

CHAPTER 11

ARTICLE 16

**SPECIAL DEVELOPMENTS**

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9-11-16-1: PURPOSE

The purpose of this article is to identify various types of special developments that normally pose special concerns to the commission and the council when reviewing and acting upon subdivision requests. Therefore, this chapter outlines requirements and design standards that shall be taken into consideration when acting on special developments. The provisions of this chapter are in addition to other applicable requirements of this ordinance. Required information shall be submitted to the city with the preliminary plat.

9-11-16-2: CONDOMINIUM

- A. Site Development Plan: The subdivider shall provide the commission with a site plan, elevations, perspective drawings and such other illustrated information at adequate scale to show the proposed development that will include at least the following:
  - 1. Architectural styles and building design concepts.
  - 2. Architectural materials and color.
  - 3. Type of landscaping.
  - 4. Screening, if proposed.
  - 5. Type of solid waste facilities.
  - 6. Parking concept.
  - 7. Open space areas.
- B. Private Streets: Private street construction standards shall be based upon recommendations from the city. Adequate construction standards may vary depending on the size of the development and the demands placed on such improvements.
- C. Home Owners' Association: Home owners' association by-laws and other similar deed restrictions, which provide for the control and maintenance of all common areas, recreation facilities or open space, shall meet with the approval of the commission. Any and all power as specified in such agreements may be required to also be assigned to the jurisdictional agency to insure continued and

adequate maintenance of all such common areas, recreational facilities and open spaces, ability to assess property for delinquencies, and enforcement of motor vehicle speed to the interest of the owners involved and of the general public.

- D. Storage Areas: Storage areas shall be provided for the anticipated needs of boats, campers, and trailers. For typical residential development, one adequate space shall be provided for every three (3) living units. This may be reduced by the commission if there is a showing that the needs of a particular development are less.
- E. Parking Space: One additional parking space beyond that which is required by the zoning ordinance may be required for every three (3) dwelling units to accommodate visitor parking.
- F. Maintenance Building: A maintenance building shall be provided; size and location to be determined by the type and service needed for the necessary repair and maintenance of all common areas and facilities.
- G. Open Space: The location of open space shall be appropriate to the development and shall be of such shape and area to be useable and convenient to the residents of the development.
- H. Control During Development: Single ownership or control during development shall be required and a time limit may be imposed to guarantee the development is built and constructed as planned. (Ord. 22, 5-1981, Ord. 2008-6)

9-11-16-3: SUBDIVISION WITHIN A FLOOD PLAIN

- A. Flood Areas: For the proposed subdivision that is located within a flood plain, the subdivider shall provide the commission with a development plan of adequate scale and supporting documentation that will show and explain at least the following:
  - 1. Location of all planned improvements;
  - 2. The location of Flood Ways and the Flood Way Fringe in accordance with sound engineering practices;
  - 3. The location of the present water channel;
  - 4. Any planned rerouting of waterways;
  - 5. All major drainage ways;
  - 6. Areas of frequent flooding;
  - 7. Means of flood-proofing buildings; and
  - 8. Means of insuring loans for improvements within the flood plain.
- B. To give additional guidance in approving any proposed subdivision within a flood plain, the commission shall review proposed developments considering that new construction and substantial improvements of residential structures within the flood shall have the lowest floor (including basement) elevated to or above the level of the one hundred (100) year flood; and, for new construction or substantial

improvements of non-residential structures, the lowest floor (including basement) shall be elevated to or above the level of the one hundred (100) year flood, or together with attendant utility and sanitary facilities, shall be flood-proofed up to the level of the one hundred (100) year flood.

- C. Justification for Development: Upon determination that buildings are planned within the flood plain or that alternations of any kind are anticipated within the flood plain area that will alter the flow of water, the subdivider shall demonstrate conclusively that such development will not present a hazard to life or limb, hazard to property, adverse affects on the safety, use or stability of a public way or drainage channel and not have an adverse impact on the natural environment.
- D. Appropriateness of Subdivision: In determining the appropriateness of subdivision for land located within a flood plain, the commission and Council shall consider the objectives of this ordinance, and at least the following:
1. The danger to life and property due to the increased flood heights or velocities caused by subdivision fill, roads and intended uses;
  2. The danger that intended uses may be swept on the other or downstream to the injury of others;
  3. The adequacy of proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions under flood conditions;
  4. The susceptibility of the proposed facility and its contents to flood damage the and the effect of such damage on the individual owner;
  5. The importance of the services provided by the proposed facility to the community;
  6. The requirements of the subdivision for a waterfront location;
  7. The availability of alternative locations not subject to flooding for the proposed subdivision and land uses;
  8. The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future;
  9. The relationship of the proposed subdivision to the comprehensive plan and any flood plain management programs for the area;
  10. The safety of access to the property for emergency vehicles in times of flood;
  11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and
  12. The Costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- E. No subdivision or part thereof shall be approved if levees, fills, structures, or other features within the proposed subdivision will individually or collectively significantly increase flood flows, heights, or damages. If only part of the proposed subdivision can be safely developed, development shall be limited to

that part and the city shall require development to proceed consistent with that determination.

- F. Flood-Proofing Plans: Flood-proofing plans must be individually approved by the Council upon recommendation from the commission before such uses are constructed. Flood-proofing may include but not be limited to the following:
1. Anchorage to resist flotation and lateral movement;
  2. Installation of watertight doors, bulkheads and shutters, or similar methods of closure;
  3. Reinforcement of walls to resist water pressure;
  4. Use of paints, membranes, or mortars to reduce seep-age of water through walls;
  5. Addition of mass or weight to structures to resist flotation;
  6. Installation of pumps to lower water levels in structures;
  7. Construction of water supply and waste treatment systems so, as to prevent the entrance of flood waters;
  8. Installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures
  9. Building design and construction to resist rupture or collapse caused by water pressure or floating debris;
  10. Installation of valves or controls on sanitary ad storm drains which permit the drains to be closed to prevent backup sewage and storm waters into buildings or structures;
  11. Location and installation of all electrical equipment, circuits and electrical appliances so that they are protected from inundation by the regulatory flood; and,
- G. Location of storage facilities for chemicals, explosive, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare at elevations above the height associated with the regulatory protection elevation; or design such facilities to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters. (Ord. 22, 5-1981; Ord. 2008-6)

9-11-16-4: SUBDIVISION FOR A CEMETERY

- A. Function: The developer shall provide the commission with written documentation that will sufficiently explain if the proposed cemetery will be used for either human or animal remains and the functions that are anticipated on the property.
- B. Compliance with Idaho Code: The developer shall submit a written statement that has been prepared by an attorney that adequately assures the compliance of the propose cemetery with the procedural platting requirements and management requirements that are outlined in Title 27, Idaho Code. (Ord. 22, 5-1981; Ord. 2008-6)

9-11-16-5: AREAS OF CRITIAL CONCERN

- A. General: The development of any hazardous or unique areas that have previously been designated as areas of critical concern by the Council, as provided by Idaho Code shall demand that special considerations be given by the subdivider or assure that the development is necessary and desirable in the public interest in view of the existing unique conditions. Areas that may be designated by the Council, through due process, as hazardous or unique may be as follows:
1. Unstable soils;
  2. Unique animal and wildlife habitat;
  3. Unique plant life habitat;
  4. Scenic areas;
  5. Historical significance areas;
  6. Flood Plains;
  7. Other areas of critical concern.
- B. Plan Submission: The subdivider shall prepare and submit an Environmental Impact Statement for those areas as above noted and designated along with the preliminary plat application.
- C. Content of Environmental Impact Statement: The content of the Environmental Impact Statement shall usually be prepared by a team of professionals that will provide answers to the following questions:
1. What environmental impacts will probably occur (i.e., wildlife, plant life, social, economic, physical, etc.) as a result of the proposed development?
  2. What corrective action or alternative plans could be developed so as not to significantly cause detrimental environmental impact?
  3. What adverse effects of the proposed development cannot be avoided? (Ord. 22, 5-1981; Ord. 2008-6)