot held in single ownership at the effective date of these regulations shall be reduced in dimension or area so as to be smaller than required by this Title, unless otherwise permitted within this Title.
- D. **Control Over Less Restrictive Agreements, Laws, and Regulations.** The Uniform Development Code does not nullify any private agreement or covenant, and the City of Twin Falls will not enforce any private agreement, covenant, or contract. Wherever the Uniform Development Code is more restrictive than a private agreement or covenant, the Uniform Development Code controls. If any condition or requirement imposed by the Uniform Development Code is more restrictive than a condition or requirement imposed by any other law, rule or regulation of any kind, or contains and actual, implied, or apparent conflict, the more restrictive condition or requirement controls.
 - E. **References to Other Laws.** Whenever a provision of the Uniform Development Code refers to any other part of the Twin Falls City Code, the reference applies to any subsequent amendment of that law.
 - F. **Text and Graphics.** Illustrations, photographs, and graphics included in the Uniform Development Code are to illustrate the intent and requirement of the text. In the case of a conflict between the text and any Illustrations, photographs or graphics, the text controls.
 - G. **Current Versions & Citations.** All references to other regulations or manuals in this Title refer to the most current adopted version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations or documents have been repealed and not replaced by other regulations or manuals,

Title requirements for compliance are no longer in effect, unless in direct conflict with the health, safety, and welfare of the general public.

10-1-5: MEDIATION

- A. Mediation may be requested in writing by the applicant, an affected party, the Planning & Zoning Commission, or the Council. Mediation may occur at any point during the decision-making process, or after a final decision has been made. If mediation occurs after a final decision, any resolution of differences through mediation must be the subject of another public hearing before the decision-making body.
- B. The applicant and any other affected persons objecting to the application shall participate in at least one mediation session if mediation is requested by the Planning & Zoning Commission or the Council. The Council shall select and pay the expense of the mediator for the first meeting among the interested parties. Compensation of the mediator shall be determined among the parties at the outset of any mediation undertaking. An applicant may decline to participate in mediation requested by an affected person, and an affected person may decline to participate in mediation requested by the applicant, except that the parties shall participate in at least one mediation session if directed to do so by the governing board.
- C. During mediation, any time limitation relevant to the application shall be tolled. Such tolling shall cease when the applicant or any other affected person, after having participated in at least one mediation session, states in writing that no further participation is desired and notifies the other parties, or upon notice of a request to mediate wherein no mediation session is scheduled for 28 days from the date of such request.

- D. The mediation process may be undertaken pursuant to the general limitations established by this section.
- E. The mediation process shall not be part of the official record regarding the application.

10-1-6: TRANSITIONAL DEVELOPMENT.

- A. Applications in Process. Development applications pending approval that are deemed complete by the Administrator and received prior to the effective date of these regulations will be reviewed under the terms of the previous title with regards to use, density, intensity, location, and site design features that impact any of these essential elements. Otherwise, the provisions of these regulations will be met with regards to any element of use or development that doesn't impact an essential element, as noted, or negatively affect a valid vested right as determined by the Administrator. Such provisions include, but are not limited to, landscaping, number and location of driveways, lighting, and signage.
- B. Unexpired Permits.
 - 1. The enactment of this Title shall not terminate or otherwise affect rights, variances, and permits acquired or authorized for work that is actively in progress under the provisions of any title hereby repealed.
 - 2. Where a building permit has been issued for the construction of a building or structure, and for an authorized use and occupancy thereof in accordance with the law in place prior to the effective date of these regulations said building or structure may be completed in conformance with the approved plans and on the basis for which the building permit has been issued, provided construction of the building or structure is commenced within

180 days of the effective date of the permit and diligently pursued to completion.

- C. Prior Actions and Penalties. This Title shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous title, nor shall it be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue under such law or title.

10-1-7: SEVERABILITY.

If any section, paragraph, clause, sentence or provision the Uniform Development Code is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of the Uniform Development Code. The effect of the judgment is confined to the section, paragraph, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

10-1-8: VIOLATION AND PENALTIES.

- A. Whenever a violation of this Title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis of the same and shall be filed with the Administrator. The Administrator shall properly record such complaint, immediately investigate the same and take such action, or cause the same to be taken thereon as provided by this Title. The City Attorney shall, in addition to taking whatever criminal action is deemed necessary, take steps to civilly enjoin any violation of this Title.
- B. Any violation of the provisions of this Title or any failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues beyond notice shall be considered a separate offense. The landowner, tenant, subdivider, builder, developer, public official, or any other person who commits,

participates in, assists in or maintains such continuing violation may be found guilty of a separate offense for each day the violation continues. Nothing contained herein shall prevent the Council or any other public official or private citizen from taking such lawful action as it necessary to restrain or prevent any violation of this Title or the Idaho Code.

- C. Any person convicted of violating any of the provisions of this Title shall be punishable by imprisonment for a term not to exceed 90 days, a fine not to exceed \$300.00, or by both such fine and imprisonment, or as the Court shall deem necessary in the interest of justice.

10-1-9: ADMINISTRATION.

- A. Planning & Zoning Director. The Planning & Zoning Director, throughout this Title referred to as the Administrator, shall administer the provisions of this Title and provide guidance to the Planning & Zoning Commission and the Council, and in addition, shall have the following duties:
 - 1. Advise interested persons of the Unified Development Title provisions.
 - 2. Adhere to best planning practices that promote the goals and objectives of the adopted Comprehensive Plan and other related adopted City policy documents.
 - 3. Aid and assist applicants in the preparation and submission of required applications.
 - 4. Issue zoning permits, notifications, and similar administrative duties.
 - 5. Investigate all violations of this Title and notify the person responsible for such violations, ordering the action necessary to correct such violation.
- 6. Whenever there is doubt as to this classification of use not specifically mentioned in this Title, the determination shall be made by the Administrator. Such determination shall be based upon detailed description of the proposed use and such other information as may be required. The Administrator shall make such investigations as are necessary to compare the nature and characteristics of the proposed use with those of listed uses in the various districts, and shall determine that the use is, in all essentials, pertinent to the objectives of this Title, of the same character as a use listed as allowed or as a special use permitted in one of such specified district or districts. No use added by such administrative determination shall permit in any district a use which is a special use permitted in such districts or in any less restricted district, nor shall same permit a use which is an allowed use in a less restrictive district. The determination of the Administrator shall be final unless an appeal is made as hereinafter provided.
- 7. Appeals to the Planning & Zoning Commission concerning the Administrator's interpretation and administration of this Title may be taken by any person aggrieved by a decision of said Administrator. Said appeal will follow the procedures as found in 10-8-4(G) of this Title.

- B. Planning & Zoning Commission. This Title establishes a Planning & Zoning Commission which may be referred to as the Commission throughout these regulations. The Commission shall be constituted and shall function according to bylaws established and referenced herein and shall have all of the power or authority to consider titles or to recommend amendments to or repeal of any portion of this Title. The Commission shall provide guidance and assistance to the Council, holding public hearings as required by law, and shall grant or deny applications presented to the Commission, and shall make timely written recommendations to the Council in all matters relating to this Title in which the Council has final decision-making powers. Any action taken by the Commission which would be final unless appealed may be reviewed and heard by the Council per 10-8-4.
- C. Bylaws Of Planning & Zoning Commission. The following organizational bylaws for the Commission are hereby adopted as an integral part of this Title and shall function as guidelines for said Commission in executing their roles and responsibilities in administering this Title.
1. Creation and Purpose: In fulfilling the powers and duties by law conferred upon the Commission, the Commission shall, among other things, bear in mind the purpose of this Title, as established in 10-1-1, and the impact of decisions made in consideration of this purpose.
 2. Duties of the Commission: Consistent with the purposes of the Commission hereinabove set forth, the Commission shall have the following duties together with such other duties as are prescribed by law:
 - a. Initiate proposed amendments to this section.
 - b. Conduct a complete review and audit of the zoning code once every three years. The review will consist of measuring how the Uniform Development Code assists in meeting the goals and actions described by the Comprehensive Plan, and similar City policy documents.
 - c. Review all proposed amendments to this Title and make recommendations to the Council.
 - d. Conduct a comprehensive planning process designed to prepare, implement, review, and update a comprehensive plan as required by Idaho State Law.
 - e. Review all districts, subdistricts, and overlay districts, and make recommendations to the Council.
 - f. Grant special use permits as specified in this Title and under the conditions as herein specified with such additional safeguards as will uphold the intent of this Title.
 - g. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Administrator.
 - h. Authorize such variances from the terms of this Title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Title will result in unnecessary hardship, and so that the spirit of this Title shall be observed and substantial justice done.

3. Membership Terms and Qualifications:
 - a. The Commission shall consist of seven members. All members shall be appointed by the mayor, and confirmed by a majority vote of the full Council.
 - b. Members shall serve a term of three years beginning regularly on March 1st of each year.
 - c. Members shall have resided in the City of Twin Falls for two continuous years preceding their appointment, shall be residents of the City of Twin Falls at the time of appointment and said members must remain residents of the City during the term of office to which they were appointed.
 - d. As required by State Code 67-6526-4(K), or as amended, persons living within the delimited area of impact shall be entitled to representation on the Planning & Zoning Commission. Such representation shall as nearly as possible reflect the proportion of population living within the City of impact, as opposed to the population living within the areas of impact.
 - i. The Council shall thereby appoint one seat, of the seven member Commission, as the City Area of Impact representative.
 - ii. Appointments shall follow the process, schedule, and term limits found in City Code 10-1-11(C).
 - e. In appointing members to the Commission, the Council shall be certain that the area and interest within its jurisdiction are broadly represented by the appointed membership. Members shall be selected and appointed without respect to political affiliations.
4. Vacancies & Removal of Commission Members: Vacancies occurring otherwise than through the expiration of appointed terms shall be filled in the same manner as the original appointments. A member appointed to fill an unexpired term shall serve the remainder of the unexpired term. Members shall not be appointed to more than two full consecutive terms. Members may be removed for cause only by a majority vote of the full Council.
5. Conflict of Interest: A member of the Commission shall not participate in any proceeding or action when the member, his employer, or his employee, business partner or associate, his business, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any action or potential interest in any proceedings shall be disclosed at or before any meeting, duly entered and recorded in the minutes, at which the action is being heard or considered.
6. Organization & Meetings: Upon organization, and thereafter at the first regular meeting in March of each year, the Commission shall elect, by a majority of the full membership, a chairperson and vice chairperson, and shall create and fill in a similar manner any other office that it may deem necessary.

- a. The chairperson may establish subcommittees, advisory committees, or neighborhood groups to advise and assist in carrying out the responsibilities of the Commission.
 - b. The chairperson (or vice chairperson) shall preside at all regular meetings of the Commission which may be scheduled on the second and fourth Tuesdays of each month for no less than nine months in a year. All meetings and records shall be open to the public and a record of all meetings, hearings, resolutions, studies, findings, permits, recommendations and actions shall be maintained by the Commission.
7. Public Hearings.
- a. The chairperson shall preside over and conduct all public hearings on all matters presented to the Planning & Zoning Commission. No public hearings shall be held except and until notice has been provided to the public in conformance with the statutes of the State of Idaho.
 - b. The following rules shall be observed in the conduct of any public hearing before the Commission, hereinafter referred to as the hearing body. The following rules shall be known as the "Twin Falls Rules of Procedure."
 - i. The applicant shall not make any material changes to the application or proposal after publication of the notice of public hearing. If the applicant wishes to make a change to the application after the publication of the notice of public hearing, the applicant shall notify the Administrator and the hearing shall be canceled, to be rescheduled after the changes are submitted for staff review.
 - ii. Prior to opening the public hearing, the presiding officer shall review the public hearing process.
 - iii. All persons permitted to testify or speak before the hearing body at a public hearing shall declare their name and residency for the record. This rule shall not apply to staff or technical witnesses directed by the presiding officer to give evidence or information to the hearing body.
 - iv. No person shall be permitted to speak before the hearing body at a public hearing until such person has been recognized by the presiding officer.
 - v. All public hearing proceedings shall be recorded, and all persons speaking at such public hearings shall speak in such a manner as will assure that the recorded testimony or remarks will be accurate and trustworthy.
 - vi. Any exhibit introduced by any person shall be retained by the hearing body and made a part of the record therein.

- vii. Presentations and Testimony shall follow this order and rules:
- A. Staff will present the information of the request.
 - B. The applicant will then give their initial presentation which shall be limited to 15 minutes. The hearing body may grant additional time if a written request has been submitted prior to the public hearing.
 - C. Members of the hearing body may then ask questions regarding the application.
 - D. Testimony from the public may be limited by the presiding officer to no less than two minutes per person.
 - E. Five or more persons receiving written notice of the public hearing may appoint a person to speak for them by submitting written authorization to the Administrator prior to 12:00 P.M. on the date of the hearing. Appointed spokespersons shall be limited to 15 minutes for their presentation.
 - F. Written comments, including e-mail, shall be received 2 business days prior to the date of the hearing to be accepted for consideration by the hearing body.
 - G. The applicant will be permitted five minutes for rebuttal/closing statements. After all testimony has been given, the public hearing shall be closed and no additional information may be requested or given, unless the public hearing is reopened.
 - H. The speaker shall not be interrupted by members of the hearing body until his time limit has been expended or until he has finished his statement.
 - I. At the end of a speaker's comments, each member, when recognized by the presiding officer, may be allowed to question the speaker and the speaker shall be limited to answers to the questions asked. The presiding officer may limit the time permitted for the answer. The question and answer period shall not be included in the speaker's time limit, as established.
 - J. Any person not conforming to any of the listed rules may be prohibited from speaking before the public hearing. Should any person refuse to comply with such prohibition, he/she may be asked to leave the hearing, and thereafter removed from the room by order of the presiding officer.

- c. The main motion on the application shall be in the affirmative, to approve the application, and may include conditions from the staff report, or members of the hearing body. The main motion may be amended to establish or remove conditions. If the motion passes, the application is approved. If the motion fails, the application is deemed denied. Motions on appeals shall also be in the affirmative to approve the action requested by the applicant.
8. Quorum for The Conducting of Business and Voting:
- a. A majority of the membership shall constitute a quorum for the transaction of business at any meeting of the Commission.
 - b. In the event any regular member is absent or not sitting due to a conflict of interest, said member shall not be counted for the purposes of constituting a quorum.
 - c. Each member shall be entitled to one vote and the acts of a majority of a quorum present at any regular or special meeting shall be the acts of the Commission.
9. These bylaws may and shall be amended in the same manner provided for amendments to this Title in general.
10. Special Meetings.
- a. Special meetings of the Commission may be held at such times and at such places as agreed on by at least four members at a regularly scheduled public meeting. Written notice

of all such special meetings, including the time, date, and purpose of said meetings shall be provided to all members of the Commission. A special meeting can take place subject to the rules and process established in Section 74-204 of Idaho Code.

- b. No business may be conducted at any such special meeting upon any application or request of any citizen except and unless notice of the request and of the special meeting has been published as required by law.

10-1-10. RULES OF LANGUAGE CONSTRUCTION.

A. Meaning and Intent.

- 1. All references to other county, state, or federal regulations or policies mean the most current version and citation for those regulations and policies unless expressly indicated otherwise. When the referenced regulations have been repealed and not replaced, any requirements under these regulations for compliance with such regulations or policies shall be consistent with state statutes at the time of code adoption or amendment unless such action is determined by the Administrator to violate current law. To any extent such other regulation has not yet been adopted, such reference shall be ignored.
- 2. All references to employees, public officials, bodies, and agencies mean those of the City of Twin Falls, unless otherwise expressly stated.

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3. Whenever a provision vests authority in the head of a department or other officer or employee of the City to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.
- B. Computation of Time.
1. References to "days" are to calendar days unless otherwise expressly stated. Reference to "business days" are references to regular working days of the City, excluding weekends and holidays observed by the City.
 2. In computing any period of time prescribed or allowed by these regulations, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or a holiday, in which event the period runs until the end of the next day. As used in these regulations, "holiday" includes any day designated as such by the City.
 3. A day concludes at the close of business (5:00 p.m.), and any materials received after that time will be deemed to have been received the following day.
- C. Tenses and Usage.
1. Words and numbers used in the singular include the plural, and words and numbers used in the plural include the singular.
 2. Words used in the present tense include the past and future tense. The reverse is also true.
 3. The words "shall," "will," and "must" are always mandatory; the word "may" is permissive, except when the context of its particular use is negative (e.g., "may not").
 4. Requirements using numbers as stated "up to x," "not more than x," and "a maximum of x," always include "x."
 5. Any reference to a chapter or section shall mean a chapter or section of these regulations, unless otherwise specified.
 6. The word "district" is synonymous with the word "zone."
 7. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, governmental unit, and any combination thereof.
 8. The words "used" or "occupied" include the words "intended, designed, or arranged to be used, or occupied."
 9. The word "lot" includes the words "plot," "tract," or "parcel of land" as the context indicates.
 10. The term "erected" means "constructed," "altered," "moved," or "repaired."
 11. The word "street" includes the words "road," "route" and "highway."
 12. Words used in the masculine gender include the feminine gender and vice versa, and gender-neutral words may substitute for gender-specific words (e.g., "they" instead of "she").

13. References to NAICS codes shall mean those codes assigned to businesses in the most recent edition of the North American Industrial Classification Manual published by the United States Office of Management and Budget unless otherwise explicitly stated. NAICS Codes are listed as an aid in interpretation and determination of specific uses included in a general class of uses.
14. The word "contiguous" as applied to lots or districts shall be interpreted as meaning "sharing a common boundary, abutting."
15. The phrase "on the premises of," as applied to accessory uses or structures shall be interpreted to mean "on the same lot or on a contiguous lot in the same ownership."

D. Conjunctions. Unless the context clearly indicates otherwise, conjunctions have the following meanings within these regulations.

1. The word "and" in a list indicates that all connected items or provisions apply.
2. The word "or" in a list means that connected items or provisions may apply singularly or in combination.

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