

SECTION 1

GENERAL SUBDIVISION PROVISIONS

- A. Short Title. This title shall be known and may be cited as the SUBDIVISION ORDINANCE OF THE CITY OF SWAN VALLEY, IDAHO.
- B. Authority. These regulations are authorized by title 50, chapter 13 of the Idaho Code; title 67, chapter 65 of the Idaho Code; and article 12, section 2 of the Idaho constitution.
- C. Purpose. The purpose of these regulations is to promote the public health, safety and general welfare, and to provide for:
1. The harmonious development of the City and its area of impact;
 2. The coordination of streets and roads within a subdivision with other existing or planned streets and roads;
 3. Adequate open space for travel, light, air and recreation;
 4. Adequate transportation, water drainage and sanitary facilities;
 5. The avoidance of the scattered subdivision of land that would result in either of the following:
 - a. The lack of water supply, sewer service, drainage, transportation or other public services; or
 - b. The unnecessary imposition of an excessive expenditure of public funds for the supply of such services;
 6. The requirements as to the extent and the manner in which:
 - a. Roads shall be created, improved and maintained; and
 - b. Water and sewer and other utility mains, piping connection, or other facilities may be installed;
 7. The manner and form of making and filing of any plats; and
 8. The administration of these regulations by defining the powers and duties of approving authorities.
- D. Jurisdiction. These regulations shall apply to the subdivision of land within the corporate limits of the City of Swan Valley under the requirements of sections 50-1306 and 67-6526, Idaho Code.
- E. Interpretation. All subdivisions as herein defined shall be submitted for approval by the City Council and shall comply with the provisions of these regulations. These regulations shall supplement all other regulations, and where at variance with other laws, regulations, ordinances or resolutions, the more restrictive requirements shall apply.
- F. Rules and Definitions. Terms or words used herein shall be interpreted as follows:
1. The present tense includes the past or future tense, the singular includes the plural and the plural includes the singular.
 2. The word "shall" is mandatory; and the word "may" is permissive.

3. The masculine shall include the feminine.

G. As used in this title, the following words and terms shall have the meanings ascribed to them in this section:

ADMINISTRATOR:	An official having knowledge in the principles and practices of subdividing, who is appointed by the City Council to administer this ordinance.
ALLEY:	A minor street providing secondary access at the back or side of a property otherwise abutting a street.
ARTERIAL STREET:	A street designated for the purpose of carrying fast and/or heavy traffic.
BLOCK:	A group of lots, tracts or parcels within well defined boundaries, usually streets.
BUILDING:	A structure designed or used as the living quarters for one or more families, or a structure designed for use as an accessory to a structure used for living quarters or a structure designed for commercial or industrial uses.
BUILDING SETBACK LINE:	An imaginary line established by a zoning ordinance that requires all buildings to be set back a certain distance from lot lines.
BUILDING SITE:	An area proposed or provided and improved by grading, filling, excavation or other means for erecting pads for buildings.
CEMETERY:	A lot that has been platted for the selling of sites for the burial of animal or human remains.
CITY:	Incorporated areas within the City of Swan Valley, Idaho.
CENTRAL SEWAGE SYSTEM:	A community sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.
CLUSTERING:	A technique which allows lots to be reduced in size and buildings sited closer together provided the total development density does not exceed that which could be constructed on the site under conventional zoning and the remaining land is utilized for open space or public purpose.
COUNTY COMMISSIONERS:	The county commissioners of the unincorporated areas within Bonneville County.
COLLECTOR STREET:	A street designated for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.

COMMISSION:	The planning and zoning Commission of the City. If no planning and zoning Commission exists, the Commission's duties shall be fulfilled by the City Council.
COMPREHENSIVE PLAN:	An adopted document that herein may be referred to as a comprehensive plan or comprehensive development plan.
CONDOMINIUM:	An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof; together with a separate interest in real property, in an interest or interests in real property or in any combination thereof.
CONSTRUCTION PLAN:	The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City Council as a condition of the approval of the plat.
COUNTY RECORDER:	The office of the Bonneville County recorder.
COVENANT:	A written promise or pledge.
CUL-DE-SAC:	A street connected to another street at one end only and provided with a turnaround space at its terminus.
CULVERT:	A drain that channels water under a bridge, street, road or driveway.
DEAD END STREET:	A street connecting to another street at one end only and not having provision for vehicular turn around at its terminus.
DEDICATION:	The setting apart of land or interests in land for use by the public by ordinance, resolution or entry in the official minutes as by the recording of a plat. Dedicated land becomes public upon the acceptance by the City.
DEVELOPMENT AGREEMENT:	An agreement or contract entered into between the developer and the City.
DEVELOPER:	Authorized agent(s) of a subdivider or the subdivider himself.
DRAINAGE:	Water that runs off the surfaces of a site or development. Synonymous with "runoff" as used herein.
DRAINAGE CHANNEL:	A natural channel, ditch, pipe or other conduit for liquid, naturally or artificially situated to receive storm drainage at an inlet point or multiple inlet points and then convey such storm drainage to an outlet point.

DRAINAGE FACILITY:	An artificially constructed or naturally occurring drainage channel, or a retention facility, or partial retention facility.
DRAINAGE RECEIVER:	A government entity, canal company or special taxing district which maintains a drainage facility adjacent to the development and agrees, as evidenced by a signed and dated public document, to accept a defined quantity of storm drainage from the development. This definition also applies to City of Swan Valley, with regard to any runoff from any development to any street. Notice is particularly given that the presence of a natural drainage channel does not relieve the developer from the requirement that any drainage must be retained unless it is formally accepted by a drainage receiver.
DRAINAGEWAY:	A drainage channel or drainage ditch.
DWELLING UNIT:	Any building or other structure proposed or built for occupancy by people.
EASEMENT:	A grant by a property owner to persons or to the public to use land for specific purposes. Also, a right acquired by prescription.
ENGINEER:	Any person who is licensed in the state to practice professional engineering.
EXPENDITURE:	A sum of money paid out in return for some benefit or to fulfill some obligation. The term includes binding contractual commitments whether by development agreement or otherwise to make future expenditures as well as any other substantial change in position.
FLEXIBLE ZONING:	Zoning which permits uses of land and density of buildings and structures different from those which are allowed as of right within the zoning district in which the land is situated. Flexible zoning applications shall include, but not be limited to, all special permit and special uses, planned unit developments, group housing projects, community unit projects, and average density or density zoning projects.
FLOODPLAIN:	The relatively flat area or low land adjoining the channel of a river, stream, lake or other body of water which has been or may be covered by water of a flood of 100-year frequency. The floodplain includes the channel, floodway or floodway fringe, as established pursuant to engineering practices of the U.S. Army Corps of Engineers, as follows: <i>Channel:</i> A natural or artificial watercourse of perceptible extent, with definite bend and banks to confine and conduct continuously or periodically flowing water.

Flood: The temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake or other body of water.

Flood Of 100-Year Frequency: A flood magnitude which has a one percent (1%) chance of being equaled or exceeded in any given year.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

Floodway Fringe: That part of the floodplain which is beyond the floodway. Such areas include those portions of the floodplain which will be inundated by a flood of 100-year frequency.

FRONTAGE STREET: A minor street, parallel to and adjacent to an arterial street, to provide access to abutting properties.

GOVERNING BODY: The City Council of the City of Swan Valley, Idaho.

HIGHWAY: A street designated as a highway by an appropriate state or federal agency.

HILLSIDE SUBDIVISION: Any subdivision, or portion thereof, having an average slope of ten percent (10%) or more.

IMPROVEMENT: Any alteration to the land or other physical construction associated with subdivision and building site developments.

LANDSCAPING: Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.

LARGE SCALE DEVELOPMENT: A subdivision, the size of which consists of fifty (50) or more lots or dwelling units.

LOOP: A minor street in which both terminal points are on the same street of origin.

LOT: A parcel, plot, tract or other land area of suitable size as required in these regulations and the existing zoning ordinance; and created by subdivision for sale, transfer or lease.

LOT AREA: The area of any lot shall be determined exclusive of street, highway, alley, road or rights of way of record.

LOT TYPES: As used in these regulations, lot types are as follows:
Corner Lot: A lot located at the intersections of two (2) or more streets.
Interior Lot: A lot other than a corner lot with frontage on only one

street other than a corner lot.

Through Lot: A lot with frontage on more than one street other than a corner lot.

Flag Lot: A lot shaped like a flag; the staff is a narrow strip of land providing vehicular and pedestrian access to a street, with the bulk of the property lying to the rear of other lots.

- LOT SPLIT: A division of an existing piece of land into three or more lots.
- MAJOR SUBDIVISION: Any subdivision not able to qualify as a minor subdivision, including, but not limited to, subdivision of fifty (50) or more lots, or any size subdivision requiring any new street or extension of the local government facilities, or the creation of any public improvements.
- MINOR STREET: A street which has the primary purpose of providing access to abutting properties.
- MINOR SUBDIVISION: Any subdivision containing not more than ten (10) lots fronting on an existing street; not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements; and not adversely affecting the remainder of the parcel or adjoining property; and not in conflict with any provision or portion of the comprehensive plan, official map, zoning ordinance, or this title.
- MOBILE HOME: A detached single-family dwelling unit with all of the following characteristics:
- A. Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems;
 - B. Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers, or detached wheels; and
 - C. Arrived at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, a connection to utilities and the like.
- MOBILE HOME SUBDIVISION: A subdivision designed and intended for exclusive mobile home residential use.
- MONUMENT: Any permanent marker either of concrete, galvanized iron pipe or iron or steel rods, used to identify any tract, parcel, lot or street lines, as specified in section 50-1303, Idaho Code.
- OPEN SPACE: A common area platted as a lot, and approved by the City,

substantially open to the sky, exclusive of streets, buildings and other covered structures.

ORIGINAL PARCEL OF LAND:	An original lot or tract as recorded on any plat of record on file in the office of the county recorder, or any unplatted contiguous parcel of land held in one ownership as of the January 1985.
OWNER:	An individual, firm, association, syndicate, partnership or corporation having any interest, legal or equitable, in the land to be subdivided.
PARTIAL RETENTION FACILITY:	A constructed basin or underground storage vessel built to retain a portion of the storm drainage it receives until it is absorbed into the soil strata, and to allow not more than an amount as designated by agreement with an adjacent drainage receiver to pass into an adjacent drainageway or drainage facility.
PARTIAL RIGHT OF WAY:	A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.
PERFORMANCE BOND:	An amount of money or other negotiable security paid by the subdivider or his surety to the Planning and Zoning Administrator which guarantees that the subdivider will perform all actions required by the governing body regarding an approved plat, and provides that if the subdivider defaults and fails to comply with the provisions of an approved plat, the subdivider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.
PLANNED UNIT DEVELOPMENT:	A subdivision designed as a combination of residential, commercial and industrial uses or any combination thereof planned for a tract of land to be developed as a unit under single ownership or control, which is developed for the purpose of selling individual lots or estates, fronting on dedicated streets, which may include two (2) or more principal buildings.
PLAT:	The drawing, mapping or planning of a subdivision, cemetery, town site or other tract of land or a replatting of such including certifications, descriptions and approvals including the following: <ul style="list-style-type: none">A. Preliminary Plat: The first formal presentation by drawings of a proposed subdivision; andB. Final Plat: The final and formal presentation by drawings of an approved subdivision development, the original and one copy of which is filed with the county clerk and recorder.
PREDEVELOPMENT	The water runoff quantity that would have been produced from

RUNOFF:	the site in its original native soil condition, prior to any construction of buildings or of modified surfaces.
PRIVATE STREET:	A right of way which provides access to adjacent properties under separate ownership and which is not dedicated to or officially accepted by a public entity, but not including a driveway.
RESERVE STRIP:	A strip of land between a partial street and adjacent property which is reserved or held in public ownership for future street extension or widening.
RETENTION FACILITY:	A constructed basin or constructed underground storage vessel built to retain all of the storm drainage it receives until it is absorbed into the soil strata.
RIGHT OF WAY:	A strip of land dedicated or reserved for use as a public way which normally includes streets, sidewalks and other public utilities or service areas.
SCREENING:	Either (a) strip at least ten (10) feet wide of densely planted (or having equivalent natural growth) shrubs or trees at least four (4) feet high at the time of planting, or a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or fence at least six (6) feet high.
SKETCH PLAN:	A sketch preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to potentially enable the subdivider to save time and expense by discussing the sketch plat with the Planning Commission as to the form of the plat and the objectives of these regulations. No vested rights are created by a sketch plan review.
STANDARD SPECIFICATIONS:	The specifications as specified in this title or as officially adopted by the City.
STATE:	The state of Idaho.
STORAGE VESSEL:	An earthen basin or tank or vault structure employed to store liquid. Earthen basins used to store storm drainage may be filled with porous media (usually gravel) to attain structural stability, in which case the volume of available storage is taken as the volume of the interstitial voids of the porous media.
STORM DRAINAGE:	The water running off the surfaces of a site as a result of precipitation on the site (including rain, hail melt water and snow melt water).
STREET:	A right of way which provides access to adjacent properties, the

dedication of which has been officially accepted. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place and other such terms.

SUBDIVIDER: The individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this title. The subdivider need not be the owner of the property; however, he shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.

SUBDIVISION: The result of an act of dividing any lot, tract or parcel of land into three (3) or more parts for the purpose of transfer of ownership or development, which shall also include the dedication of a public street and the addition to, or creation of, a cemetery. Subdivisions shall be divided into "minor subdivisions", "major subdivisions" and "large scale developments", as those terms are defined in this section. However, this title shall not apply to any of the following:

- A. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not increase the original number of lots in any block of the recorded plat;
- B. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code;
- C. Widening of existing streets to conform to the comprehensive plan;
- D. Acquisition of street rights of way by a public agency in conformance with the comprehensive plan; and
- E. The exchange of land for the purpose of straightening property boundaries which does not result in the change of present land usage.

SURVEYOR: Any person who is licensed in the state as a public land surveyor to do professional surveying.

UTILITIES: Installations for conducting water, sewage, gas, electricity, television, storm water and similar facilities providing service to and used by the public.

VACATION OF PLAT The vacation of the plat is being dissolved as a public dedicated record. In accordance with I.C. 50-1306A.

VARIANCE: A modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of

characteristics of the site and the variance is not in conflict with the public interest.

VICINITY MAP:

A small scale map showing the location of a tract of land in relation to a larger area.