

CITY OF PAYETTE, IDAHO

ORDINANCE NO. 1356

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, ADOPTING A NEW CHAPTER 16.26 OF THE PAYETTE MUNICIPAL CODE ESTABLISHING SHORT PLAT PROCEDURES; SETS OUT THE SHORT PLAT APPLICATION; REQUIRES THE SUBMISSION OF A SHORT PLAT APPLICATION; SETS OUT THE REQUIRED INFORMATION; SETS OUT TIME LIMITATIONS; SETS OUT REQUIRED FINDINGS; ALLOWS FOR SUBMISSION TO THE CITY ENGINEER; PROVIDING FOR A SEVERABILITY CLAUSE; ESTABLISHING A REPEALER CLAUSE; ESTABLISHING A PENALTY; ALLOWING FOR PUBLICATION IN SUMMARY FORM; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Section 1. Findings of the City Council:

WHEREAS, The City Council deems the controls, standards and procedures set forth in this ordinance to be essential to the protection of the public health, safety and general welfare of the citizens of the City of Payette, Idaho, and the adoption thereof to be in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PAYETTE, IDAHO, AS FOLLOWS:

Section 2. Payette Municipal Code is amended by the addition of a new Chapter 16.26, which section shall read as follows:

Chapter 16.26

SHORT PLAT PROCEDURES

SHORT PLAT PROCEDURES:

A. The purpose of the short plat is to allow the creation of up to three (3) parcels without being subject to the procedural provisions of the Preliminary and Final Plat regulations of this title and to provide a simplified administrative procedure for processing the division of three or less divisions of land. A Record of Survey, application and fee, set by resolution of the City Council, shall be required. Every division of land for the purpose of sale, lease or transfer into three (3) or fewer lots, tracts or parcels within the city, where no new public dedications are required, may proceed in compliance with this section.

1. No Short Plat shall create more than three (3) new parcels.
2. No property involved in a Short Plat shall be involved in a subsequent Short Plat for a period of five (5) years from

- the recording date of the previous Record of Survey for a Short Plat.
3. No new public or private street dedication, excluding widening of an existing street, shall be involved.
 4. No new public utility main lines shall be extended within the right-of-way to property involved in a Short Plat.
 5. All resulting parcels must conform to the minimum requirements of all existing land use regulations including the adopted Zoning Ordinance.
 6. All existing remaining buildings shall meet all applicable zoning requirements regarding allowed uses and parking and shall comply with the setback requirements of the existing zone as measured from any parcel boundary being created by this process.
 - a. Any set back that was legally non-conforming prior to the Short Plat may remain as a legal non-conforming setback, provided the legal non-conforming setback is not altered by the Short Plat and will not create a fire hazard or a public nuisance.
 - b. Any building not meeting the required setback that is to be partially or completely demolished or moved shall be either demolished or moved prior to the approval of the Short Plat.
 - c. If required parking is provided by means of a permanent shared-parking agreement, a note on the face of the survey must list the total required and provided parking for all parcels to which the shared parking provisions of the shared-parking agreement applies. A shared parking agreement shall be provided prior to approval and recorded upon approval.
 - d. If required access is provided by means of a permanent easement or shared-access agreement, a note on the face of the survey must describe in detail the location and size of the easement or shared-access location. An access easement or shared-access agreement shall be provided prior to approval and recorded upon approval.
 - e. When utilities cross land being divided, a utility easement shall be provided and indicated on the Record of Survey. If an easement is located in a proposed permanent structure construction area, the easement shall be vacated prior to the Planning Administrator's approval of the Short Plat.
 7. If the street(s) adjacent to the lot(s) have not been improved with sidewalk(s), the applicant shall landscape the right-of-way area between the edge of the street pavement and the property line with lawn or vegetative ground cover that will prevent the area from being used as an off street

parking area. Sidewalks shall be installed if sidewalks exist on adjoining parcels or if deemed necessary for the public interest by the City administrator.

B. Submission of a Short Plat application shall be on a form prescribed by the City Clerk and the application and the required fees shall be filed with the City Clerk. Acceptance or rejection of the application, and notification of the applicant, shall be made in writing to the applicant by the City Clerk within thirty (30) days of submittal of the application to the City Engineer. The application shall be accompanied by the following information:

1. The name, address and telephone number of the applicant and the property owner, if different than the applicant.
2. A legal description of the entire area being divided and a legal description for each of the proposed lots.
3. Letters of approval from all appropriate districts and agencies.
4. A list of all property owners and mailing addresses for property adjacent to the affected property.
5. A copy of any existing or proposed restrictions or covenants.
6. A sketch map drawn on good quality paper, sheet size no larger than eight and one-half inches by eleven inches (8¹/₂" x 11"), to a scale sufficient to assure legibility. Such a map shall contain, at a minimum, the following:
 - a. Boundaries and dimensions of the entire area being divided and the proposed boundaries and dimensions of the proposed lots. The size of each lot shall be indicated by square footage computation sufficiently accurate to determine that each lot meets the minimum established lot size requirements.
 - b. All existing buildings and structural improvements.
 - c. The location of any roads, easements or rights of way that exist or are proposed to serve the short subdivision.
 - d. A space for approval of the City Engineer.

e. A space for approval of the City Clerk.

7. The sketch must comply with Idaho Code 50-1301 et seq.

- C. The short plat shall be prepared by an Idaho registered surveyor.
- D. The administrator shall provide copies of submitted documents, as necessary, to outside agencies and jurisdictions which, in the opinion of the administrator, may be affected by the proposal. In addition, the administrator shall provide written notice to the owners of property adjacent to the property proposed for development. The notice shall provide the adjacent property owners a plan of the division, general information concerning the proposal, and the time frame for submitting written comments. The period of time for comment or response shall not be less than fourteen (14) days nor greater than twenty one (21) days from the date of notice.
- E. The City Engineer shall, within thirty (30) days after the application is deemed accepted, transmit copies of the plat and the engineer's recommendations thereon (unless a greater period of time is agreed upon by the applicant) to the City Clerk.
- F. The City Clerk shall act as hearing officer and shall conduct a short subdivision review, along with appropriate staff, to ensure that all applicable ordinance provisions are followed or completed. Short subdivision review shall include, but not be limited to:
1. Review of lot size and dimensions for conformance to the zoning ordinance.
 2. Determination that there are adequate provisions to serve the divided property with sewer and water.
 3. Review of the location of fire hydrants.
 4. Review of the location for the installation of streetlights if determined to be necessary by the public works department.
 5. Determine if mitigation of any impact is warranted.

permitted by the State of Idaho.

Section 4. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

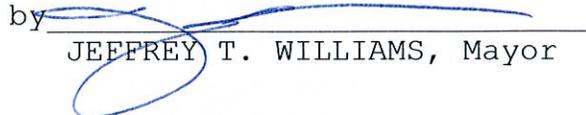
Section 5. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 6. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

Section 7. Any violation of this Ordinance shall be a misdemeanor punishable by fine and/or imprisonment up to but not exceeding the maximum penalties set forth in Idaho Code § 18-113 and §50-302.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 7 day of January, 2012.

CITY OF PAYETTE, IDAHO

by 
JEFFREY T. WILLIAMS, Mayor

ATTEST:


Mary Cordova, City Clerk

SUMMARY OF ORDINANCE 1356

Ordinance 1356 is an ordinance of the City Of Payette, Idaho, adopted January 3, 2012. The ordinance may be descriptively known as the Payette City Short Plat Ordinance. Ordinance 1356 creates a new chapter 16.26 in Title 16 of the Payette Municipal Code. The ordinance establishes short plat procedures, sets out the short plat application, requires the submission of a short plat application, sets out the required information and establishes time limitations. Ordinance 1356 sets out required findings, provides for submission of the information to the city engineer, provides a severability clause, provides a repealer clause and establishes a penalty. The ordinance provides for publication in summary form and establishes an effective date.

I, Bert L. Osborn, City Attorney for the City of Payette Idaho, certify that I am familiar with Ordinance 1356 of the City of Payette, Idaho and with the foregoing summary. The summary is true and complete and provides adequate notice to the public. The full text is on file with the Payette City Clerk and shall promptly be made available to any citizen upon request.

Dated this 5th day of December, 2012.



Bert L. Osborn