

ZONING ORDINANCE AMENDMENT:

Zoning District Permitted Use Amendment:

6.2. Townhouse Development

SUBDIVISION DEFINITION AMENDMENT:

TOWNHOUSE DEVELOPMENT: A multi-family residential project of two (2) or more townhouse units, where permitted under the Carey zoning ordinance, which may be constructed as a building(s) containing at least two (2) and no more than four (4) townhouse units erected generally in a row, with each unit being separated from the adjoining unit or units by a party wall or walls, subject to building and fire code requirements, and all other applicable codes and ordinances, and with party walls extending from the basement floor to the roof along the dividing townhouse subplot line. Each unit has its own access to the outside, and no unit is located over another unit in part or in whole.

TOWNHOUSE SUBLOT:

Townhouse sublots shall have a minimum area equal to that of the perimeter of each individual townhouse unit, and an additional area three feet (3') in width adjacent to any opening, measured at the foundation. Said sublots shall not be buildable for structures other than a "townhouse unit", as defined in this subdivision ordinance. Platting of sublots shall follow the procedures set forth in this ordinance and other applicable ordinance in effect. All other detached and/or accessory buildings shall be contained within the perimeter of the townhouse subplot, except as otherwise permitted herein.

TOWNHOUSE UNIT: A dwelling including a minimum of one bathroom and a single kitchen, designed for or occupied as a unit by one family for living and cooking purposes, located in a townhouse development on a platted townhouse subplot.

Commented [SH1]: Definition amendment in subdivision ordinance

CHAPTER 5 AMENDMENTS

SHORT PLAT PROCEDURES

5.1 APPLICABILITY. Any property owner desiring to divide land into not more than four (4) lots, and applications for platting townhouse in existing or approved structures, may submit a short plat application to the City Clerk provided that the following criteria are met:

- (a) Each lot meets all requirements of the Carey Zoning Ordinance and this ordinance.
- (b) At least one lot shall have the required frontage on a dedicated and improved Public Street provided each lot has access to dedicated and improved Public Street that shall be shown on the fact of the plat.
- (c) Each lot can be directly served by existing CWSD water and sewer lines or on-site well and sewer system.
- (d) The property has not been previously subdivided.
- (e) No streets or utilities need to be installed or improved to the boundary of each lot and no other improvements required under this ordinance need to be installed by the subdivider.

Commented [SH2]: Updating verbiage to include townhouses in existing ordinance.

(f) No waivers may be requested under Article XII hereof for short plat approval.

SUBDIVISION ORDINANCE AMENDMENTS

4.15 PARK DEDICATION. In order to maintain adequate public parks for the inhabitants of the subdivision at near the existing level of parks for all citizens within the city, a subdivider, **INCLUDING TOWNHOUSE DEVELOPMENT**, shall dedicate parkland and construct improvements thereon a required improvement. The amount of parkland shall be in an amount equal to five per cent (5%) of the land within the proposed subdivision. The location of the park shall be shown as a separate lot on the preliminary plat. The improvements thereto shall be based determined by the use to be generated by the inhabitants of the subdivision. Where the amount of land to be dedicated would not be of sufficient size or in other appropriate circumstances, the subdivider shall pay an appropriate fee dedicated for parkland acquisition in lieu of the dedication of land upon approval by the Council. The park fee may be set by resolution or on an appropriate case-by-case basis by the Council.

NEW CHAPTER 18

CHAPTER 18 TOWNHOUSES

18.01: PURPOSE:

The purpose of this chapter is to set forth provisions for the real property subdivided into townhouse sublots, said provisions found necessary in order to provide for the welfare of purchasers and residents of such townhouse developments.

18.02: SUBMISSION OF OWNER'S DOCUMENTS:

The developer of the townhouse development shall submit with the preliminary plat application and all other information required herein a copy of the proposed party wall agreement and the proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control (including billing, where applicable) and maintenance of all common utilities, commonly held facilities, garages, parking and/or green spaces. Prior to final plat approval, the developer shall submit to the city a final copy of the party wall agreement and any other such documents and shall record the documents prior to or at the same time of the recordation of the plat, which plat shall reflect the recording instrument numbers thereupon.

18.03: PRELIMINARY PLAT PROCEDURE:

A. The subdivider shall apply for townhouse preliminary plat approval from the commission pursuant to chapter 3 subsection 3.1-3.7 of this subdivision ordinance. The commission may recommend to approve, deny or conditionally approve the preliminary plat.

B. The Council shall review the commission's findings and recommendations regarding the preliminary plat application and may approve, deny or conditionally approve the application. No public hearing need be held by the Council prior to making its decision on a townhouse preliminary plat application.

18.04: FINAL PLAT PROCEDURE:

A. The contents of a townhouse final plat application shall comply with the requirements and processes of Chapter 3 subsections 3.8-3.13 of this subdivision ordinance. In addition, as part of the final plat application, the applicant shall provide a written certification signed by an engineer, licensed in the State of Idaho, that the party wall, as constructed between the townhouse units, is located on the property line in between those units as shown on the final plat.

B. Upon receipt thereof, the final plat shall be reviewed by the Planning and Zoning Administrator and the City Engineer to determine its compliance with the approved preliminary plat and the requirements of this title and other applicable ordinances. If, after consultation with the City Engineer, the Administrator finds the final plat in conformance with the approved preliminary plat, all conditions of such approval and all other applicable City ordinances, the Administrator shall place the final plat application on the agenda of the next regularly schedule commission meeting as outline in chapter 3.8 of this ordinance. If the Administrator finds the final plat does not conform to the requirements of this title, the Administrator shall deny the plat application. In the event the Administrator has questions regarding compliance of the final plat with the requirements of this title, the Administrator may defer the application to the commission for recommendations to the City Council, who shall review the final plat and make the final decision with regard thereto.

18.05:TOWNHOUSE SUBLOT:

Townhouse sublots shall have a minimum area equal to that of the perimeter of each individual townhouse unit, and an additional area six feet (6') in width adjacent to any opening, measured at the foundation. Said sublots shall not be buildable for structures other than a "townhouse unit", as defined in this subdivision ordinance. Platting of sublots shall follow the procedures set forth in this ordinance and other applicable ordinance in effect. All other detached and/or accessory buildings shall be contained within the perimeter of the townhouse subplot, except as otherwise permitted herein.

18.06: GARAGES:

All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots; provided, that the ownership of detached garages is appurtenant to specific townhouse units on the townhouse plat and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

18.07: PARKING AREAS AND SIDEWALKS:

Townhouse developments shall provide parking spaces according to the requirements outlined in the parking requirements chapter of the adjacent Carey Zoning Ordinance. All parking surfaced will be finished with asphalt.

Sidewalks must be built to provide access to all entrances of each townhouse unit. Sidewalk improvement must also be made to provide pathways along all adjoining street frontages.

18.08: CONSTRUCTION STANDARDS:

All townhouse development construction shall be in accordance with the IBC, IRC and IFC. Each townhouse unit must have separate water, sewer and utility services, which do not pass through another building or unit.

18.09: GENERAL APPLICABILITY:

All other provisions of this subdivision ordinance and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by townhouse developments with the exception of lot size which will comply with the provision outlined in this chapter.

18.10: DENSITY:

The maximum number of townhouse units per building shall not exceed four (4), with no more than four (4) buildings per one (1) acre.

18.11 DIMENSIONAL STANDARDS

Townhouse unit shall be allowed 0 setbacks from the lot lines created by a townhouse subplot and the separation of the building containing townhouse units in a townhouse development parcel shall be not less than 6 feet as measured between any wall or any projection of a building, including, but not limited to, eaves, cornices, canopies, or other similar roof overhang features, pergolas, chimney chases, bay windows, decks, steps, wainscot, and utility meters; or the minimum distance required by the IBC and IFC, whichever is greater.