

PROPOSED TEXT AMENDMENT

March 4, 2010 Version

ORDINANCE 2010 _____

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, AMENDING TITLE 6, “SUBDIVISION REGULATIONS”, CHAPTER 4, “IMPROVEMENT STANDARDS”, AND PROVIDING EFFECTIVE DATE

WHEREAS, discussions have been held by the Kuna City Council to amend the required public improvement section of the subdivision regulations found in Title 6, Chapter 4, Section 2;

WHEREAS, this amendment complies with the Kuna Comprehensive Plan; and

WHEREAS, it is deemed to be in the best interest of the City of Kuna to amend the noted portion of Title 6, Chapter 4, Section 2.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, IDAHO that:

Section 1. Title 6, Chapter 4, Section 2 of Kuna City Code is amended, which shall read as follows:

6-4-2: REQUIRED PUBLIC IMPROVEMENTS:

Every subdivider as part of the final subdivision platting process shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

Note: for amendment purposes, subdivider and developer are intended to be interchangeable words.

For the meanings of subdivision terms or words not found in Kuna City Code 5-1-6-2, the City staff shall rely upon *The Latest Illustrated Book of Development Definitions* by Moskowitz and Lindbloom for interpretation purposes.

Index:

- A. Bicycle Lanes
- B. Cell Towers
- C. Curb and Gutter
- D. Driveways and other Approaches
- E. Fencing:
- F. Fire Hydrants
- G. Flag Lot
- H. Greenbelt Pathways

- I. Irrigation System
- J. Irrigation Ditches
- K. Landscape, open space and park areas
- L. Monuments
- M. Parking Lots
- N. Pathways
- O. Sanitary Sewer
- P. School Bus Staging Areas
- Q. Sidewalk
- R. Stormwater Drainage
- S. Street and Alleys
- T. Street Lighting
- U. Street Name and other Street Traffic Signs
- V. Trees
- W. Utilities
- X. Water Supply System

A. Bicycle Lanes: A subdivision shall feature bicycle lanes along its roadways to accommodate bicycle enthusiasts. Sidewalks shall not substitute for bicycle lanes, rather the bike lane shall be included as a feature of the street section or located in a separate easement. Bike lane specifications shall be according to City and ACHD standards. Ord. 231, 12-7-1977)

B. Cell Towers: Cell tower placement is subject to the provisions of the City's wireless communication facilities ordinance.

C. Curb and Gutter: Vertical curb and gutter shall be installed on functionally classified collector and arterial streets. The street's functionality shall be determined based on the City's adopted functionally classified roadmap. Other street classifications may feature rolled or vertical curbs, and supporting stormwater devices

The use of drainage swales for stormwater conveyance in lieu of curb and gutter is prohibited unless necessary to preserve a historical drainage right that would be impeded by the swale's removal as determined by the City Engineer. There shall be no mixing of irrigation drainage water and road runoff water. All construction shall be in accordance with Idaho Standards for Public Construction Work [ISPCW] or other standards established by the City Engineer. (Ord. 2007-02, 2-20-2007)

D. Driveway and other Approaches: Driveway and other approaches' curb cuts shall be installed according to the City, ITD and ACHD's access management standards. Driveway and other approach placement, alignment, width and apron features shall be designed and constructed according to standards established by the authority with jurisdictional over the subject roadway. The width of driveways and other approaches that are installed in office, commercial and industrial zoning districts, where the City's zoning does not establish a

minimum lot width standard, shall be constructed wide enough to accommodate commercially designed driveway entrances accessing the street frontage. All curb returns shall be constructed with a 28-foot minimum curb return radius.

- E. Fencing: Fencing shall be installed according to the approved fencing plan. The subdivision shall feature permanent fencing along its outer perimeter with the exception of those portions of its perimeter that feature common open space or park area accessible from the street. The fencing that is placed next to an arterial or collector road shall be punctuated with a minimum three-foot (3') of parallel fencing offset, every 250' linear feet [maximum] to minimize the monotony of the fence's façade. Fences shall be a maximum six feet (6') in height (measured from the crest of the road), permanent in nature and maintenance free. Fencing shall be constructed of metal, rock or vinyl materials with an approved post-hole footing. Wood and chain link fencing is not permitted in a subdivision, except for school related purposes. The school authority may rely upon a powder coated or vinyl coated chain-link type fencing for security related purposes. Ditch or irrigation fencing shall be determined with input from the irrigation purveyor. Fencing placed along a subdivision's internal pathways shall be of a see-through type construction to minimize tunneling effects and provide for pedestrian safety. If fencing is used in combination with a landscaped berm, the fence shall be placed behind the berm, and under no circumstances, placed on the berm. (Ord. 553, 1-22-2001)
- F. Fire Hydrants: Subdivision fire hydrants shall be installed in such a manner as to meet the City and Fire District's water supply requirements and according to standards established for the type of fire hydrant installed and the accompanying water line connection(s). Fire hydrants shall be installed at locations identified by the Kuna Fire District and shown on all of the final approved construction drawings and record drawings. Fire hydrants shall be operable prior to any combustible materials being brought on the subdivision property. Fire hydrants shall be painted bright red [or other prescribed color] and the steamer connection must meet Fire District requirements. Where there is the possibility a fire hydrant is susceptible to collision potential, the subdivider may be directed to install bollards for its safekeeping. (Ord. 231, 12-7-1977)
- G. Flag Lot: Residential subdivision flag lots shall be developed via a common private driveway access that connects with a public street. The driveway shall not extend more than 150 feet from the public street right-of-way. A common [or shared] driveway shall be relied upon to access the lots contained within the flag lot configuration, with a maximum of three contiguous lots contained within a flag lot. A cross-access driveway agreement qualifying the methods of common driveway care and maintenance responsibility shall be recorded with each lot of the flag lot. The pole portion of the flag lot shall front on the street a minimum 30-feet. The driveway access shall be centered on the pole portion of the flag lot and designed and constructed with a minimum twenty-foot wide curb cut to include a concrete apron. The common driveway shall be constructed of a material approved by the City Engineer. The flag lot is subject to street frontage improvements. The area of the flag lot pole is exclusive of each lot's minimum square footage. Each flag lot shall meet the

zoning conditions of the underlying zone. Structure(s) placed on the flag lot shall face the public street and be setback a minimum of twenty-feet from edge of driveway. Commercial flag lots shall be evaluated on a case by case basis.

- H. Greenbelt Pathways: Greenbelts pathways shall be installed within the subdivision to mitigate land incompatibilities that arise between the subdivision property and the adjoining highways, water bodies, railroad rights-of-way, transmission lines and other like features. Greenbelt pathways are subject to design review. Subdivision plats shall show the location of greenbelt pathways. These pathways shall be a minimum ten feet (10) wide and located within a 30-foot wide public easement. The greenbelt pathway shall feature lighting bollards at appropriate distances, directional signage and landscape consisting of trees, bushes and other organic materials to include an irrigation source. The greenbelt pathway shall feature park benches, vistas at appropriate locations and be marked with mileage indicators for sport and safety purposes. These pathways shall be constructed of a material in keeping with the Americans with Disabilities Act (ADA) accessibility guidelines. Greenbelt pathways located along water bodies shall be placed on one side or the other of the water feature in such a fashion as to provide an uninterrupted pathway alignment and be separated from the water body by the installation of fencing constructed consistent with the fencing standards found in Kuna City Code 6-4-2 E. If there are trees located along the water body, these shall be reviewed by the City forester for preservation purpose. Where possible, the greenbelt pathway shall connect with other pathways. (Ord. 231, 12-7-1977)
- I. Irrigation System: The City Engineer is authorized to establish rules, regulations and standards for pressurized irrigation systems and these systems shall comply with those standards, rules and regulations. Pressure irrigation systems shall be constructed in accordance with the specifications of the City's adopted pressure irrigation plan. The subdivider is obligated to annex the subdivision's lands into the Kuna Municipal Irrigation District [KMID]. Pressure irrigation facilities shall be constructed and dedicated to the City, in compliance with KMID standards and requirements. The irrigation system's design and functionality shall follow the requirements of the irrigation entity that will own, operate and maintain the system. Subdivisions shall rely upon a non-potable water source for all irrigation and watering purposes. The subdivider shall provide an underground conduit to provide pressurized irrigation water to every lot within the subdivision. Potable municipal water may not be used for subdivision irrigation purposes.
- J. Irrigation Ditches: The subdivision's irrigation ditches and laterals shall be tiled with the exception of major canals and natural waterways. The City Engineer, in consultation with the irrigation water provider, shall determine if an irrigation ditch or lateral needs to be tiled. Irrigation conveyances shall be placed in a public easement. Major canals and natural waterways located within or adjacent to the development boundaries that are not tiled shall be appropriately fenced. Improvements involving the irrigation distribution system shall have the affected irrigation water provider's approval (Ord. 439, 2-20-1996)

- K. **Landscape, Open Space and Park Areas:** The subdivision's landscape, open space and park areas shall be installed according to the approved landscape plan. All subdivision entranceways, common areas, common lots, recreation fields, parks, pathways, parking strips, buffers and some dedicated easements are subject to the provisions of Kuna City Codes 5-4 and 5-17. The allocation and distribution of the subdivision's park and open spaces are subject to design review assessment and direction. All landscape, open space and park areas shall be equipped with a pressurized irrigation pump station and an automatic irrigation system built to Kuna Municipal Irrigation District (KMID) standards and requirements, utilizing existing surface or well irrigation water rights for irrigation purposes with limited exceptions, as determined by the City Engineer. The subdivider shall add provisions to the CCR's identifying who will be responsible for the care and maintenance of the landscape, open space and private park areas. The City shall not accept a subdivision park land for public purposes that is less than three acres in area.
- L. **Monuments:** Monuments shall be set in accordance with Idaho Statute section §50-1303. Monuments that are disturbed or destroyed during construction of the subdivision shall be reset in accordance with the standards of Idaho Statute section §50-1303.
- M. **Parking Lots:** Commercial subdivisions require the installation of off-street parking facility(s) to accommodate the clientele. The placement of a swimming pool or other intensive type recreational amenity in a residential subdivision may require the subdivider to provide off street parking. Reliance upon ACHD's minor local street [which does not allow for on street parking] will require the subdivider to provide a parking lot to compensate for the displacement of on-street parking. Where parking lots are required to accommodate the aforementioned or similar type circumstances: parking lot placement, layout and construction shall comply with the off-street parking and loading facilities requirements noted in Kuna City Code 5-9-1 through 5-9-5. The subdivider shall submit a parking plan to the City for staff review and construct the parking area according to the approved plan. The subdivider shall design the parking lot circulation pattern where users enter and exit the parking lot in a forward motion. The area allocated for parking purposes shall be paved with an asphalt material. The parking lot construction and methods of storm drainage mitigation are subject to engineering review and approval. Parking lots shall meet ACHD and other agencies of jurisdiction's development requirements. Parking areas installed to compensate for lack of on-street parking shall be located for the convenience of the nearby residents and generally not more than 300 feet from a residence whose occupants are reliant upon that facility for parking purpose. In order for a parking space to qualify for parking purposes, it shall be a space a motorist may readily ingress and egress without obstruction. This standard shall apply to all City required parking spaces.
- N. **Pathways:** A pathway is intended to connect people to and through a subdivision as opposed to a sidewalk that is intended to protect people from the adjoining roadway. Pathways shall be centered in a public easement and be at least ten-feet (10') in width. The pathway surface shall be a minimum five-feet (5') in width and constructed of an impervious

surface that is acceptable to the City Engineer and in compliance with Americans with Disabilities Act [ADA] accessibility guidelines. (Ord. 2006-100, 12-19-2006)

- O. Sanitary Sewer: The City Engineer is authorized to establish rules, regulations and standards for sanitary sewer systems and these systems shall comply with those standards, rules and regulations. Sanitary sewer systems shall be constructed in accordance with the specifications of the City's adopted sewer plan. Sanitary sewage disposal facilities shall be designed in accordance with engineering standards, specifications and approvals and pertinent City codes. Subdivisions are required to connect to the City's sanitary sewer system. Each buildable lot located within the subdivision, is required to connect into the sanitary sewer system by way of an individual sewerage disposal service. Planned Unit Development [PUD] and Master Planned Communities require a master utility plan that addresses sanitary sewer issues. Idaho Statute §50-1326 requires all sewer plans be submitted to the Idaho State department of environmental and community services or its authorized agent for approval. The City Engineer, or their designate, shall serve as Idaho State's qualified licensed professional engineer [QLPE] for purposes of reviewing the City's sanitary sewer plan submittals. (Ord. 2007-02, 2-20-2007)
- P. School Bus Staging Areas: The residential subdivider shall coordinate with the Kuna School District and City staff to provide areas where children will assemble for transporting to school via school buses. The sites shall be centrally located, highly visible, safely designed and constructed, well lit and relatively accessible to the bus drivers with minimal transportation interference. The sites are subject to design review. The sites shall be landscaped and the Homeowner Association CCR's should identify who will maintain them.
- Q. Sidewalk: Attached or detached sidewalks shall be constructed on both sides of the subdivision's streets except where its average street lot frontage is more than one hundred feet (100') in width. In this circumstance, a sidewalk is only required on one side of the street, unless there is an overriding health or safety concern that would dictate sidewalk placement on both sides of the street. Additionally, ACHD has a minor local street section whose usage affords the placement of a sidewalk on one side of the street, unless there is an overriding consideration requiring sidewalk placement on both sides of the street. Sidewalks shall be designed and built to Americans with Disabilities Act [ADA] accessibility guidelines, and in accordance with ACHD and City Engineer standards and specifications. The minimum width of any City sidewalk shall be five-feet (5'). Arterial or collector streets shall feature eight-foot (8') detached sidewalks on both sides of the street frontage regardless of subdivision lot widths. The accompanying parking strip shall also be eight (8') feet wide and landscaped with an irrigation system. A public easement shall accompany any sidewalk placed outside a public right-of-way. The placement of a sidewalk outside the right-of-way requires City approval. Sidewalks constructed as part of a curb cut installation shall be designed to accommodate the additional loading requirements placed upon it.
- R. Stormwater Drainage: The subdivider shall install the subdivision's stormwater system according to the City Engineer's stormwater management standards. (Ord. 231, 12-7-1977)

- S. Street and Alleys: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the city of Kuna [City], Ada County Highway District [ACHD] and Idaho Transportation Department [ITD]. Street functionality shall be determined according to the City's adopted 2030 Functional Classified Road map. The street right-of-way widths shall be according to the street typologies identified in Kuna City Code 6-3-4. A subdivider shall provide a non-connecting [dead end] subdivision street, whose length is longer than 500 feet, with a secondary access. If the non-connecting street terminates in a turn around, the maximum 500 foot street length is to be measured from the center point of the turn around to the point where it intersects with an intersecting street. Should the Fire District approve a longer roadway length, the City may defer to their judgment. (Ord. 231, 12-7-1977)
- T. Street Lighting: Street lights shall be installed within the subdivision at intersections, fire hydrants, cul-de-sacs and other types of turn around, pedestrian shelters and bus stops and according to the approved lighting plan. The subdivider shall place lighting facilities a maximum spacing of two hundred fifty feet (250') and proportionately dispersed throughout the interior and exterior of the subdivision. The street lighting shall alternate along the course of the subdivision roadways from one side of the road to the other at maximum 250 foot intervals. The subdivider shall conform to street lighting requirements established by the City and the public utility provider. Lighting facilities shall be designed and installed according to "Dark Skies" standards. Lighting facilities will be reviewed by City staff to assure they are energy efficient, and if not, the subdivider shall provide an alternative lighting product acceptable to the City. The street lighting facilities shall be of a design standard that makes them easily exchangeable with minimal replacement cost outlay. (Ord. 550, 8-28-2000)
- U. Street Name and other Street Traffic Signs: Subdivision traffic signage shall be constructed and installed at appropriate street locations in accordance with ACHD and City standards. Proposed street names shall be submitted to the Ada County street naming committee for their review and approval.
- V. Trees: A minimum of one live tree shall be planted by the subdivider on each subdivision lot and each tree shall have a minimum of two inch (2") caliper. The type of tree and its location shall be determined in consultation with the City forester. The subdivider shall buffer the subdivision's functionally classified street frontages and development entryways with three inch (3") caliper trees. The subdivider shall warrant the subdivision lot trees for replacement in the event a tree dies within the first year of its planting. The number and placement of trees in a commercial subdivision shall be according to the approved landscape plan. (Ord. 2006-100, 12-19-2006)
- W. Utilities: The subdivision's public or private utilities shall be placed underground unless the utility provider and the City Engineer collectively determine that action is unfeasible. Commercial, industrial, office or residential development utilities, which cannot be placed underground, shall be subject to City design review committee's evaluation and direction.

The extension and relocation of power, telephone, communication, television and similar utilities provided by the City or other utility purveyor shall be at the subdivider's expense. Utilities should be designed, constructed and placed with capacity to service adjoining lands. (Ord. 439, 2-20-1996)

- X. Water Supply System: The City Engineer is authorized to establish rules, regulations and standards for water supply systems and these systems shall comply with those standards rules and regulations. Each Public water supply systems shall be constructed in accordance with the specifications of the City's adopted water plan. Subdivision water supply systems shall be installed as an extension of the City's public system. Buildable subdivision lots shall have a water service capable of supplying the site with potable water in sufficient volume and pressure for domestic use, and fire protection in accordance with City code and Kuna Fire District requirements. Water supply shall meet the International Fire Code's minimum fire flow requirements. The water rights appurtenant to a tract of land, subject to subdivision, shall be dedicated to the City in sufficient water quantities to offset the subdivision's potential water demands as determined by the City engineer. The subdivision's water rights shall not be sold, abandoned, or transferred outside the City or its area of City impact. Condominium units shall have individual water meters. Planned Unit Development [PUD] and Master Planned Communities require a master utility plan that addresses potable water issues. Idaho Statute §50-1326 requires all water plans to be submitted to the Idaho State department of environmental and community services or its authorized agent for approval. The City Engineer, or their designate, shall serve as the Idaho State's qualified licensed professional engineer [QLPE] for purposes of reviewing the City's water plan submittals. (Ord. 2007-02, 2-20-2007)

Section 2. All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

Section 3. This ordinance shall be in full force and in effect from and after its passage, approval and publication, according to law.