

CITY OF KUNA, IDAHO
LOT SPLIT ZONING ORDINANCE AMENDMENT
ORDINANCE 2015-08

AN ORDINANCE OF CITY OF KUNA, IDAHO, AMENDING TITLE 5, CHAPTER 16, SECTION 3, ENTITLED “LOT SPLIT”; AMENDING WHEN SIDEWALK CONSTRUCTION IS REQUIRED; AMENDING SEWER, WATER, AND STORM DRAINAGE REQUIREMENTS; DELETION OF SEPTIC TANKS AND PRIVATE WELL PLACEMENT REQUIREMENT; AND PROVIDE AN EFFECTIVE DATE.

WHEREAS, Article XII, Section 2 of the Idaho Constitution and Idaho Code Section 50-302 allow municipal corporations to adopt regulations which are not contrary to the general laws; and

WHEREAS, this text amendment is in agreement with the spirit and intent of Kuna Comprehensive Plan; and

WHEREAS, it is deemed to be in the best interest of the City of Kuna to amend Title 5; and

WHEREAS, this zoning amendment is pursued in accordance with Kuna City Code 5-13, “ZONING AMENDMENTS”; and

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

Section 1:

Title 5, Chapter 16, Section 3 entitled, “LOT SPLIT” is amended as follows:

A. *General:* A lot split is the dividing of an original lot, tract or parcel of land, as defined in section B.14. A lot split shall not create more than three (3) new parcels from the original lot, tract or parcel of land, including any splits granted by the county prior to annexation into the city. The burden shall be on the property owner to provide evidence that they are eligible for a lot split with the city, by way of a deed and legal description of the tract demonstrating its existence as an original lot, tract or parcel of land and its configuration as of the date of application for lot split.

B. *Compliance:* The owner shall comply with the following conditions:

1. *Sidewalks:* Sidewalks shall be installed along all street frontages for each parcel created, except those parcels that are greater than two (2) acres in size. Parcels between one (1) and two (2) acres in size shall install sidewalk on a case-by-case bases, based upon Ada County Highway District and the City Engineer determination. Any parcel less than one (1) acre in size shall have sidewalk along the street frontages. Where sidewalks are required, the owner shall submit engineering drawings, contractor's estimates, and submit for construction plan review.

2. *Sewer and water:* Applicant shall extend public sewer and water to each parcel created when public sewer and water are available within three hundred (300) feet of the newly created parcel or parcels or as determined by the City Engineer. If any of the parcels do not connect to sewer or water at the time of lot split, the owner shall agree to connect each parcel to public sewer and water when these public utilities are available within three hundred (300) feet of the property line closet to the sewerline.. Parcels located in Nitrate Priority Areas shall not be split without connecting to city sewer and water. A waiver of this subsection may be allowed when the applicant provides a treatment system in which

the effluent can demonstrate the 10 part per million or less of nitrates, the drinking water supply meets all drinking water standards, and meets Central District Health Department's septic system requirements in existence at the time of the current application.

3. *Dedication of public right-of-way (ROW)*: The owner shall dedicate public ROW in accordance with the area's identified transportation needs as they may be identified in Ada County Highway District (ACHD) or COMPASS documents, as well as the city's "Comprehensive Plan Street Circulation Map" and in its supporting text. The portion of a parcel included within the right-of-way does not constitute a part of the lot split.

4. *Lot split conformity*: Parcels shall be divided, or otherwise configured, to accommodate the city and ACHD's transportation grid, utility layout and connectivity patterns.

5. *Land possessing unique features or topographical constraints*: Land possessing unique features or topographical constraints may be subject to an environmental review at the director's discretion, which, in turn, may require that certain issues be mitigated.

6. *Utilities placed underground*: Utilities shall be placed underground, unless it is determined by the owner of the utility and/or the city council that such action is not feasible or reasonable. Parcels created that are more than one (1) acres in size shall be subject to this condition on a case-by-case review basis.

7. *Stormwater drainage*: Any increased stormwater drainage resulting from lot split activity shall be retained on-site. Parcels less than one (1) acre shall provide stormwater plans and supporting calculations to the city engineer for review and approval. Parcels one (1) acre and larger shall be subject to providing stormwater plans and supporting calculations to the City Engineer for review and approval on a case-by-case basis.

8. *Driveway entrances*: Each parcel created through a lot split shall have a driveway entrance(s) connecting to a public street(s) with adequate driveway distance separations as determined by the city and/or ACHD. Where feasible, the driveway entrances shall be designed and constructed as shared driveways. Owner(s) shall develop driveway agreements for shared driveways and these agreements shall be recorded and follow the land. Shared driveway entrances shall have a minimum driveway width of twenty-four (24) feet, unless ACHD requires a different width. The driveway's asphalt apron and entryway shall extend inward a minimum of fifteen (15) feet from the parcel's property line to minimize the tracking of debris onto the roadways. Driveways shall be a maximum one hundred fifty (150) feet in length. The driveway plans shall be reviewed and approved by the City Engineer.

9. *Fire hydrants and water mains*: Each parcel shall be provided fire protection by the lot owner in accordance with fire district standards as determined by the fire chief as a condition of development.

10. *Grading or depositing of soil*: No grading or depositing of soil shall occur on the parcels within the floodplain or floodway unless the appropriate permits are obtained and approved by the City Engineer.

11. *Maximum number of parcels created*: The maximum number of parcels that can be created from contiguous original tracts, held in a related ownership, is six (6). If more splits than this amount are intended from original and contiguous tracts, that action shall occur through the city's subdivision process.

12. *Water rights*: Water rights appurtenant to a tract of land, subject to lot split, shall remain with the land or be dedicated to the city. Water rights for the split parcel may not be sold, abandoned, or transferred off the land (except to the city).

13. *ACHD requirements*: Prior to construction or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.) a permit or license agreement must be obtained from ACHD.

14. *Original lot, tract or parcel of land*: A lot, parcel, or tract of land as recorded on any plat or record on file in the office of the county recorder or any unplatted contiguous parcel of land held in one (1) ownership and of record on or before December 7, 1977.

15. All parcels resulting from a lot split shall meet area, lot coverage, lot depth, and lot frontage requirements found at KCC 5-1-6-2 (KCC 5-3-4-9:B).

16. *Lot of record*: A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

17. *Owner*: The individual, firm, association, syndicate, partnership, or corporation having any interest in the land to be subdivided.

Section 5:

Severability If any clause, sentence, paragraph, section, or any part of this chapter, shall be declared and adjudged to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect, invalidate, or nullify the remainder of this chapter.

Section 6:

Full Force and Effect This Ordinance shall be in full force and from and after its passage, approval and publication as required by law.

ADOPTED this ___ day of May 2015.

CITY COUNCIL OF THE CITY OF KUNA
Ada County, Idaho

W. Greg Nelson, Mayor
City of Kuna

ATTEST:

Chris Engels, City Clerk
City of Kuna