

CHAPTER 1

TITLE, PURPOSE, JURISDICTION AND DEFINITIONS

SECTION:

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10-1-1: **TITLE:** This title shall be cited as the *DRIGGS SUBDIVISION ORDINANCE*. (Ord. 259-05, 10-4-2005)

10-1-2: **STATUTE AUTHORITY:** This title is authorized by Idaho Code title 50, chapter 13 and title 67, chapter 65, as amended or subsequently codified, and Idaho constitution article XII, section 2. (Ord. 259-05, 10-4-2005)

10-1-3: **PURPOSE:** The purpose of this title is to promote the public health, safety, and general welfare, and to provide for, but not be limited to, the following:

- A. Harmonious development of the area.
- B. Coordination of streets and roads within the subdivision with other existing or planned streets and roads.
- C. Adequate open space for travel, light, air and recreation.
- D. Conservation of or provisions for adequate transportation, water drainage and sanitary facilities.
- E. Avoidance of population congestion as would involve danger or injury to health, safety, or general welfare by reason of:

1. Lack of water supply, drainage, transportation, or other public services; or
 2. Unnecessary imposition of an excessive expenditure of public funds for the supply of such services.
- F. Requirements as to the extent and manner in which:
1. Roads shall be created and improved; and
 2. Water and sewer and other utility mains, piping connections, or other facilities shall be installed as conditions precedent to the approval of a plat.
- G. Manner and form of making and filing of any plat.
- H. Administration of this title by defining the powers and duties of approval authorities including procedures for the equitable review and approval of all plats of subdivisions covered by this title. (Ord. 259-05, 10-4-2005)

10-1-4: APPLICATION AND JURISDICTION:

- A. Application Of Provisions: This title shall apply to the subdividing of all land within the city and area of city impact and shall include the following:
1. The subdivision of land into three (3) or more parcels. All of such lots or parcels created pursuant to this title shall front upon a publicly maintained street unless specifically approved by the council after recommendation of the commission.
 2. The dedication of any street or alley through or along any tract of land except where such dedication is initiated at the request of a public body.
 3. a. Condominium or townhouse projects as permitted by Idaho. Additionally, the council may regulate and attach conditions to the design concepts and location of buildings, the creation, shape and size of condominium or townhouse units, the provisions and maintenance of open space, and off street parking. Unless excepted pursuant to the provisions of this title, the commission and the council shall require the installation of public improvements and utilities for such projects as required under the provisions of this title.

b. For the purpose of administering this title, the city may consider a condominium or townhouse development as a single building, requiring one front yard, two (2) side yards, a rear yard, and other regulations pertinent to a given lot and may grant such exceptions to this title as are necessary to permit such development.

4. The resubdivision of a previously divided parcel of land into more than one parcel except as provided in subsection B of this section.

B. Exceptions:

1. A readjustment of lot lines in a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines below the minimums required in the zoning title, and does not change the original number of lots in any block of the recorded plat. A legal survey with monuments must be submitted for review to the commission at a regularly scheduled meeting, to be approved, denied, or modified at the next regularly scheduled meeting. The review fee shall be the same as for a plat amendment.

2. A subdivision of land into parcels that are larger than twenty (20) acres or are lots in a section of land, all as shown on the official U.S. government general land office township survey maps including resubdivisions thereof, all of which shall be designated exclusively for agricultural purposes, and which does not involve any new street dedication or the creation of private easement accesses to lots or parcels which could otherwise be provided access to a publicly dedicated street. (See section 10-1-5 of this chapter, definition of "agriculture, exclusive".)

3. An allocation of land in the settlement of an estate or a court decree for the distribution of property thereunder with the stipulation that the land may not be divided into more than four (4) parcels with a minimum parcel to be five (5) acres.

4. The unwilling sale of land as a result of legal condemnation as defined and allowed in Idaho Code and when the dedication of a right of way for public purposes is initiated by a public body.

5. The exchange of land for the purpose of straightening property boundaries or adding land to existing parcels by trade or sale which does not result in a change of the present land use or in any way result in land parcels which do not meet existing zoning and other regulations. A legal survey with monuments must be submitted for review to the commission at a regularly scheduled meeting, to be

approved, denied, or modified at the next regularly scheduled meeting. The review fee shall be the same as for a plat amendment.

6. Any land ownership that was deeded and recorded prior to December 1, 1992. Deeds falling under this category will be considered to be divided among the owners of record. Each parcel newly created under this exemption must comply with the requirements of the zoning ordinance. (Ord. 259-05, 10-4-2005)

10-1-5: **DEFINITIONS:** For the purpose of this title, certain words, terms and phrases are defined as follows:

ADMINISTRATOR: City of Driggs planning and zoning administrator or planning director.

AGRICULTURE, EXCLUSIVE: For purposes of interpreting the Idaho Code related to this title on lands designated as exclusively agricultural in use, the following conditions apply:

A. All such lots shall be for agricultural purposes as the primary use of the land parcel. To determine primary use, the use of land parcel shall be clearly for tilling of soil, horticulture, floriculture, forestry, viticulture, raising crops, raising livestock, farming, dairying and animal husbandry, including uses customarily accessory and incidental thereto, but excluding slaughterhouses and commercial feedlots.

B. Land shall not be defined as exclusively agricultural in use when determined to be a land development program where subdivision of land is evident for suburban residential development lifestyle purposes.

BLOCK: The space along one side of a street between the two (2) nearest intersecting streets, or between an intersecting street and a right of way, waterway or other similar barrier, whichever is less.

CITY IMPACT AREA:	That unincorporated area officially adopted and defined by as the "area of impact".
COMMISSION:	The Driggs city planning and zoning commission, hereinafter referred to as the commission.
COMPREHENSIVE PLAN:	A comprehensive plan, or parts thereof, projecting future growth and development and for the general location and coordination of streets and highways, schools and recreation areas, public building sites, and other facilities, which shall have been duly adopted. This plan shall comply with the Idaho Code, as adopted or amended.
CONDITIONAL APPROVAL:	An affirmative action by the commission indicating that approval is given subject to certain specified stipulations.
CONDOMINIUM:	An estate consisting of an undivided common interest in real property, together with a separate interest in real property, or any combination thereof.
COUNCIL:	The Driggs city council, hereinafter referred to as the council.
COUNTY ENGINEER:	An Idaho registered professional engineer or consulting engineering firm designated by the board to represent the county's engineering interests.
DEDICATION:	The setting apart of land or interest in land for use by the public. Land becomes dedicated when accepted as a public dedication either by ordinance, resolution, or entry in the official minutes of the city or by the recording of a plat showing such dedication.
DEVELOPMENT MASTER PLAN (DMP):	A preliminary master plan for the development of a large, unusual or complicated land area, the platting of which is expected in progressive stages. A DMP may be designed by a subdivider, planner, or engineer and shall be subject to approval of the commission; except,

that a DMP does not fulfill the requirements of the preliminary platting process of this title.

- EASEMENT:** A grant by the owner of the use of a parcel of land by the public, corporation, or persons for specified use and purposes and so designated on a plat.
- ENGINEER:** Any person who is registered and certified in the state of Idaho to engage in the practice of professional engineering.
- ENGINEERING PLANS:** Plans, profiles, cross sections, and other required details for the construction of improvements, prepared by a registered professional engineer in accordance with the approved preliminary plat and in compliance with existing standards of design and construction.
- EXCEPTION, LAND:** Any parcel of land which is within the boundaries of the subdivision which is not a part of the subdivision.
- FINAL APPROVAL:** Unconditional approval of the final plat as evidenced by appropriate certifications on the plat. Such approval constitutes authorization to record a plat.
- FLOODPLAIN:** The relatively flat or low land adjoining the channel of a river, stream, watercourse, lake or other body of standing water, which has been or may be covered by water of a flood of 100-year frequency. The floodplain includes the channel, floodway and floodway fringe.
- Channel:** A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
- Flood:** The temporary inundation of land by overflow from a river, stream, lake or other body of standing water.

Floodway:	The channel of a watercourse and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwater of any watercourse.
Floodway Fringe:	That part of the floodplain which is beyond the floodway encroachment lines limiting a designated floodway. Such areas will include those portions of the floodplain which will be inundated but which may be developed for use under land use regulations without material effect upon the floodwater carrying capacity of the floodway and the floodwater levels. Such areas are characterized by shallow flood depths and low velocities of water flow.
100-Year Flood:	A flood magnitude which has a one percent (1%) chance of being equaled or exceeded in any given year.
HEALTH DEPARTMENT:	The Idaho state health or district health agencies.
IRRIGATION FACILITIES:	Includes canals, laterals, ditches, conduits, gates, wells, pumps, and allied equipment necessary for the supply, delivery and drainage of irrigation water.
LARGE SCALE DEVELOPMENT:	A residential subdivision, the size of which consists of fifty (50) or more lots or dwelling units, or a commercial subdivision containing five (5) or more acres of land.
LOT:	A piece or parcel of land separated from other pieces or parcels as shown on a recorded subdivision plat, or by metes and bounds description, for purposes of sale, lease, or separate use.
Corner Lot:	A lot abutting on two (2) or more intersecting streets where the interior angle of the intersection does not exceed one hundred thirty five degrees (135°).

Double Frontage Lot:	A lot abutting two (2) parallel or approximately parallel streets.
Interior Lot:	A lot having but one frontage abutting on a street.
LOT DEPTH AND WIDTH:	<p>A. Lot depth is the horizontal distance between the front and rear lot lines as measured at right angles, or radial if on a curve, to the front lot line at the midway point on the rear lot line.</p> <p>B. Lot width is the horizontal distance between side lot lines measured at right angles to the depth at a point midway between the front and rear lot lines.</p>
LOT LINE ADJUSTMENT:	A modification of easement lines, the creation or modification of a building envelope, or modification of boundary lines between existing lots, parcels of land, or properties, which does not reduce the area, frontage, width, depth, or building setback lines of each lot, parcel of land, or property below the minimum zoning requirements and which does not create additional lots or new streets.
LOT SPLIT:	The creation of two (2) parcels of land from one previously recorded parcel of land. In cases where a lot split does not meet the definition of a subdivision, it may be approved by the planning and zoning commission, subject to the requirements of all other applicable ordinances.
MOBILE HOME:	A structure transportable in one or more sections which is eight (8) body feet or more in width and is thirty two (32) body feet or more in length and which is built on a permanent basis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes plumbing, heating, and electrical systems.

MOBILE HOME SUBDIVISION:	A subdivision designed and intended for residential use where residence is in mobile homes exclusively.
NEIGHBORHOOD PLAN:	A plan to guide the platting of remaining vacant parcels in a new or partially built up neighborhood so as to make reasonable use of all land, correlate street patterns, and achieve the best possible land use relationships.
OPEN SPACE LAND:	Any developed or predominantly undeveloped land which may be set aside for the following: <ul style="list-style-type: none"> A. Park and recreation purposes. B. Conservation of land and other natural resources. C. Historic or scenic purposes.
OWNER:	The person or persons, corporation, or legal entity holding title by deed to land, or holding title as vendees under land contract, or holding any other ownership interest.
PEDESTRIANWAY:	A public right of way dedicated as a walkway entirely through a block from street to street and/or providing access to a school, park, recreation area, or shopping center.
PLANNED UNIT DEVELOPMENT (PUD):	Residential, commercial and/or industrial use, or combination thereof, planned for a tract of land to be developed as a unit under single ownership or control.
PLAT:	A map of a subdivision.
Final Plat:	A map of all or part of a subdivision providing substantial conformance to an approved preliminary plat, prepared by a surveyor in accordance with this title and Idaho Code.
Preliminary Plat:	A preliminary map, including supporting data, indicating a proposed subdivision development,

prepared in accordance with this title and Idaho Code.

- Recorded Plat:** A final plat bearing all of the certificates of approval required in this title and duly recorded in the Teton County recorder's office.
- Short Plat:** An alternative subdivision process that affords the application to be processed as both a preliminary plat and a final plat in a single process if all of the following conditions exist:
- A. The proposed subdivision does not exceed five (5) lots.
 - B. No new street dedication or street widening is involved.
 - C. No major special development consideration is involved such as development in a floodplain area.
 - D. All required information for both preliminary and final plats is complete and in an acceptable form.
- RESERVE STRIP:** A strip of land between a dedicated street or partial street and adjacent property; in either case, reserved or held in public ownership for future street extension or widening.
- RIGHT OF WAY:** A parcel of land dedicated or reserved for use as a public way which normally includes streets, sidewalks, utilities or other service functions.
- STREET:** Any street, avenue, boulevard, road, lane, parkway, place, viaduct, easement for access, or other way which is an existing state, county, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way in a plat duly filed and recorded within the right of way boundaries, whether improved or unimproved, and may be comprised of pave-

- ment, shoulder, curbs, gutters, sidewalks, parking areas, and lawns.
- Alley:** A public service way used to provide secondary vehicular access to properties otherwise abutting upon a street.
- Arterial Route:** A general term including expressways and major and minor arterial streets; and interstate, state or county highways having areawide or regional continuity.
- Collector Street:** A street that provides for traffic movement within neighborhoods of the city and between major streets and local streets and for direct access and abutting property.
- Local Street:** A street that provides for direct access to residential, commercial, industrial, or other abutting land for local traffic movement and which connects to collector and/or arterial streets.
- Cul-De-Sac Street:** A short local street having one end permanently terminated in a vehicular turnaround.
- Frontage Street:** A minor street parallel and adjacent to an arterial route and intercepts local streets and controls access to an arterial route.
- Loop Street:** A minor street with both terminal points on the same street or origin.
- SUBDIVIDER:** The individual, firm, corporation, partnership, association, syndication, trust, or other legal entity having sufficient proprietary rights in the property to represent the owner, that submits the required subdivision application and initiates proceedings for the subdivision of land in accordance with this title.
- SUBDIVISION:** A. The division of any lot, tract, or parcel of land into three (3) or more parts, as it existed at the effective date hereof, for the purposes of transfer of ownership, lease or development.

	B. The dedication of a public street, or the addition to, or creation of, a cemetery.
SUBDIVISION COMMITTEE:	A committee of the commission which may be established to review preliminary subdivision plats.
SURVEYOR:	Any person who is registered and certified in the state of Idaho to engage in the practice of land surveying.
TOWNHOUSE:	An estate consisting of an undivided common interest in real property, together with a separate interest in real property, or any combination thereof.
USABLE LOT AREA:	That portion of a lot usable for or adaptable to the normal uses made of the property, excluding any areas which may be covered by water, excessively steep, or included in certain types of easements.
UTILITIES:	Installations or facilities, underground or overhead, furnished for use by the public, including, but not limited to, electricity, gas, steam, communications, water, drainage, irrigation, sewage disposal, or flood control, whether owned and operated by any person, firm, corporation, municipal department, or board duly authorized by state or municipal regulations. Utility or utilities, as used herein, may also refer to such persons, firms, corporations, departments, or boards, as applicable herein.
VICINITY MAP:	A small scale map showing the location of a tract of land in relation to a larger area. (Ord. 259-05, 10-4-2005; amd. 2010 Code)