

**Title 16**  
**SUBDIVISION REGULATIONS**

# **Chapter 16.04**

## **GENERAL PROVISIONS**

### **16.04.010: PREAMBLE:**

From the effective date of this title, all subdivisions and plats of any tract of land located wholly in the city shall be subject to this title. (Ord. 994 §2, 2006)

### **16.04.020: PURPOSE:**

These regulations are authorized by title 50, chapter 13 and title 67, chapter 65 of the Idaho Code; and article 12, section 2 of the Idaho constitution, as amended or subsequently codified.

The purpose of these regulations is to promote the public health, safety and general welfare, and to provide for:

- A. The harmonious development of the area;
  
- B. The coordination of streets and roads within subdivisions with other existing or planned streets and roads;
  
- C. Adequate open space for travel, light, air and recreation;
  
- D. Adequate transportation, water drainage and sanitary facilities;
  
- E. The avoidance of scattered subdivision of land that would result in either of the following:
  - 1. The lack of water supply, sewer service, drainage, transportation or other public services; and
  - 2. The unnecessary imposition of an excessive expenditure of public funds for the supply of such services;

F. The requirement as to the extent and the manner in which:

1. Roads shall be created and improved; and
2. Water and sewer and other utility mains, piping connections or other facilities shall be installed;

G. The manner and form of making and filing of any plat; and

H. The administration of these regulations by defining the powers and duties of approval authorities. (Ord. 994 §2, 2006)

#### **16.04.030: INTERPRETATION:**

All subdivisions, as herein defined, shall be submitted for approval by the council and shall comply with the provisions of these regulations. These regulations shall supplement all other regulations, and where at variance with other laws, regulations, ordinances or resolutions, the more restrictive requirements shall apply. (Ord. 994 §2, 2006)

#### **16.04.040: ADMINISTRATION:**

The administration of this title shall be conducted by the planning and zoning administrator. The planning and zoning administrator shall be appointed by the mayor and the appointment shall be ratified by the council, as described in [chapter 2.04](#) of this code. (Ord. 994 §2, 2006)

#### **16.04.050: PENALTY:**

Any person, firm or corporation violating any regulation of this title shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than three hundred dollars (\$300.00). Each and every day during which the violation continues shall be deemed a separate offense. (Ord. 994 §2, 2006)

# Chapter 16.08

## DEFINITIONS

### 16.08.010: TERMS DEFINED:

**ACCESS EASEMENT:** An easement across one or more adjacent properties to allow vehicular access to an otherwise inaccessible area at any time.

**ADMINISTRATOR:** The planning and zoning administrator.

**ALLEY:** A minor public way providing secondary access at the backside of a property. Also see definition of Street.

**AREA OF SPECIAL FLOOD HAZARD:** The land in the floodplain within the city subject to a one percent (1%) or greater chance of flooding in any given year.

**BASE FLOOD:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**BEST MANAGEMENT PRACTICES (BMPs):** Those methods or practices to prevent or reduce water pollution and include, but are not limited to, structural and nonstructural controls, and operation and maintenance procedures. BMPs can be applied before, during, and after pollution producing activities to reduce or eliminate the introduction of pollutants into receiving waters.

**BICYCLEWAY:** A public way designed for the use of nonmotorized vehicles.

**BLOCK:** A group of lots, tracts or parcels within well defined boundaries, usually streets.

**BUILDING:** Any structure having a roof supported by columns or by walls and intended or used for shelter, housing or enclosure of persons, animals, plants, chattels, or property of any kind.

**BUSINESS PARK:** A development approved through the planned unit development (PUD) process that contains a number of separate manufacturing, commercial, office and supporting uses and open space.

**CITY:** The city of Jerome, Idaho.

**COMMISSION:** The city of Jerome planning and zoning commission.

**COMMON AREA:** Lands or real estate intended for the common use of a group of persons all of whom have an undivided common interest in the real estate.

**COMMON AREA, LIMITED:** A common area within a condominium ownership that is

restricted in use to include only a part of the group of persons who have a common interest in a condominium project.

**COMMON, INTEREST IN:** Every interest created in favor of several persons in their own right unless acquired by them in partnership, for partnership purposes or unless declared in its creation to be a joint interest or unless acquired as community property.

**COMPREHENSIVE PLAN:** The overall guiding document for all development within the legal jurisdiction of the city.

**COUNCIL:** The city of Jerome city council.

**COUNTY:** Jerome County, Idaho, and its governing board.

**COUNTY RECORDER:** The office of the county recorder of Jerome County, Idaho.

**CROSSWALK:** A right of way dedicated to public use which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

**CUL-DE-SAC:** A dead end street provided with turnaround space at its terminus.

**DEAD END STREET:** A street connecting to another street at one end only and not having provision for vehicular turnaround at its terminus.

**DEDICATION:** The setting apart of land or interest in land for use by the public by ordinance, resolution or entry in the official minutes as by the recording of a plat. Dedicated land becomes public land upon the acceptance by the local governing authority.

**DEVELOPER:** The owner, or his legally authorized agent, of lands that are being platted or mapped.

**DEVELOPMENT:** Lands within the boundaries of an area that are platted or mapped in accordance with this title that are intended to be improved by the construction or addition of buildings or other structures; by mining, dredging, filling, grading, paving, excavation or drilling.

**DIRECTIONAL SIGNS:** On premises incidental signs designed to guide or direct pedestrians or vehicular traffic.

**EASEMENT:** A grant of the right to use land for specific purposes.

**ENGINEER:** A professional engineer registered in the state of Idaho.

**EQUESTRIANWAY:** A public way designed to be used for horseback riding.

**FINAL PLAT:** A plan of a subdivision, dedication or any portion thereof prepared for filing and recording with the Jerome County recorder and containing those elements and requirements set forth in section [16.20.020](#) of this title. A final plat, upon its being filed and recorded by the Jerome County recorder, shall thereafter be known as an authorized plat, subdivision or dedication.

**FLOOD INSURANCE RATE MAP:** The official map on which the federal insurance administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY:** The official report provided by the federal insurance administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

**FLOOD OR FLOODWATERS:** A temporary overflow of water on lands not normally covered by water.

**FLOODPLAIN:** The relatively flat areas or lowlands adjoining the channel of a watercourse, or areas where drainage is or may be restricted by manmade structures which have been or may be covered partially or wholly by floodwater, but shall compose an area not less than that area confined by the 50-year flood and shall not exceed that area confined by the 100-year flood.

**FLOODPLAIN REGULATIONS:** The codes, ordinances and other regulations relating to the use of land and construction within the channel and floodplain areas, including zoning ordinances, subdivision regulations, building codes, housing codes, setback requirements, open area regulations and similar methods of control affecting the use and development of the areas.

**FLOODPROOFING:** Any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface.

**FRONTAGE, ENTIRE:** All the property fronting on one side of a street between intersecting streets, or between a street and right of way, waterway, end of dead end street or city boundary, measured along the street line. An intersecting street shall determine only the boundary of the frontage on the side of the street which it intersects.

**GOVERNING AUTHORITY:** The city council of the city of Jerome, Idaho.

**GOVERNMENTAL FACILITIES:** Facilities operated or occupied by a governmental agency for the benefit of the general population.

**HISTORIC SITES:** Sites established by the city, county, state or federal government as historic monuments that should be preserved.

**IMPROVEMENT:** Any alteration to the land or other physical constructions associated with subdivision and building site developments.

**LARGE SCALE DEVELOPMENT:** A subdivision which consists of sixty (60) or more lots or dwelling units or which contains forty (40) acres or more.

**LOT:** Unless otherwise defined, a parcel of land with sufficient size to meet the minimum requirements of this title for use, dimensional standards and off street parking and which is owned by a single person with a separate interest or a group of persons with a separate interest together with an interest in common in the real property.

**LOT AREA:** The total area of a lot measured on a horizontal plane within the boundary lines exclusive of public and private roads, and easements of access to other property.

**LOT, CORNER:** A lot situated at the intersection of two (2) or more streets.

**LOT DEPTH:** The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT, PLATTED:** A lot or individual parcel shown on a plat.

**LOT, REVERSED CORNER:** A corner lot, the side street line of which is substantially a continuation of the front lot line of the lot to its rear.

**MAINTENANCE EASEMENT:** An easement granted for the purpose of providing access for repair and maintenance of the appurtenant property in zero lot line subdivisions.

**MASTER DEVELOPMENT PLAN:** A plan showing a carrier's expected network of wireless communication facilities within the city and its area of impact.

**MASTER PLAN:** A planning map of the city of Jerome, Idaho, and the land area within one mile of the city, showing the existing zoning and street layout together with the future zoning and street layout as planned and proposed by the city to secure and maintain an orderly growth and expansion program.

**MONUMENT:** Any permanent marker either of concrete, galvanized iron pipe, or iron steel rods, used to identify any tract, parcel, lot or street lines, as specified in section 50-1303, Idaho Code.

**NONCONFORMING BUILDING:** A building or structure not conforming to the provisions of this title but which was lawfully existing or under construction at the time of the adoption of this title.

**NONCONFORMING USE:** A use not conforming to the provisions of this title but which was lawfully existing at the time of adoption of this title.

**100-YEAR FLOOD:** The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year).

**OPEN SPACE:** An area retaining a natural ground cover free of any buildings, structures, streets or parking areas.

**ORIGINAL PARCEL OF LAND:** A lot or tract as recorded on any plat of record or on file in the office of the county recorder, or an unplatted contiguous parcel of land held in one ownership and of record at the effective date hereof. In cases of "unrecorded matters of fact", the commission shall use its best judgment to determine a fair designation on an original parcel of land.

**OWNER:** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest in land to be subdivided to commence and maintain proceedings under these regulations.

**PEDESTRIANWAY:** A public way designed to be used as a walkway for pedestrians.

**PERFORMANCE BOND:** An amount of money or other negotiable security paid by the subdivider or his surety to the city clerk which guarantees that the subdivider will perform all actions required by the governing body regarding an approved plat, and provides that if the subdivider defaults and fails to comply with the provisions of an approved plat, the subdivider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.

**PERMANENT:** Not less than six (6) months.

**PERSON:** Any individual or any corporation, limited liability company, joint venture, limited partnership, partnership, firm, association, trustee or other similar entity or organization.

**PLAT:** The drawings, certifications, descriptions and approvals of a division or proposed division of real property into two (2) or more lots, blocks, parcels, sites, plots, units, common areas, limited common areas or other descriptive designations for the purpose of offering for sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions to any person.

**PRELIMINARY PLAT:** A preliminary plan of a proposed subdivision or dedication,

containing the elements and requirements set forth in this title.

**PREMISES:** A parcel of land or contiguous parcels of land with their appurtenances and buildings which are under one ownership or control.

**PRIVATE:** Belonging to an individual or group of persons and not for the public or open to the public.

**PRIVATE WAY:** Any right of way or easement dedicated or platted across real property owned by the person dedicating or platting the private way and intended for the general or special use of a person or persons rather than the general public.

**PROFESSIONAL SERVICES:** Services offered by persons engaged in the legal, engineering, architectural, design, planning, accounting, banking, auditing, or related professions.

**PROJECT:** A development.

**PUBLIC:** Owned by federal, state or local government or subdivisions thereof.

**PUBLIC WAY:** Any right of way or easement dedicated or platted across real property owned by the person dedicating or platting the public way and intended for the general or special use of the public; or any right of way or easement legally obtained by the city for the public's use, providing such public way has not been vacated by the city council.

**REAL PROPERTY:** Real estate consisting of: a) lands, possessory rights to land and ditch and water rights; b) that which is affixed to land; and c) that which is appurtenant to land.

**REPRODUCIBLE DRAWING:** A permanent drawing prepared in black India ink or an archival photographic image process conforming to the standards established by the American National Standards Institute on a polyester material four-thousandths of an inch (0.004") thick with a matte finish.

**RIGHT OF WAY:** A strip of land dedicated or reserved for use as a public way, which normally includes streets, sidewalks and other public utilities or service areas.

**SERVICE ROAD:** A dedicated minor way which is used for vehicular access to back or side of residential property otherwise abutting on a street.

**SETBACK:** The distance from a property line, centerline, canyon rim, right of way, or structure within which a building is prohibited.

**SHALL:** Designates a mandatory requirement.

**STANDARD SPECIFICATIONS:** The specifications as specified in this title or as

officially adopted by the city council.

STATE: The state of Idaho.

STORMWATER: Stormwater runoff, snowmelt, and surface runoff and drainage.

STREET: A right of way which provides access to adjacent properties, the dedication to the public of which has been officially accepted. The term "street" also includes the terms "highway", "thoroughfare", "parkway", "road", "avenue", "boulevard", "land", "place" and other such terms:

Arterial: A street designated for the purpose of carrying fast and/or heavy traffic.

Collector: A street designated for the purpose of carrying traffic from local streets to other collector streets and/or arterial streets.

Frontage: A local street parallel to and adjacent to an arterial street to provide access to abutting properties.

Half Street: A street comprised of one-half ( $1/2$ ) of the width required to conform with a standard city street section.

Local: A street which has the primary purpose of providing access to abutting properties.

Loop: A local street with both terminal points on the same street of origin.

Partial: A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

Private: A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

Stub Street: A street which terminates without provisions for a turnaround area.

STREET GRADE: The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

STRUCTURES: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

SUBDISTRICTS, BASIC AND SECONDARY: A zoning designation that provides flexibility for the development of a homogeneous unit without compromising the health, safety or general welfare of the community.

**SUBDIVIDER:** The individual, firm, corporation, limited liability company, partnership, association, syndicate, trust or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this title. The subdivider need not be the owner of the property; however, he shall be an agent of the owner or have sufficient property rights in the property to represent the owner.

**SUBDIVISION:** The result of an act of dividing an original lot, tract or parcel of land into more than two (2) parts for the purpose of transfer of ownership or development, which shall also include the dedication of public streets and other rights of way and the addition to, or creation of, a cemetery. However, this title shall not apply to any of the following:

- A. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat;
- B. The unwilling sale of land as a result of legal "condemnation" as defined and allowed in the Idaho Code;
- C. Widening of existing streets to conform to a comprehensive plan;
- D. The acquisition of a street right of way by a public agency in conformance with a comprehensive plan; or
- E. The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land usage.

**SURVEYOR:** A land surveyor or professional engineer registered in the state of Idaho.

**TRAFFICWAY:** A public way or a private way of which the primary use is for movement of motorized vehicles.

**UNPLATTED AREA:** Any area that has not been subdivided according to law.

**USE:** An activity or purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

**UTILITIES:** Installations for conducting water, sewage, gas or electricity and similar facilities providing service to and used by the public.

**UTILITY POLE:** A telephone, power, light, cable television, or flag pole. Light poles shall include street, stadium and security light poles.

**VICINITY MAP:** A drawing which sets forth by dimensions or other descriptive means the relationship of a proposed development to other nearby developments, trafficways or other landmarks within the general area in order to better locate and orient the area in question. (Ord. 994 §2, 2006)

# **Chapter 16.12**

## **PROCEDURAL OVERVIEW**

### **16.12.010: GENERALLY:**

Any person desiring to create a "subdivision" as herein defined shall submit all necessary applications to the administrator on forms as provided by the city. No final plat shall be filed with the county recorder or improvements made on the property until the plat has been acted upon by the planning and zoning commission and approved by the council. No lots shall be sold until the plat has been recorded in the office of the county recorder. (Ord. 994 §2, 2006)

### **16.12.020: PROCEDURES AND REQUIREMENTS:**

- A. Purpose: The purpose of the "preapplication procedure" is to afford the subdivider an opportunity to avail himself of the advice and assistance of the city administrator, city engineer and their staff before incurring the expense of exhaustive surveys and calculations. Thorough analysis of the problems at this stage will expedite approval of the preliminary and final plats.
  
- B. Permits: No permits shall be issued by any administrative officer of the city for the construction of any building, or other improvement requiring a permit, upon any land for which a plat is required by law unless and until the requirements hereof shall have been complied with.
  
- C. Plat Approval Required: A plat shall be drawn for each subdivision of land and submitted to the city council as provided below.
  
- D. Agenda: Each plat submitted for preliminary or final approval shall be placed on the council's agenda only after fulfilling the appropriate requirements of these regulations. However, a plat not meeting all the requirements may be submitted, provided the subdivider presents with the plat a letter requesting any specific exceptions and enumerating in detail the reasons therefor. (Ord. 994 §2, 2006)

# Chapter 16.16

## PRELIMINARY PLAT PROCEDURE

### **16.16.010: PROCEDURE:**

The following procedures shall apply to the filing for preliminary approval of any subdivision. (Ord. 994 §2, 2006)

### **16.16.020: PREPARATION:**

The subdivider shall submit to the administrator a preapplication drawing of the area to be subdivided. The drawing shall note outside dimensions of the property, proposed lot sizes, location and width of streets, alleys, easements, and other information he may have available. (Ord. 994 §2, 2006)

### **16.16.025: PREAPPLICATION DRAWING:**

A. Application: The subdivider shall submit a preapplication to enable the administrator to review and comment on the proposed subdivision. The preapplication shall include at least one copy of a sketch plan. The sketch plan shall include the entire developmental scheme of the proposed subdivision, in schematic form and include the following:

1. The general layout and approximate dimensions of streets, blocks and lots in sketch form;
2. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site; and
3. The areas set aside for schools, parks and other public facilities.

B. Fee: No fee is required.

C. Administrator Action: The administrator shall notify the subdivider within fifteen (15) days from the date of receiving an acceptable preapplication as to the general conformance or nonconformance of the proposal with this title, and shall provide the necessary forms and checklists, as well as the additional following consideration:

1. Compliance of the proposed development with existing local or state policies, goals and objectives or comprehensive plans;

2. Determination if additional special permits for ordinance conflicts, such as rezone, special development permit or variance are needed and the manner of coordinating such permits;
3. Consideration of any unique environmental features or hazardous concerns that may be directly or indirectly associated with the subject property, such as areas that have been designated as areas of critical environmental concern, unique plant or animal life and floodplains; and
4. Consideration of other local and state agencies that the subdivider should contact before preparing a preliminary plat. (Ord. 994 §2, 2006)

#### **16.16.030: PROOF OF OWNERSHIP REQUIRED:**

In making application for approval of a subdivision plat, the owner shall submit a current title report or provide other evidence acceptable by the city council to establish ownership of the real property within the subdivision. (Ord. 994 §2, 2006)

#### **16.16.040: IRRIGATION FACILITIES:**

If irrigation lines, ditches, laterals, canals, buried irrigation conduit and/or structures are to be constructed, rerouted, in any way altered or changed as part of the development of a subdivision, documentary evidence of consent to the construction, rerouting or alteration or change by all parties interested, including the irrigation entity that is or will be responsible for delivery of irrigation water to the lands being subdivided, shall be presented to the city council and be a condition of approval of the preliminary plat. (Ord. 994 §2, 2006)

The section below has been affected by a recently passed ordinance, 1043 - **COMMERCIAL AND RESIDENTIAL BUILDING PLANS.** [Go to new ordinance.](#)

#### **16.16.050: PRELIMINARY PLAT:**

A. Application: The subdivider shall file with the administrator a complete subdivision application form and preliminary plat data as required in this title.

B. Combining Preliminary And Final Plats: The applicant may request that the subdivision application be processed as both a preliminary and final plat if all the following exist:

1. The proposed subdivision does not exceed ten (10) lots;
2. No new street dedication or street widening is involved;

3. No major special development considerations are involved, such as development in a floodplain or a hillside development; and
4. All required information for both the preliminary and final plats is complete and in an acceptable form.

A request to combine both the preliminary plat and final plat into one application shall be acted upon by the commission after receiving a recommendation by the administrator.

C. Content Of Preliminary Plat: The contents of the preliminary plat and related information shall be in such form as stipulated by the commission; however, additional maps or data as deemed necessary by the administrator may also be required.

The subdivider shall submit to the administrator at least the following:

1. Five (5) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated: Each copy of the preliminary plat shall be on good quality paper, shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100'), shall show the drafting date and a north arrow.
2. A written application requesting approval of the preliminary plat.
3. Appropriate information that sufficiently details the proposed development within any special development area, such as hillside, planned unit development, floodplain, cemetery, large scale development, hazardous or unique areas of development.
4. To ensure adequate water supply to each new subdivision/development, all subdivision/development preliminary plat applications to the city will include water modeling results which indicate the new subdivision/development can be developed in a manner that will provide an adequate water supply for domestic water and fire protection and that the new subdivision/development will not adversely affect the city's ability to continue to provide adequate domestic water and fire protection to the existing water system users.
5. To ensure adequate sewer treatment service by the city, each subdivision/development preliminary plat application to the city will include sewer service treatment modeling results which indicate the new subdivision/development can be developed in a manner that will provide adequate sewer service and sewer treatment capacity by the city and that the new subdivision/development will not adversely affect the city's ability to continue to provide adequate sewer treatment capacity to the existing sewer system users.
6. The cost of the water and sewer modeling will be the responsibility of the developer.

D. Requirement Of Preliminary Plats: The following shall be shown on the preliminary plat or shall be submitted separately, together with any other pertinent information requested by the administrator:

1. The name of the proposed subdivision, which does not duplicate the name of any other subdivision in the county.
2. The names, addresses and telephone numbers of the subdividers, the engineer or surveyor who prepared the plat, and any other professional persons involved in the subdivision.
3. The names and addresses of all surrounding property owners both adjacent to and beyond any public thoroughfares from the subject property on record in the county assessor's office.
4. The legal description of the subdivision by section, township and range.
5. A statement of the intended use of the proposed subdivision, such as residential single-family, two-family and multiple housing, commercial, industrial, recreational or agricultural and a showing of any sites proposed for parks, playgrounds, schools, churches or other public uses.
6. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development.
7. A vicinity map showing the relationship of the proposed plat to the surrounding area (covering at least a 4 square mile area).
8. The land use and existing zoning of the proposed subdivision and the adjacent land.
9. Existing streets, street names, rights of way and roadway widths, including adjoining streets or roadways, along with the type of surface and the existence of any curb-gutter and/or sidewalks.
10. The approximate location and length of the boundary lines of each lot, parcel or site and the proposed lot and block numbers and the approximate acreage enclosed by the subdivision.
11. Contour lines, shown at five foot (5') intervals where land slope is greater than twenty percent (20%) and at two foot (2') intervals where land slope is twenty percent (20%) or less, referenced to an established bench mark of the city vertical control system, including its location and elevation.

12. Location, size and direction of flow of all existing utilities, including, but not limited to, storm and sanitary sewers, irrigation laterals, ditches, drainages, bridges, culverts, water mains, fire hydrants, gas lines, power, telephone and streetlights. If utilities are not on or adjacent to the property, an indication of the direction and distance to nearest utilities that can serve the subdivision shall be provided.
13. A copy of any proposed restrictive covenants and/or deed restrictions.
14. Any dedications to the public of easements both public and private, together with a statement of the location, dimensions and purpose of such to the subject property and surrounding properties.
15. Any additional required information for special developments as specified in this title.
16. A statement as to whether or not any variance will be requested with respect to any provision of this title describing the particular provision, the variance requested, and the reasons therefor.
17. Location, right of way width and name of all public or private trafficways; the location, right of way width and use of any proposed public or private pedestrianways or special ways; and a statement of intended improvements to be made thereto.
18. A statement as to what improvements will be made to existing utilities and what other on site improvements will be made.
19. The approximate lot corner and easement locations of all adjacent subdivisions.
20. The location, size and direction of flow of all drainage, irrigation, sewer and water line improvements which will be part of the subdivision development.

E. Fees: A fee for processing and checking a preliminary plat shall be due at the time upon submittal of the preliminary plat to the administrator. The amount of the fee shall be established by resolution of the council.

F. Administrator Review:

1. Certification: Upon receipt of the preliminary plat, and all other required data as provided for herein, the administrator, after review by the city engineering department, shall certify the application as complete and shall affix the date of application acceptance thereon. He shall, thereafter, place the preliminary plat on the agenda for consideration at the next regular meeting of the commission. One copy of the

preliminary plat shall be delivered by the subdivider to each member of the commission at least five (5) days prior to the meeting for plat consideration.

2. Review By Other Agencies: The administrator shall refer the preliminary plat and application to as many agencies as deemed necessary. Such agencies may include the following:
  - a. Other governing bodies having joint jurisdiction;
  - b. The appropriate utility companies, irrigation companies or districts and drainage districts;
  - c. The superintendent of the school district; and
  - d. Other agencies having an interest in the proposed subdivision.
3. Recommendation: Upon expiration of the time allowance for department and agency review, the administrator shall prepare a recommendation to the commission.

G. Notification To Property Owners: The subdivider shall certify to the administrator that he has notified all adjoining property owners of the proposed subdivision. Such written notification shall be mailed at least ten (10) days prior to the commission meeting.

H. Commission Action:

1. Review: The commission shall review the preliminary plat, comments from the concerned persons and agencies and the report from the administrator and arrive at a decision on the preliminary plat.
2. Findings: In determining the acceptance of a proposed subdivision the commission shall consider the objectives of this title and at least the following:
  - a. The conformance of the subdivision with the comprehensive plan;
  - b. The availability of public services to accommodate the proposed development;
  - c. The continuity of the proposed development with the capital improvement program of the city;
  - d. The public financial capability of supporting services for the proposed development; and

- e. The other health, safety or environmental problems that may be brought to the commission's attention.
3. Action On Preliminary Plat: The commission may approve, conditionally approve, disapprove or table for additional information when acting on the preliminary plat. If tabled, approval or disapproval shall occur at the regular meeting following the meeting at which the plat is first considered by the commission. The action, and the reasons for such action, shall be stated in writing by the administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the preliminary plat to the council for its information and record. Upon granting or denying a preliminary plat the commission shall specify:
- a. The regulations and standards used in evaluating the application;
  - b. The reasons for approval or denial; and
  - c. The actions, if any, that the applicant could take to obtain plat approval.
4. Action On Combined Preliminary And Final Plat: If the commission's conclusion is favorable to the subdivider's request for the subdivision to be considered as both a preliminary plat and final subdivision, then a recommendation shall be forwarded to the council in the same manner as herein specified for a final plat. The commission may recommend that the combined application be approved, approved conditionally or disapproved.

#### I. Approval Period:

- 1. Failure to file and obtain the certification of the acceptance of the final plat application by the administrator within one year after action by the commission shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the commission.
- 2. In the event that the development of the preliminary plat is made in successive contiguous segments in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of one year, may be considered for final approval without resubmission for preliminary plat approval. (Ord. 994 §2, 2006)

# Chapter 16.20

## FINAL PLAT PROCEDURE

### 16.20.010: PROCEDURE:

The following procedures shall apply to the filing for final approval of any subdivision. (Ord. 994 §2, 2006)

The section below has been affected by a recently passed ordinance, 1043 - COMMERCIAL AND RESIDENTIAL BUILDING PLANS. [Go to new ordinance.](#)

### 16.20.020: FINAL PLAT:

A. Application: After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel, or any part thereof, to be surveyed, and a final plat prepared in accordance with the approved preliminary plat. The subdivider shall submit to the administrator three (3) copies of the final plat.

B. Content Of The Final Plat: The final plat shall include and be in compliance with all items required under title 50, chapter 13 of the Idaho Code, as it now exists or as it may be amended hereafter, and shall be drawn at such a scale and contain lettering of such size as to enable the same to be placed on one sheet of eighteen inch by twenty seven inch (18" x 27") stable base drafting film with a minimum base thickness of three thousandths of an inch (0.003"). The plat shall have a three inch (3") margin at the left for binding and a one-half inch ( $\frac{1}{2}$ ") margin on all other sides. No part of the drawing shall be nearer than one-half inch ( $\frac{1}{2}$ ") to the margins. The reverse of said sheet shall not be used. If, because of the size or complexity, required information cannot be shown, additional sheets may be used, provided they conform to this chapter. The final plat shall include at least the following:

1. A written application for approval of such final plat as stipulated by the commission.
2. Proof of current ownership of the real property included in the proposed final plat.
3. Such other information as the administrator or commission may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat.
4. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof.

5. Conformance with all requirements and provisions of this title.
6. Demonstration of acceptable engineering practices and local standards as determined by the administrator.

C. Fees: At the time of submission of an application for a final plat, a fee as established by resolution of the council shall be paid.

D. Administrator Review:

1. Acceptance: Upon receipt of the final plat and compliance with all other requirements as provided for herein, the administrator, after review by the city engineering department, shall certify the application as complete and shall affix the date of acceptance thereon.
2. Resubmittal Of Final Plat: The administrator shall review the final plat for compliance with the approved or conditionally approved preliminary plat. If the administrator determines that there is substantial difference in the final plat than that which was approved as a preliminary plat or conditions which have not been met, the administrator may require that the final plat be submitted to the commission in the same manner as required in the preliminary plat process.
3. Submission To The Council: Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the administrator shall place the final plat on the council agenda at the next regular meeting.

E. Agency Review: The administrator may transmit one copy of the final plat, or other documents submitted, for review and recommendation to the departments and the agencies as he deems necessary to ensure compliance with the preliminary approval and/or conditions of preliminary approval. Such agency review shall also include the construction standards of improvements, compliance with health standards, the cost estimate for all improvements and the legal review of the performance bond.

F. Council Action: The council, at its next meeting following receipt of the administrator's report, shall consider the commission's findings on the preliminary plats and comments from concerned persons and agencies to arrive at a decision on the final plat. The council shall approve, approve conditionally, disapprove or table the final

plat for additional information. A copy of the approved plat shall be filed with the administrator. Upon granting or denying the final plat the council shall specify:

1. The regulations and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain approval.

G. Plans And Specifications: Prior to recording the final subdivision plat, the subdivider shall submit to the administrator checked copies of the final plans and specifications for streets, water, sewer, a master utility plan and other public improvements to be constructed.

All plans and specifications shall have sufficient detail, written information, vertical and horizontal dimensions to accurately locate the proposed improvements in the field and determine their relationship to other improvements.

H. Fees: At the time of submittal of plans and specifications a fee to defray costs and expenses of plan checking as provided for by resolution of the city council shall be paid.

I. Approval Period: A final plat shall be filed with the county recorder within one year after written approval by the council; otherwise such approval shall become null and void unless prior to said expiration date an extension of time is applied for by the subdivider and granted by the council.

J. Method Of Recording: Upon approval of the final plat by the council, the subdivider's prepayment of recording fees, posting of surety bond or other acceptable guarantee and the inclusion of the following signatures on the final plat, the administrator shall submit the final plat to the county recorder for recording:

1. Certification and signature of the city council verifying that the subdivision has been approved;
2. Certification and signature of the city clerk, if required, and the city engineer verifying that the subdivision meets the city requirements and has been approved by the council; and

3. Certification of the sanitation restrictions on the face of the plat per section 50-1326, Idaho Code. (Ord. 994 § 2, 2006)

# Chapter 16.24

## ELECTRONIC SUBMISSION OF CERTAIN PLATS, PUD APPLICATIONS AND PETITIONS FOR ANNEXATION

The section below has been affected by a recently passed ordinance, 1043 -  
COMMERCIAL AND RESIDENTIAL BUILDING PLANS. [Go to new ordinance.](#)

### 16.24.010: ELECTRONIC SUBMISSIONS:

A. Each final plat submitted under this title, all applications for a planned unit development under [chapter 17.40](#) of this code, and every petition for annexation of real property to the city of Jerome, wherein as a condition of annexation, the construction of public water lines, public sewer lines, curb, gutter, sidewalk, streets or other similar public improvements is required, shall as a condition of approval of any such final subdivision plat, planned unit development or annexation submit the final subdivision plat, preliminary development plan, or in the case of annexation, plans for the construction of required public improvements, in electronic format, using one of the following approved formats:

1. AutoCAD;
2. AutoCAD map;
3. Land Desktop; or
4. CAD program, approved in advance by the city engineer.

All such electronic submissions must specify the software used, and the version of the software upon which the data is being submitted.

B. Three (3) paper copies of each final subdivision plat, preliminary development plan, or plans for the construction of public improvements required as a condition of annexation shall also be submitted. If the requisite numbers of copies are not submitted, the city will make the necessary copies and the applicant will pay the city the following copying fees:

A six dollar (\$6.00) base charge for each plat, preliminary development plan, or construction plans for each plan copied plus two dollars (\$2.00) per sheet for each

thirty six inch by twenty four inch (36" x 24") sheet and one dollar (\$1.00) per sheet for each eighteen inch by twenty four inch (18" x 24") sheet.

C. Provided that sufficient Jerome city monuments, parks, lot boundaries, public easements, and building footprints are available, each electronic submission under subsection A of this section shall use one of the following data coordinate systems:

1. NAD 83 for Idaho state plain central 1102 in feet, with mean sea level in feet if elevations are used; or
2. The project depicted by the final subdivision plat, preliminary development plan or construction plans must be tied into at least two (2) of the city of Jerome's control points that have actual coordinate values.

D. No application for final subdivision plat approval, for approval of a final development plan under [chapter 17.40](#) of this code, or application for annexation shall be deemed complete without the applicant having complied with the terms of this section. (Ord. 994 §2, 2006)

# **Chapter 16.28**

## **DESIGN STANDARDS; REQUIRED IMPROVEMENTS**

### **16.28.010: DESIGN STANDARDS:**

The following standards shall be followed in all subdividing within the scope of these regulations. (Ord. 994 §2, 2006)

### **16.28.020: GENERALLY:**

All plats submitted pursuant to the provisions of this title, and all subdivisions, improvements and facilities done, constructed or made in accordance with said provisions shall comply with the minimum design standards set forth hereinafter in this chapter; provided, however, that any higher standards adopted by any other agency having jurisdiction shall prevail over those set forth herein. (Ord. 994 §2, 2006)

### **16.28.030: BLOCK REQUIREMENTS:**

No block shall be longer than one thousand feet (1,000') or less than three hundred eighty feet (380') between street intersections and shall have sufficient width to provide for two (2) tiers of lots except as provided in section [16.28.040](#) of this chapter. (Ord. 994 §2, 2006)

### **16.28.040: LOT REQUIREMENTS:**

Lots shall conform to the following:

- A. Zoning: The lot width, depth and total area shall not be less than the requirements of any applicable zoning district.
  
- B. Future Arrangements: Where parcels of land are subdivided into unusually large lots, the parcels shall be divided, where feasible, so as to allow for future resubdividing into smaller parcels. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever such future subdividing or lot splitting is contemplated the plan thereof shall be approved by the commission prior to the taking of such action. (Ord. 994 §2, 2006)

### **16.28.050: STREETS:**

A. Width of right of way shall meet the minimum requirements shown in the following table:

	<u>Minimum Right Of Way Width (In Feet)</u>		
<u>Type Of Public Way</u>	<u>Residential</u>	<u>Commercial</u>	<u>Manufacturing</u>
Trafficways:			
Alley			20
Service road	25	25	Not allowed
Local street	56	60	60
Collector street	64	64	64
Arterial street	80	80	80
Special ways:			
Pedestrian	10	10	10
Bicycle	15	15	15
Equestrian	20	20	20
Easements:			
Utility	15	15	15
Access	10	10	15
	<u>Minimum Centerline Radius (In Feet)</u>		
<u>Type Of Public Way</u>	<u>Residential</u>	<u>Commercial</u>	<u>Manufacturing</u>
Trafficways:			
Alley			60
Service road	50	50	Not allowed
One-way road	50	50	60
Local street	100	150	200
Collector street	200	250	300
Arterial street	500	500	500
Special ways:			
All	25	25	25
Easements:			
All	0	0	0

	<u>Minimum Tangent Length (In Feet)</u>		
<u>Type Of Public Way</u>	<u>Residential</u>	<u>Commercial</u>	<u>Manufacturing</u>
Trafficways:			
Alley			0
Service road	0	0	Not allowed
One-way road	100	150	200
Local street	100	150	200
Collector street	200	250	300
Arterial street	400	400	400
Special ways	0	0	0
Easements	0	0	0
	<u>Minimum Cul-De-Sac (In Feet)</u>		
<u>Type Of Public Way</u>	<u>Residential</u>	<u>Commercial</u>	<u>Manufacturing</u>
Trafficways:			
All	110	110	110
All	100	100	100

(Ord. 994 §2, 2006)

**16.28.051: DEDICATION OF STREETS:**

Within a proposed subdivision arterial and collector streets, as shown on a master plan, shall be dedicated to the public in all cases. In general, all other streets shall also be dedicated to public use. (Ord. 994 §2, 2006)

**16.28.052: STREET LOCATION:**

Street and road location shall conform to the following:

- A. Street Location And Arrangements: All street locations shall conform to the Jerome master plan where applicable. Collector type streets may, for aesthetic reasons, curve and wind in accordance with these standards, but such trafficways shall maintain a grid type pattern approximately one-fourth ( $\frac{1}{4}$ ) of a mile square.

- B. Stub Streets: Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas. A vehicular nonaccess reserve strip may be required and held in public ownership. Temporary cul-de-sacs shall be required.
- C. Relation To Topography: Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients.
- D. Alleys: Alleys shall be provided in multiple dwelling or commercial subdivisions unless other provisions are made for service access and off street loading and parking. Dead end alleys shall be prohibited in all cases.
- E. Cul-De-Sac Streets: Cul-de-sac streets shall not be more than one thousand feet (1,000') in length and shall terminate with an adequate turnaround having a minimum radius of fifty feet (50') for the right of way.
- F. Half Streets: Half streets shall be prohibited, except where unusual circumstances make such necessary to the reasonable development of a tract. Special justification shall be presented for such a variance request to the commission. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract. A vehicular nonaccess reserve street may be required and held in public ownership.
- G. Private Streets: Private streets and roads shall be prohibited within a subdivision, except as provided by this title. Access from interior subdivision lots to public streets may be allowed by private drives conforming to this title. (Ord. 994 §2, 2006)

### **16.28.053: STREET SPECIFICATIONS:**

- A. Street Right Of Way Widths: Street and road right of way widths shall conform to the adopted major street plan or comprehensive plan and the rules of the state department of highways and the highway district having jurisdiction. Minimum right of way standards shall be in accordance with this chapter.

B. Street Grades: Street grades shall not exceed ten percent (10%) on either local or collector streets and six percent (6%) for arterial streets. Minimum street grades shall be four-tenths percent (0.4%).

C. Street Alignment: Street alignment shall be as follows:

1. Horizontal alignment: Shall be in accordance with this chapter.
2. Vertical alignment: Minimum stopping sight distances shall be two hundred feet (200') for minor streets and designed in accordance with design speed for collector and arterial streets. (Ord. 994 §2, 2006)

#### **16.28.054: STREET NAMES:**

The names of streets and avenues shall be as given and shown on the map of the city on file in the office of the administrator. Names of all streets and avenues hereafter dedicated shall be approved by the administrator.

The naming of streets shall conform to the following:

- A. Street names shall not duplicate any existing name within the limits of the city except where a new street is a continuation of an existing street. Street names, if spelled differently but sounding the same as existing streets, shall not be used.
- B. All new streets shall be designated as follows: Streets having predominantly north-south direction shall be named "street" or "way"; streets having a predominantly east-west direction shall be named "avenue" or "road"; meandering streets shall be named "drive", "lane", "path" or "trail" and cul-de-sacs shall be named "circle", "court" or "place".
- C. When any new subdivision contains any street which is a continuation of any street, such new street shall take the name of such existing street. No new street not a continuation of an existing street shall be given the same or similar name of any existing street. The city engineer shall have the power to change the name of any street on any map or plat submitted to make such map or plat conform to the provisions of this section. (Ord. 994 §2, 2006)

## **16.28.055: STREET INTERSECTIONS:**

A. Angle Of Intersection: Streets shall intersect at ninety degrees (90°) or as closely thereto as possible, and in no case shall streets intersect at less than seventy degrees (70°).

B. Sight Triangles: Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred feet (100') from the center of the intersection.

1. Obstruction To Vision At Intersections, Alleys And Driveways: No person shall plant, install, create, maintain or possess on public or private property an obstruction to the vision of a driver of a vehicle at an intersection, alley or driveway which constitutes a traffic hazard.

Prima facie evidence of an obstruction constituting a traffic hazard shall exist if any object, structure or thing, except buildings and residences which are otherwise in conformance with law, is allowed to exist which exceeds three feet (3') above the existing roadway centerline elevation within the triangular area formed by the intersecting roadway edges and a straight line joining said roadway edges at points which are forty feet (40') distant from the point of an intersection measured along said street edges. At alley and street intersections, the dimensions shall be forty feet (40') along the street edge and fifteen feet (15') along the alleyway edge. At driveway and street intersections, the dimensions shall be one hundred feet (100') along the street edge and ten feet (10') along the driveway edge on the left side of the driveway as viewed when facing the property from the street, and the dimensions shall be one hundred twenty five feet (125') along the street edge and ten feet (10') along the driveway edge on the right side of the driveway as viewed when facing the property from the street. Trees and utility facilities are allowed in such triangular area provided that no tree limb or growth extending from said limb shall be maintained or allowed to exist nearer than eight feet (8') from the surface of the ground.

C. Number Of Streets: No more than two (2) streets shall cross at any one intersection.

D. T Intersections: T intersections may be used wherever such design will not restrict the free movement of traffic.

E. Centerline Offsets: Street centerlines shall be offset by a distance of at least one hundred twenty five feet (125').

F. Vertical Alignment Of Intersection: A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be extended a minimum of one hundred feet (100') each way from the intersection. An allowance of two percent (2%) maximum intersection grade in rolling terrain, and four percent (4%) in hilly terrain will be permitted. (Ord. 994 §2, 2006)

#### **16.28.060: ALLEYS:**

A. Alleys may be required at the rear of all business lots and shall be at least twenty feet (20') in width. Alleys, when provided in residential blocks, shall be not less than twenty feet (20') in width.

B. At the intersection of two (2) alleys, the corners of the abutting property shall be provided with a property line return having a radius not less than twenty feet (20').

C. Except under unusual circumstances alleys shall not terminate in a dead end, and in no case shall a dead end alley be accepted unless turnaround facilities are provided to the satisfaction of the council.

D. The alley pavement base and leveling coarse gravel shall be constructed in accordance with the recommendations of the city engineer. (Ord. 994 §2, 2006)

#### **16.28.070: EASEMENTS:**

A. Unobstructed utility easements shall be provided along front lot lines, rear lot lines and side lot lines when deemed necessary. The total easement width shall be in accordance with this title.

B. Unobstructed drainageway easements shall be provided as required by the council.

- C. A lot drainage plan shall be submitted for approval as part of the plans and specifications required. All lots required by the plan to drain along rear and side lot lines shall have drainage easement widths determined by an Idaho licensed engineer and shall not be less than five feet (5') in width. The final plat shall specify that the rear and side yard drainageways shown in the approved drainage plan shall be neither obstructed nor substantially regraded by the property owners. (Ord. 994 §2, 2006)

#### **16.28.080: SEWAGE SYSTEM:**

All subdivisions shall be required to connect to the city's wastewater treatment system. (Ord. 994 §2, 2006)

#### **16.28.090: WATER MAINS:**

A. Central water lines and fire hydrants shall be provided in all subdivisions.

B. All subdivisions shall be required to connect to the city's wastewater treatment system. (Ord. 994 §2, 2006)

#### **16.28.100: STORMWATER RETENTION/DETENTION:**

No residential plat shall be approved unless it includes provision for stormwater retention/detention. Developers may combine land designated for stormwater retention/detention with the requirement of parks in compliance with the city's standard design drawings.

A. Improvements: Development of neighborhood parks shall include curb, gutter, finish grading, sidewalks, irrigation systems and ground cover, complying with city standards. Stormwater facilities shall be incorporated into a residential lot or lots within the subdivision. Subsurface retention/detention facilities shall be located within a maintenance easement and in a manner that allows easy access with minimum disturbance to adjacent property.

B. Maintenance: All designated stormwater retention/detention shall be maintained in accordance with all applicable standards expressed in this code, including, but not limited to, [title 8](#) of this code. The maintenance and upkeep of stormwater retention/detention improvements shall be at the expense of the developer and his successors and/or an established homeowner's association. (Ord. 994 §2, 2006)

## **16.28.110: CURBS, GUTTERS AND SIDEWALKS:**

A. Curb, Gutter And Sidewalk: New curb, gutter and sidewalk shall be constructed at the expense of the developer with and at the same time as all new construction or modification of existing buildings in accordance with city standards on all streets, within and adjacent to the development, and in all zoning districts for all land uses.

B. Deferment: The administrator may defer the construction of required curb, gutter and/or sidewalk until other curb, gutter and/or sidewalk is constructed adjacent to other lands in the neighborhood under any one or more of the following conditions:

1. If existing curb, gutter and/or sidewalk are in good repair and to an acceptable line and grade which conforms to the line and grade of other curb, gutter and/or sidewalk in the standard block, it may be retained.
2. Curb, gutter and sidewalk shall not be required or allowed to be constructed or may be deferred if, in the opinion of the city engineer, the improvement would create a traffic hazard or an unusual drainage problem.

C. Construction Standards For Vertical And Rolled Curb: Both vertical and rolled curb shall be allowed in the city, in accordance with the provisions of this code and in conformance with the standard construction design and specifications for the same, as are on file in the city engineer's office. The most recent construction design and specifications shall prevail.

Standard detail C-2 (6 inch rolled curb) shall be used only when the following applicable conditions have been met:

1. On local residential streets in new developments, when the top of curb to top of curb street drainage capacity is not exceeded by the peak flow generated during a 50-year, 24-hour storm. It shall be the developer's engineering consultant's responsibility to compile and submit drainage calculations to the city for review and approval.
2. On residential cul-de-sac streets in new developments which meet the drainage requirements.
3. On local residential streets in existing developments where no curb or gutter exists in the block under consideration and a study by the administrator indicates that the proposed installation will meet the drainage requirements.

4. In all cases six inch (6") rolled curb shall be transitioned into six inch (6") vertical curb around all curb returns. (Ord. 994 §2, 2006)

#### **16.28.120: SIDEWALKS:**

- A. Right of way for pedestrian walkways in the middle of long blocks may be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas. The pedestrian easement shall be in accordance with section [16.28.070](#) of this chapter. Cul-de-sacs will be connected to other adjacent streets with cul-de-sacs within the proposed subdivision or existing subdivisions and to adjacent arterial or collector streets with paved pedestrian walkways at least ten feet (10') wide within fifteen foot (15') easements. (Ord. 994 §2, 2006)

#### **16.28.130: DRIVEWAY CURB CUTS AND APPROACHES:**

Driveway curb cuts and approaches shall be made in accordance with other provisions of this code. (Ord. 994 §2, 2006)

#### **16.28.140: IRRIGATION LINES AND WATER STOCKS:**

Irrigation lines, structures and/or ditches shall be provided for all lots within the subdivision. Irrigation lines shall be constructed of SDR-3034 PVC, or equal, with prior approval from the city's engineer. All irrigation pipe shall meet the requirements of ASTM designation C-118-59. All North Side Canal Company water stocks appurtenant to the land included in a subdivision within the city limits shall be transferred to the city as trustee before any plat of land shall be approved by the council. (Ord. 994 §2, 2006)

#### **16.28.150: REQUIRED IMPROVEMENTS AND STANDARDS FOR IMPROVEMENTS:**

Every subdivider shall be required to install the following public and other improvements in accordance with conditions and specifications as follows:

- A. Monuments: Monuments shall be set in accordance with section 50-1303, Idaho Code.
- B. Streets And Alleys: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the council.

C. Curbs And Gutters: Curbs and gutters shall be constructed on all streets and service roads.

All construction shall be in accordance with the standards and specifications adopted by the council.

D. Installation Of Public Utilities: Underground utilities shall be required in all new subdivisions.

Existing utilities or new large transmission lines shall not be required to be buried.

E. Driveways: All driveway openings in curbs shall be as specified by the administrator, highway district or state highway department.

F. Storm Drainage: Storm drainage shall be governed by [chapter 16.34](#) of this title.

G. Public Water Supply And Sewer Systems: All new public water supply or sewer systems shall be an extension of an existing public system.

H. Fire Hydrants And Water Mains: Adequate fire protection shall be required in accordance with standards established by the city engineer.

I. Street Name Signs: Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the local standards. Cost of street signs shall be the responsibility of the developer.

J. Sidewalks And Pedestrian Walkways: Sidewalks shall be required on both sides of the street in residential subdivisions and on one side of the street in industrial and commercial subdivisions, except that where the average width of lots, as measured at the street frontage line or at the building setback line, is over two hundred ten feet (210') sidewalks on only one side of the street may be allowed. Pedestrian walkways, when required, shall have easements at least ten feet (10') in width and

include a paved walk at least four feet (4') in width.

Sidewalks and crosswalks shall be constructed in accordance with the standards and specifications as adopted by the council.

K. Mailboxes: Mailbox locations shall conform to the following standards:

1. No mailbox shall be placed in the public right of way and shall not encroach over public sidewalks in any zone.
2. In area classified as a "mounted carrier delivery" by the United States postal services, developers will be required to install, pay and provide "cluster mailboxes".

Cluster mailbox locations shall be reviewed and approved by the U.S. postal service.

L. Greenbelt: Greenbelts or landscaping screening may be required for the protection of residential properties from adjacent major arterial streets, waterways, railroad rights of way or other features. Subdivision plats shall show the location of any greenbelt areas.

M. Street Lighting: Streetlights may be required to be installed at intersections throughout the subdivision. Cost of conventional wood pole, mercury vapor luminaires and overhead service shall be the responsibility of the developer. Other types or configuration for lighting shall be approved by the administrator and the cost shall be borne by the subdivider.

N. Landscape And Sidewalk Placement: Landscaping and sidewalk placement is required adjacent to arterial and collector streets. A tract of land eleven feet (11') in depth behind the curb line will be dedicated as part of any residential development adjacent to arterial and collector streets. Within that tract the developer shall install landscaping six feet (6') in depth with a sprinkler system and with grass and trees behind the curb line and shall also install a five foot (5') sidewalk. All landscaping will be maintained by any homeowners' association established with the creation and development of each subdivision. In the event the developer elects not to have a homeowners' association, the landscaping will be maintained by the city and funded through a fee added to the water bill of each resident within the development. Irrevocable restrictive covenants for this development and maintenance shall provide

for this funding. Alternative landscaping other than trees and grass may be approved by the city.

- O. Irrigation Water: Pursuant to this code, the use of the city's potable water supply as the primary source of irrigation water in all new developments capable of being serviced by alternative sources of ground or service waters shall be prohibited. For purposes of this subsection, the term "new development" means any new subdivision or PUD, or any development of any parcel of land of two (2) acres or larger that is not part of a subdivision or PUD. One share of North Side Canal Company water for each acre of property within the subdivision shall be deeded to the city before the filing of the final plat for use in the city's irrigation system.
  
- P. Fiber Optical Conduit: All developers will be required to pay for and install two inch (2") SDR11 Smoothwall Innerduct fiber optical conduit, which is orange in color, with pull rope, PG style service boxes, forty seven inches (47") high by forty eight inches (48") wide by forty eight inch (48") open bottom and PG style heavy duty cover with support beam. The placement and construction of the fiber optical conduit shall be done in accordance with city of Jerome standards and at the discretion of the city engineer. (Ord. 994 §2, 2006)

## **Chapter 16.32**

# **FINANCIAL RESPONSIBILITY**

### **16.32.010: REPAIR GUARANTEE:**

Prior to approval of the final plat, the owner shall enter into an agreement with the city, on a form to be prescribed by the city, wherein the owner shall agree to reimburse the city for all required repairs to any alley, easement, sewage system, water system, sidewalk, surface drainage, curb, gutter, approach or irrigation line required by this chapter, to be installed by owner as a condition of final plat approval. The guarantee shall be for a period of one year from the date of final plat approval, and shall be secured by a good and sufficient performance bond, irrevocable letter of credit from a responsible lending institution, cashier's check, or other acceptable surety in an amount determined by the city council. (Ord. 994 §2, 2006)

# **Chapter 16.34**

## **DRAINAGE REQUIREMENTS**

### **16.34.010: DRAINAGE AND STORMWATER MANAGEMENT:**

- A. Best Management Practices: Building sites shall use best management practices (BMPs) to retain as much stormwater as possible on the property.
  
- B. Highway Drainage: Drainage to a state highway shall be subject to the regulations of the Idaho transportation department. Necessary permits shall be acquired by the developer.
  
- C. Road Drainage: Drainage to a road under the care, custody and control of the Jerome highway district shall be subject to their regulations. Necessary permits shall be acquired by the developer.
  
- D. Drainage To U.S. Waters Or Canals: No drainage shall be allowed from a building site directly to any waters of the United States or to any privately owned canal system.
  
- E. Residential Subdivisions:
  - 1. All residential subdivisions shall design and construct stormwater retention facility or facilities to retain the 25-year, 24-hour rainstorm event.
  - 2. The stormwater shall be detained and released over a forty eight (48) hour period or at a rate that is approved by the North Side Canal Company or by any other entity that may govern the waterway downstream.
  - 3. The stormwater dischargers releasing water from their retention area shall use best management practices (BMPs) to reduce the amount of pollutants from the water. Discharge water quality shall comply with the most current regulations or standards that may apply.

4. The retention facilities shall also have an overflow device that can convey the 100-year, 24-hour rainstorm event, without damage to the retention facility. This structure should be designed to minimize any downstream safety problems.
5. Storm sewers shall be placed in a public right of way or minimum fifteen foot (15') wide easement. Easements shall also be required for the retention areas. The city reserves the right to modify the retention facilities to stay in compliance with any state or federal regulation.

F. Commercial And Industrial Developments: All commercial and industrial developments shall design and construct stormwater retention facilities to retain the 50-year, 24-hour rainstorm event. Refer to subsection [16.34.020A3b](#) of this chapter to determine the volume requirements. No discharge of stormwater will be allowed from these areas.

G. Procedure For Review And Approval Of The Stormwater Management Plan:

Note: Review and approval by the city does not constitute an engineering review of project plans and calculations. The review is for the purpose of ensuring general conformance to city policies and requirements. The submitting engineer is solely responsible for the design. All submissions to the city shall be stamped by a professional engineer registered in the state.

The following shall be submitted to the city:

1. A topographic survey of the development showing all drainage and irrigation water conveyance systems within the area encompassed by a line two hundred feet (200') outside the property line.
2. Peak flow calculations, with peak flows delineated on the drawings.
3. Runoff volume calculations.
4. Plans and profiles of new or modified drainage and irrigation water conveyance systems.
5. Plans, profiles and calculations for stormwater retention or detention facilities.
6. Flood routing computations for the 100-year flood through any existing drainage conveyance systems.
7. Maintenance and operation manuals for stormwater facilities.

8. Infiltration rates where applicable.
9. Seasonal high ground water table elevations where applicable. This applies when the absorption of stormwater is used as a best management practice. Facilities using absorption designs shall not intercept the postdevelopment ground water table. The bottom of the facility shall have a minimum four foot (4') vertical separation from the seasonal high ground water elevation and bedrock. The four foot (4') separation between the bottom of the facility and the seasonal high ground water table shall contain a sandy loam material to treat the water prior to entering the ground water. If the best management practices are utilized to pretreat the water prior to discharge into the absorption facility, the requirement for four feet (4') of sandy loam will be waived.

The seasonal high ground water table elevation shall be established and used for the facility design. The elevation of the seasonal high ground water table shall be determined by a monitoring well established at the facility site and monitored during the high ground water season. If available, ground water records may be used to establish the probable highest ground water elevation. The high ground water elevation shall be shown on the plans and be referenced to a nearby bench mark; the latitude and longitude of the well shall be shown on the plans. If ground water is encountered during construction of the facility at an elevation higher than that shown on the plans, the facility shall be redesigned to account for the higher elevation.

10. Soil classifications where applicable.
11. Flood routing of the 100-year storm to the ultimate drainage system.
12. Copies of associated permits and discharge agreements.
13. Copy of the pollution prevention plan that is on file with EPA for the development. Prior to beginning of construction on any development site larger than five (5) acres, the developer or their representative must have a pollution prevention plan in place and must file a notice of intent (NOI) with the EPA, in accordance with NPDES (national pollutant discharge elimination system) requirements. The pollution prevention plan will include provisions for reducing sediment discharges from the construction site and tracking of mud onto roadways. A copy of this plan and the NOI shall be provided to the city prior to any site grading. Refer to 40 CFR [chapter 1](#), section 122.26, stormwater discharges for NPDES requirements. (Ord. 994 §2, 2006)

### **16.34.020: DRAINAGE STUDY AND CALCULATION REQUIREMENTS FOR STORMWATER MANAGEMENT:**

- A. The drainage study and conceptual plan shall be submitted under the following concepts:

1. Drainage Patterns: Drainage flows of all frequencies should enter and depart from the property to be developed in substantially the same manner as predevelopment conditions.
2. Street Relationships/Emergency Access: All lots, structures, etc., within a development shall be accessible by at least one route during a 100-year storm with a maximum street water depth of one foot (1'). In all cases, the flow of water shall be contained within rights of way.
3. Retention Facility: In order to reduce the storm runoff as much as feasible, retention facilities shall be sized for local (on site) stormwater using the following procedures:
  - a. The design frequency shall be the 25-year storm, using the 24-hour rainfall depth "D" as determined from the national weather services for Idaho. For the Jerome area the 24-hour rainfall on a 25-year storm frequency is 1.6 inches.
  - b. Volume requirements for the retention facility are calculated by the following method:

(Vt) *		(12) = (1.6) * (A), where
Vt	=	Volume required in acre feet
1.6	=	24 hour rainfall depth in inches on a 25-year storm frequency
A	=	Tributary area

4. Side Slopes: Where possible, the retention facility shall have four to one (4:1) side slopes.
5. Parking In Floodplains; Commercial: Parking within the 100-year floodplain shall be allowed provided that there are no unattended vehicles and that there is no substantial obstruction to the free flow of water. If the depth of water exceeds one foot (1') during the base flood, the parking area shall be signed to show the parking area is subject to periodic flooding. (Ord. 994 §2, 2006)

# **Chapter 16.36**

## **ORIGINAL DEVELOPER FUND**

### **16.36.010: DEFINITION OF TERMS:**

For purposes of this chapter, terms shall be defined as follows:

**ORIGINAL DEVELOPER:** The original owner of real property benefited by the construction of the original improvements.

**ORIGINAL IMPROVEMENTS:** Any public street, water line, sewer line, drain line, irrigation line, or alley constructed and paid for by a developer pursuant to the provisions of this code as presently in existence or as hereafter amended, or otherwise by the direction of the city of Jerome.

**SUBSEQUENT DEVELOPER:** The owner of real property fronting the public street, water line, sewer line, drain line, irrigation line or alley constructed by the original developer who, subsequent to the date of the original improvements being completed, improves his property and connects to the water line, sewer line, drain line or irrigation line, or who commences use of the public street or alley by virtue of the development. (Ord. 889 §1, 1999; Ord. 740 §1, 1992)

### **16.36.020: WHEN FEE FOR CONNECTION TO ORIGINAL IMPROVEMENTS REQUIRED:**

Every subsequent developer shall pay a fee to the city, hereinafter referred to as the "original developer fee", when:

- A. The subsequent developer seeks building permits or seeks to connect to or access to domestic water line, sewer line, drain line, irrigation line, a public street or alley which have been paid for by an original developer, within ten (10) years of the date of the completion of such construction by the original developer, and the real property of the subsequent developer is directly connected to the original improvements paid for by the original developer. Separation of the real property of the subsequent developer from the improvements constructed by the original developer by a public street or alley shall not be deemed to remove the subsequent developer from meeting the requirements of this subsection.
  
- B. The real property of the subsequent developer is contiguous to the real property improved by the original developer or is separated therefrom by a public street or alley paid for by the original developer.

- C. The fee shall be paid to the city clerk prior to the approval of any final plat or building permit which would otherwise be issued to a subsequent developer. (Ord. 889 §2, 1999; Ord. 740 §2, 1992)

### **16.36.021: CERTIFICATE OF COMPLETION:**

At the time the original developer completes improvements under this chapter, the original developer shall file with city director of public works a certificate of completion. The certificate of completion must be filed with the city clerk within six (6) months of the date of substantial completion of the original improvements and must set forth the following information:

- A. Location and length of the improvements.
  
- B. The real property contiguous to or served by the improvement.
  
- C. The present owners of the real property identified in subsection B of this section.
  
- D. The actual costs of construction for the improvements.
  
- E. The length of frontage of each of the parcels of real property contiguous to the improvements.
  
- F. If any other person than the original developer has shared in the cost of the construction of the improvements, the name of such person and the amount of the cost of the construction such person may have paid. (Ord. 889 §3, 1999)

### **16.36.022: PAYMENT OF FEE:**

Within ten (10) years of the certificate of completion filed with the city no person or entity, other than the city itself, in owning lots on land served by originally installed improvements shall connect to or utilize the improvements until a pro rata share of the original costs has been paid in accordance with this chapter. Any person or entity

designed to connect to or use the original improvements must make an application to the city for connection or use of the same and which application must provide proof of payment of the fee required under this chapter to the original developer or his assigns. No building permit or occupancy permit shall be issued to any subsequent developer until the fee required by this chapter has been paid. (Ord. 889 §4, 1999)

**16.36.030: CALCULATION OF FEE:**

The fee to be paid to the original developer under the provisions of this chapter shall be determined using the following formula:

Cn	=	$Co(10-N)/10(Ln/2Lo)$ , where
Lo	=	The original length of the improvement
Ln	=	The front footage of the property owned by the subsequent developer along the length of the original improvements constructed by the original developer
Co	=	The cost of the original construction as demonstrated by the certificate of completion
N	=	The number of years from the date of the certificate of completion to the request for connection by the subsequent developer
Cn	=	The fee to be paid by the subsequent developer to the original developer or assigns

(Ord. 889 §5, 1999: Ord. 740 §3, 1992)

**16.36.040: ORIGINAL DEVELOPER FUND:**

(Rep. by Ord. 889 §6, 1999)

**16.36.050: APPLICATION FOR PAYMENT FROM ORIGINAL DEVELOPER FUND:**

(Rep. by Ord. 889 §6, 1999)

**16.36.060: AUDIT OF ELIGIBLE CONSTRUCTION COSTS:**

Any original developer who qualifies by giving timely notice to the city of completion of eligible construction shall have the costs of construction audited by the city to confirm the original value of such costs claimed by the original developer. Original costs of the development claimed by the original developer may be adjusted by the city on the basis of its audit. (Ord. 889 §6, 1999: Ord. 740 §6, 1992)

**16.36.070: FORFEITURE OF FEE:**

(Rep. by Ord. 889 §6, 1999)

**16.36.080: COMMENCEMENT DATE:**

This chapter shall apply to all original construction completed subsequent to January 1, 1992. Any original developer claiming to be entitled to benefits under this chapter who has completed original improvements prior to the adoption hereof must file a certificate of completion with the city within six (6) months from the effective date hereof. (Ord. 889 §7, 1999: Ord. 740 §8, 1992)