

PROPOSED TEXT AMENDMENT

March 21, 2008

AN ORDINANCE OF CITY OF KUNA, IDAHO, AMENDING TITLE 5, "ZONING REGULATIONS" TO AMEND CHAPTER SEVEN OF TITLE 5 "LOT SPLIT", TO ESTABLISH A NEW LOT SPLIT PROCESS, FOUND THEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, discussions have been held by the Kuna City Council to amend the Lot Split requirements Title 5 Chapter 16 Section 3; and

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 Section 3, Chapter 16, Title 5, "[Lot Split](#)"

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

Section 3, Title 5, Chapter 16 of the Kuna City Code is amended, which shall read as follows:

Lot Split

- A. General: A lot split is the dividing of the original tract of land to create no more than three (3) parcels. [An original tract of land is one existing within the Kuna City Limits prior to December 7, 1977 and presently lying wholly within the Kuna City limits. In order for the owner to validate their ability to lot split, they shall provide City staff a deed or legal description of the tract of land demonstrating its existence, as of the above date; and its configuration as of the date of application.](#)
- B. Compliance: ~~The following must be complied with:~~ [The owner shall comply with the following conditions:](#)
1. Sidewalks: ~~Sidewalks must be constructed on all parcels pertaining to the lot split (original and all proposed lot splits).~~ [Sidewalks shall be installed along all street frontages for each parcel created, except those parcels that are greater than five \(5\) acres in size and/or any street frontage greater than 300-feet in length. Where sidewalks are required, the owner shall submit engineering drawings, contractor's estimates, and submit for building plan review.](#)
 2. Sewer and Water: ~~Municipal sewer and water must be available.~~ [Applicant shall extend public sewer and water to each parcel created less than five \(5\) acres in size. If all of the parcels are a minimum five \(5\) acres in size, the owner shall agree to connect each parcel to public sewer or water when these public utilities are available within 100 feet of any parcel. Under no circumstance may a tract of land that has been split be further developed until public sewer and water are available, and connected to same prior to occupancy.](#)

3. Dedication of Public Right-Of-Way (R-O-W): The owner shall dedicate public R-O-W 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 functionally classified road 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 five (5) 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. The owner shall provide stormwater plans and supporting calculations to the City Engineer for their review and approval. Parcels created that are greater than five (5) acres in size shall be subject to this condition on a case by case review basis.
8. Septic Systems and Private Wells: Under no circumstance shall septic tanks and private wells be placed on lands that are the subject of a lot split.
9. 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 24-feet, unless ACHD requires a different width. The driveway's asphalt apron and entryway shall extend inward a minimum of 15-feet from the parcel's property line to minimize the tracking of debris onto the roadways. Driveways shall be a maximum 150 feet in length. The driveway plans shall be reviewed and approved by the City Engineer.
10. Fire Hydrants and Water Mains: Each parcel shall be provided fire protection in accordance with fire district standards as determined by the Fire Chief as a condition of development.
11. Grading or Depositing of Soil: No grading or depositing of soil shall occur on the parcels created without the owner first submitting a grading or land filling/disposal plan to the City Engineer for review and approval.

12. Maximum Number of Parcels Created: The maximum number of parcels that can be created from contiguous original tracts, held in a related ownership, is five (5). If more splits than this amount are intended from original and contiguous tracts, in any five (5) year time period, that action shall occur through the City's Subdivision process.
 13. 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).
 14. 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.
 3. 15. Original Lot, Tract Or Parcel Of Land: A lot or tract 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 ownership and of record at the effective date hereof, and having remaining lot split capacity.
 4. 16. Lot: All resulting parcels shall meet the requirements for lot area, lot coverage, lot depth, and lot frontage found in section 5-1-6-2 of this title.
 5. 17. 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.
 6. 18. Ownership: The individual, firm, association, syndicate, partnership or corporation having any interest in the land to be subdivided.
- C. Submission to City Council: Upon the determination that the lot split is in compliance with this code and all requirements have been met, the director shall place the lot split on the council agenda within ~~forty~~ five 45 days from the date that an acceptable lot split application was received and acknowledged by the director.
- D. Contents of Application for Lot Split:
1. An application for lot split shall be filed with the director by the at least one owner or lessee of property for which such lot split is proposed. At a minimum, the application shall contain the following information:
 - a. Provide a narrative of the land use action.
 - b. Name, address and phone number of applicant.
 - c. Legal description of property.
 - d. Description of existing land use(s).
 - e. Zoning district.

ELS ENGBRITSON LAND SURVEYS, INC.

2251 S. Sumac Street, Boise, Idaho 83706
0892

Telephone (208) 859-6032 Fax (208) 383-

e. ~~f.~~ Description of proposed lot split.

f. ~~g.~~ A site plan drawn to a 1" = 100' scale on 11"x 17" or greater sheet of paper of the proposed site ~~for the lot split~~ showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the city council or director may require to determine if the proposed lot split meets the intent and requirements of this title.

E. Process:

1. An application and fees, in accordance with Chapter 1, Article A, "Application Procedures for All Zoning Applications", of this title, shall be submitted to the director on forms provided by the planning department.

2. Upon tentative approval of the application by the city council and subject to ~~any applicable~~ conditions of approval ~~and the regulations~~ and applicable of the City ordinances chapter 1, article A, "Application Procedures For All Zoning Applications", of this title, the applicant or the owner shall have one year to complete the following tasks:

a. Cause the property to be surveyed and a record of survey recorded;

b. Execute and record the necessary deeds to accomplish the property split as approved;

c. Obtain new tax parcel numbers from the Ada County assessor; and

d. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the director.

F. Fee: At the time of submission of the lot split application to the city council for approval, a fee as established by resolution by the city council shall be paid. (Ord. 2007-02, 2-20-2007)