

CITY OF ROBERTS
ORDINANCE NO. 2026-574

AN ORDINANCE OF THE CITY OF ROBERTS, JEFFERSON COUNTY, IDAHO, AMENDING ORDINANCE NO. 498 ADOPTED JUNE 9, 2015, TO ADD DEFINITIONS; TO ESTABLISH REGULATIONS GOVERNING SINGLE-FAMILY ATTACHED DWELLINGS IN THE R-2 AND R-3 ZONING DISTRICTS; TO REQUIRE DEVELOPMENT AGREEMENTS FOR PLANNED UNIT DEVELOPMENTS AND PROJECTS PROPOSING SINGLE-FAMILY ATTACHED DWELLINGS PRIOR TO FINAL PLAT APPROVAL; TO PROVIDE FOR RECORDING REQUIREMENTS; TO PROVIDE FOR ENFORCEMENT; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE AN EFFECTIVE DATE

WHEREAS, the City of Roberts adopted Ordinance No. 498 (6/2015) to regulate zoning and land use; and

WHEREAS, the City Council finds it necessary to clarify and strengthen development standards related to Planned Unit Developments (PUDs) and single-family attached dwellings; and

WHEREAS, the current ordinance does not require Development Agreements for all PUDs or projects proposing single-family attached dwellings; and

WHEREAS, single-family attached dwellings are not currently defined or regulated in R-2 and R-3 zoning districts; and

WHEREAS, requiring Development Agreements prior to final plat or final plan approval ensures proper infrastructure installation, establishes maintenance responsibilities, protects public health and safety, and ensures compliance with City standards; and

WHEREAS, the Planning and Zoning Commission conducted a duly noticed public hearing and recommended approval of these amendments;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROBERTS, IDAHO, AS FOLLOWS:

SECTION 1: CHAPTER 2 – DEFINITIONS

The following definitions are added to Chapter 2 of Ordinance 498:

Single-Family Attached Dwelling – A dwelling unit designed for occupancy by one family and attached to one or more other dwelling units by shared vertical walls. Includes duplexes, triplexes, quadplexes, zero-lot-line units, or similar attached dwellings, but excludes multifamily apartment structures with internal common corridors.

Party Wall – A wall constructed along a lot line separating two attached dwelling units, jointly owned by the owners of the adjoining lots, providing structural support to both units, and meeting fire separation and construction requirements of the International Building Code.

Party Wall Agreement – A recorded legal agreement between the owners of adjoining lots sharing a party wall, allocating ownership, use, maintenance, repair, and replacement responsibilities.

Common Facilities Agreement – A recorded legal agreement between owners of lots or units sharing certain facilities, improvements, or property, establishing rights and obligations for use, maintenance, repair, and replacement.

Declaration of Condominium – A recorded legal instrument establishing a condominium regime describing individual units, common elements, and responsibilities for maintenance and management.

Development Agreement – A written agreement between the City and a developer or property owner, approved by the City Council and recorded as required, establishing terms and conditions governing the development of property, including infrastructure installation, construction phasing, compliance with City standards, maintenance responsibilities, and enforcement provisions.

SECTION 2: CHAPTER 5 – PLANNED UNIT DEVELOPMENTS

Renumbered Sections and New Section 17 Placement

- Section 11 – Procedure for Approval of a PUD
- Section 12 – Pre-Application Meeting
- Section 13 – Contents of Application for Approval of Preliminary Development Plan
- Section 14 – Procedure for Public Notice
- Section 15 – Approval in Principle by the Commission
- Section 16 – Contents of Application for Approval of Final Development Plan
- Section 17 – Development Agreements and Special Provisions for Single-Family Attached Dwelling Projects (new section)
- Section 18 – Recommendation by Commission (formerly Section 17)
- Section 19 – Action by Council (formerly Section 18)
- Section 20 – Expiration and Extension of Approval Period (formerly Section 19)

Section 17 – Development Agreements and Special Provisions for Single-Family Attached Dwelling Projects

1. Applicability Applies to:

- a. All Planned Unit Developments (PUDs) under Chapter 5
- b. All projects proposing single-family attached dwellings in R-2 and R-3 zoning districts

No final plat or final plan approval shall be granted until a Development Agreement has been submitted by the developer and approved by the City Council.

2. Vertical Separation Prohibited
No dwelling unit shall be located above or below another single-family attached dwelling.
3. Pedestrian Access
Each dwelling shall have at least one direct pedestrian access from the interior of the unit to the property line of the lot. Such access shall not be shared.
4. Maximum Contiguous Units
No more than six (6) single-family attached dwellings may be attached together in a continuous group.
5. Structural and Utility Independence
Except for the limited shared elements listed below, each dwelling shall be structurally and functionally independent and shall have separate electrical, water, and sanitary service lines.

Permitted shared elements:

- a. Party walls constructed in accordance with the International Building Code
 - b. Foundations supporting shared walls
 - c. Flashing at roof terminations over shared walls
 - d. Roof structures
 - e. Vehicular access to a dedicated public street serving off-street parking or detached garages
6. Recorded Agreements
No building permit shall be issued for any dwelling sharing common facilities unless a Party Wall Agreement, Common Facilities Agreement, or Declaration of Condominium is recorded with the County Recorder.
 7. Development Agreement Requirement
Prior to final plat approval, the developer must submit a Development Agreement approved by the City Council. The Development Agreement shall include, at a minimum:
 - a. Project description, lot layout, and site plan
 - b. Construction and phasing schedule
 - c. Public streets and roads design, construction, and maintenance responsibilities
 - d. Utilities and infrastructure installation and maintenance responsibilities
 - e. Common areas and shared facilities with use and maintenance allocation
 - f. Compliance with City standards
 - g. Enforcement and remedies, including financial guarantees or performance bonds

No Certificate of Occupancy shall be issued until the Development Agreement is fully executed and recorded.

8. Underlying District Compliance

Single-family attached dwellings shall comply with all standards of the underlying R-2 or R-3 zoning district, including height, setbacks, lot area/width, off-street parking, infrastructure improvements, recreational areas, signage, and other applicable regulations. Where conflicts exist, the more restrictive standard shall govern.

9. Engineering and Professional Review Costs and Reimbursement

- a. The developer shall be responsible for all costs incurred by the City for engineering review, consultation, and inspection services associated with the proposed development.
- b. Such services may include, but are not limited to, review of construction plans and specifications; review of site improvements including streets, drainage, water, sewer, and utilities; stormwater analysis; construction inspections; and coordination with City staff to ensure compliance with City ordinances, standards, and approved plans.
- c. The developer shall reimburse the City for the actual cost of engineering services based on the rates charged to the City by the engineering firm selected by the City.
- d. The developer shall also be responsible for reasonable costs incurred by the City for legal review or other professional services required to evaluate, prepare, or administer the Development Agreement or related development approvals.
- e. All engineering and professional review fees shall be paid in full prior to issuance of the Final Plat, acceptance of public improvements by the City, or final approval of the development, whichever occurs first.
- f. The City may withhold issuance of the Final Plat, acceptance of public improvements, or final development approval until all outstanding review and inspection fees have been paid.

Updated Cross-References

- Section 16 (Final Development Plan Application):
“All applications for final development plan approval shall demonstrate compliance with Section 17, including submission of a Development Agreement approved by the City Council.”
- Section 18 (Recommendation by Commission):
“The Planning and Zoning Commission shall review compliance with Section 17 prior to making its recommendation.”
- Section 19 (Action by Council):
“The City Council shall not approve any final development plan or plat unless all Section 17 requirements are satisfied, including execution and recording of the Development Agreement.”
- Chapter 6 – Mobile Home Parks Sections 7 & 9:

Updated to reference Section 17 for Development Agreement compliance and standards.

SECTION 3: REPEALER CLAUSE Any ordinances or parts thereof which are in conflict herewith are hereby repealed.

SECTION 4: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared unconstitutional or invalid by the courts, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 5: EFFECTIVE DATE; SUSPENSION OF RULES


This Ordinance shall be in full force and effect immediately upon its passage and publication of a Summary of this Ordinance according to law. The City Council hereby dispenses with the rule requiring that ordinances be read on three different days, as authorized by law, so that this Ordinance may take effect immediately.

PASSED Under suspension of rules upon which roll call vote was taken duly enacted an ordinance of the City of Roberts, Jefferson County, Idaho at a convened meeting of the City of Roberts held on the 14 day of April, 2026.

CITY OF ROBERTS


Honorable Robert (BJ) Berlin, Mayor

ATTEST:


April Galbraith
City Clerk/Treasurer