

CHAPTER 11

ARTICLE 2

**TITLE, PURPOSE AND JURISDICTION**

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- 9-11-02-1: TITLE

This chapter shall be cited as the TETONIA SUBDIVISION CODE.

- 9-11-02-2: AUTHORITY AND PURPOSE

- A. These regulations are authorized by Title 50, Chapter 13 and Title 67, Chapter 65 of the Idaho Code, as amended or subsequently codified and Article 12, Section 2 of the Idaho Constitution.
- B. The purposes of these regulations are to promote the public health, safety, general welfare, and to provide for but not be limited to the following:
  - 1. Harmonious development of the area.
  - 2. Coordination of streets and roads within the subdivision with other existing or planned streets and roads.
  - 3. Adequate open space for travel, light, air, and recreation.
  - 4. Conservation of or provisions for adequate transportation, water drainage, and sanitary facilities.
  - 5. Avoidance of population congestion as would involve danger or injury to health, safety, or general welfare by reason of:
    - a. Lack of water supply, drainage, transportation, or other public services; or
    - b. Unnecessary imposition of an excessive expenditure of public funds for the supply of such services.
- C. Requirements as to the extent and 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 as conditions precedent to the approval of a plot.
- D. Manner and form of making a filing of any plat.
- E. Administration of these regulations by defining the powers and duties of approval authorities including procedures for the equitable review and approval of all plats of subdivisions covered by these provisions.

## 9-11-02-3: JURISDICTION

These regulations shall apply to the subdividing of all land within the city and the city impact area and shall include the following:

- A. The subdivision of land into more than two (2) tracts for transfer of ownership. All of such lots or parcels created pursuant to this ordinance shall front upon a publicly maintained street unless specifically approved by the council after recommendation of the commission.
- B. The dedication of any street or alley through or along any tract of land except where such dedication is initiated at the request of a public body.
- C. The resubdivision of a parcel of land into more than one (1) parcel except as provided in the exceptions listed below.
- D. Condominium projects, as permitted by Idaho Code.
  - 1. Additionally the council may regulate and attach conditions to the design concepts and locations of buildings, the creation, shape and size of condominium units, the provisions and maintenance of open space, and off-street parking.
  - 2. Unless excepted pursuant to the provisions of this ordinance, the commission and council shall require the installation of public improvements and utilities for condominium projects as required under the provisions of this ordinance.
  - 3. For the purpose of administering these subdivision regulations the city may consider a condominium development as a single building, requiring one (1) front yard, two (2) side yards, a rear yard, and other regulations pertinent to a given lot and may grant such exceptions as are necessary to the subdivision regulations to permit such development.
- E. Exceptions:
  - 1. A readjustment of lot lines, which does not reduce the area, a frontage, width, depth, or building setback lines below the minimums required.
  - 2. A subdivision of land into parcels that are larger than one-quarter of one-quarter of the section of land or are lots in a section of land all as shown on the official U.S. Government General Office Township Survey Maps including resubdivisions thereof , or are parcels that are larger than forty (40) acres, all of which shall be designated exclusively for agricultural purposes, and which does not involve any new street dedication or the creation of private easement accesses to lots or parcels which could otherwise be provided access by a publicly dedicated street. (See definition of exclusive agriculture).
  - 3. An allocation of land in the settlement of an estate or a court decree for the distribution of property thereunder with the stipulation that the land may not be divided into more than four (4) parcels with a minimum size per parcel to be five (5) acres.
  - 4. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code and when the dedication of a right of way for public purposes is initiated by a public body.

5. The exchange of land for the purpose of straightening property boundaries or adding land to existing parcels by trade or sale which does not result in a change of the present land use or in any way result in land parcels which do not meet existing zoning and other regulations. (Ord. 22, 5-1981; Ord. 2008-6)

9-11-02-4: COMPLIANCE REQUIRED

No person shall subdivide any tract or parcel of land located wholly or in part in the city or city impact area, except in compliance with the provisions of this chapter. No person shall purchase, sell or exchange any parcel of land which is any part of a subdivision or a proposed subdivision submitted to the planning and zoning commission, nor offer for recording in the office of the county recorder, any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title.

9-11-02-5: CONFLICTING PROVISIONS

It is not intended by this chapter to impair or interfere with other regulations of state or local law, or with private restrictions on the use of land, improvements and structures. Where this chapter imposes greater restriction than that imposed by other law or private restrictions, this chapter shall prevail. (Ord. 2008-6)