

FINAL
ORDINANCE 2009-02

AN ORDINANCE REGULATING THE SUBDIVISION OF PROPERTY; PROVIDING DEFINITIONS; ESTABLISHING JURISDICTION; SETTING PROCEDURES; ESTABLISHING THE CONTENT OF PLATS, DESIGN STANDARDS, IMPROVEMENTS; SETTING FORTH PROVISIONS FOR VARIANCES, APPEALS AND AMENDMENTS; SETTING FILING FEES AND COSTS; SETTING STANDARDS FOR SUITABILITY; SETTING PROVISIONS FOR VIOLATIONS AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Crouch desires to adopt a new subdivision code to regulate the development of land within the City of Crouch and the Impact Area pursuant to the Idaho Local Land Use Act.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CROUCH, IDAHO, as follows:

Section 1: The existing code set forth as Ordinance Number 2005-01 and all amendments thereto are hereby repealed.

Section 2: A new subdivision ordinance is hereby adopted as Title 5 of the City of Crouch, City Code as set forth below.

Section 3: This ordinance shall take effect and be in full force upon its passage, approval and publication.

PASSED By the City Council and APPROVED by the Mayor this 12th day of August, 2009.

Jim Rodes 9/9/09
Jim Rodes, Mayor

ATTEST:

Kim Bosse 9/3/09
Kim Bosse, City Clerk

CITY OF CROUCH SUBDIVISION ORDINANCE

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF CROUCH, IDAHO

ORDINANCE BY THE CITY OF CROUCH, IDAHO

On the 12th day of August, 2009, the City Council of the City of Crouch, Idaho, approved under suspension of rules the below summarized Ordinance 2009-02. The full text of this ordinance is available for review at the Crouch City Hall at 329 Village Circle and will be mailed upon request by contacting the City Clerk at 462-4687 or cityofcrouch@frontiernet.net.

Ordinance No. 2009-02 (Summarized)

Section 1: The existing code set forth as Ordinance Number 2005-01 and all amendments thereto are hereby repealed.

Section 2: A new subdivision ordinance is hereby adopted as Title 5 of the City of Crouch, City Code as summarized below:

Chapter 1- General Provisions - Provides for a short title, purpose and functions of the ordinance, sets forth the authority, provides for interpretation and conflicts with existing laws, requires a subdivision approval for land development regulated under this ordinance, sets forth definitions, establishes the jurisdiction of this ordinance and special exceptions for condominiums, subdivisions outside the city limits and sets requirements for landlocked tracts. This Chapter sets forth the regulations for exceptions for one time division of original tracts, property line adjustments, allows for building over multiple lots, establishes the process for property line adjustment and sets forth the rules for a record of survey. This Chapter Section 1-6 sets forth the procedures for plat approval, official recording of a plat, required forms, pre-application procedures, and preliminary plat procedures. Section 1-7 of this Chapter provides for interpretation with other laws. Section 1-8 of this Chapter defines the terms of certain words.

Chapter 2 - Subdivision Plats and Procedures –

Section 2-1 - Sets forth the standards of review and obligations of the applicant, sets forth requirements for subdividing land, requires subdivision approval prior to the sale of lots and establishes that failure to comply with the provisions is a violation of the subdivision ordinance.

Section 2-2 – Application for Subdivision Approval Generally - Sets for the process, applicability, and exceptions for Subdivision approval. This section sets for pre-application procedures.

Section 2-3 - Short Plat – sets forth the procedure and standards for combining the preliminary and final plat subdivision process for certain developments.

Section 2-4 - Preliminary Plat – Sets for the filing requirements for a preliminary plat application, including the application and data, the subdivision plan standards, required attachments, required information and related data, the procedure for approval of the preliminary plat and the approval period.

Section 2-5 - Mitigation of Development Impacts – Provides for mitigation as a condition of approval where the development affects the delivery of public services, including development impact fees pursuant to Idaho Code Chapter 82, Title 67.

Section 2-6 Processing and Review Fees – Provides for the adoption of fees set by resolution.

Section 2-7 Condition Based Exceptions – Provides for exceptions caused by the specific conditions of the site.

Section 2-8 Commencement of Construction – Sets forth the time in which construction must begin, the duration of the approval and a process for changes to the approval.

Section 2-9 Final Plat Approval – Surety – Sets forth the process and requirements for final plat approval and the requirement for bonding for required improvements.

Section 2-10 Surveys – Requires that subdivision surveys be based upon certain standards.

Section 2-11 Enforcement and Penalties – Establishes that violation of the subdivision ordinance is a misdemeanor.

Section 2-12 Record Of Lot, Plat Approval – Requires that prior to recording a plat, it must be approved by the City Council

Section 2-13 Sale Of Lot, Plat To Be Recorded – Requires the subdivision plat to be recorded with the County Recorder prior to the sale of any lot.

Section 2-14 Lot Splits – Provides for the process and regulations for a lot split.

Chapter 3 - Design Standards - This Chapter provides for the minimum and design standards for the location of streets and roads, street widths, intersections, street names, pedestrian walkways, blocks, lots, easements, landscaping buffers and reserve strips, public sites and open space requirements, micro pathway regulations, common driveways and alleys.

Chapter 4 – Required Improvements – Defines and establishes the requirements for monuments, streets and alleys, curbs and gutters, street lights, sidewalks and pedestrian walkways, parks and schools, underground utilities, water supply and sewer systems, stream easements, storm drainage and flood controls, fire hydrants and water mains, greenbelt areas and landscape screening. Sets forth rules for a guarantee of improvements, inspections, inspector access, and failure to comply and warranty requirements.

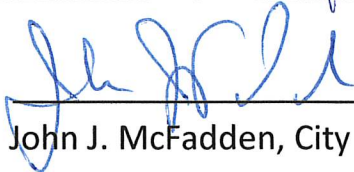
Chapter 5 - Special Development Subdivision – This Chapter sets forth the purpose of special development subdivisions, establishes supplementary provisions for such subdivisions, requires the preservation of natural features, requires a development evaluation, establishes rules for engineering plans developed by a professional engineer, requires grading plans, sets special development standards, rules for vegetation and re-vegetation, maintenance, underground utilities, requires a site development plan and sets site and structure requirements for planned unit or condominium subdivisions. This chapter provides rules for control of the land during development, allows for a time limit in which to complete development, and provides rules for large scale developments, cemetery subdivisions, subdivisions in a flood plain, subdivisions in areas of critical concern and regulations for condominiums and planned unit developments.

Chapter 6 – Subdivision Administration and Enforcement – This chapter provides for the appointment of the City Clerk to administer this ordinance, sets forth rules for subdivision vacations and dedications, modifications, waivers and appeal. This chapter sets forth the process for amendment to the subdivision ordinance, allows for a determination that land may be unsuitable for development, and provides for validity of the ordinance in the case were a portion of the ordinance is otherwise found invalid.

CERTIFICATION OF CITY ATTORNEY

As City attorney for and legal advisor to the City of Crouch, Idaho, I hereby certify that I have reviewed the foregoing Summary of Ordinance No. 2009-02 of the City of Crouch, adopted on August 12, 2009 and that the same is true and complete and provides adequate notice to the public of the contents of the Ordinance.

Dated this 3rd ~~September~~ day of September, 2009



John J. McFadden, City Attorney