

ORDINANCE NUMBER 1071

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO ADDING OR AMENDING SECTIONS 16.08.150 (a) and (b), 16.04.020, 16.12.030 16.08.280, 16.08.290 AND 16.12.060 DEFINING PLAT AND AMENDED PLAT; DEFINING SUBDIVISION; ADDING TELEPHONE AND CABLE TELEVISION TO THE DEFINITION OF UTILITIES; PROVIDING REAR, SIDE AND FRONT YARD UTILITY EASEMENTS; REQUIRING THAT ALL PROPERTIES DIVIDED BY COURT DECREE CONFORM TO THE CITY CODE; SETTING OUT EXCEPTIONS; REQUIRING DELIVERY OF A COPY OF A PLAT, CORRECTION PLAT OR REPLAT TO CITY OFFICIALS; APPLYING THE CITY CODE TO ALL SUBDIVISIONS; PROVIDING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; REPEALER;

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PAYETTE, IDAHO;

Section 1. There is hereby added to the Payette Municipal Code new sections which shall be designated as Section 16.08.150 (a) and (b) and which Sections shall read as follows:

16.08.150 (a) Plat, Correction. -- A plat which is prepared for the purpose of correcting lot boundaries, to resolve errors in mapping, vacancies, overlaps and errors in surveys, descriptions or to correct some other error in a final plat.

16.08.150 (b) Plat, Amended.-- A plat which is prepared to reflect alterations or changes in boundaries, lot sizes, lot divisions, numbers of lots, streets, easements, rights of ways or other changes in a platted parcel or platted subdivision. (Same as replat)

Section 2. Section 16.08.280 of the Payette Municipal Code is hereby amended to read as follows:

16.08.280. Subdivision. "Subdivision" means the division of a lot, tract or parcel of land into more than ~~two~~ one parts for the purpose of transfer of ownership or for the construction of improvements thereon.

Section 3. Section 16.08.290 of the Payette Municipal Code is hereby amended to read as follows:

16.08.290 Utilities. "Utilities" means the installation for conducting water, sewage, gas, telephone, cable television or electricity and similar facilities providing service to and used by the public.

16.12.060 Easements. ~~Where--there--is--no--alley;~~ Easements shall be provided ~~at--least--ten--feet--(10')--wide~~ for drainage, utilities or other public service ~~at--the--rear--of--every--lot.~~ as

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follows: Front yard, 10', side yard 6' and rear yard 10'. Rear yard easements may be omitted if an alley of sufficient width to accommodate a utility easement exists in the rear of the lot.

Section 4. Section 16.04.020 of the Payette Municipal Code is hereby amended to read as follows:

16.04.020 Applicability. The regulations codified in this title shall apply to all subdivisions ~~the subdividing of all land~~ within the corporate limits of the city, including the following:

1. The dividing of any lot, tract or parcel of land into more than two or more tracts, lots or parcels for transfer of ownership or building development. ~~any part of which, when subdivided, contains less than five acres.~~

2. The dedication of any street or alley through or along any tract of land;

3. Any division ~~The or~~ resubdivision of a lot or parcel into ~~more than two~~ sublots except as provided in subsection B of this section.

Section 5. Subsection 16.04.020 B. 3. of the Payette Municipal Code is hereby amended to read as follows:

16.04.020 B. 3. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property thereunder. Provided however, that any development of any lands divided as a result of the settlement of an estate of a decedent or a court decree for the distribution of property shall conform to all requirements of this code.

Section 6. There is hereby added to the Payette Municipal Code a new subsection which subsection be designated as Section 16.04.020 B. 4. which subsection shall read as follows:

16.04.020 B. 4. The exceptions contained in subparts 1,2 and 3 of 16.04.020 B, are from the review and approval requirements of the code only. Plats must still be prepared in accordance with these regulations and filed with the County Recorder. A copy of any plat, amended plat or correction plat must also be provided to the City Engineer, City Clerk or the City Building Official.

Section 7. Section 16.12.030. F of the Payette Municipal Code is hereby amended to read as follows:

16.12.030 F. Except as otherwise provided in this code, The the minimum area of a corner lot shall be not less than eight thousand square feet and must have a minimum street front-

age of seventy-five feet.

Section 8. Section 16.12.030. G of the Payette Municipal Code is hereby amended to read as follows:

16.12.030 G. Except as otherwise provided in this code, The the minimum area of an inside lot shall be not less than six thousand square feet with a minimum street frontage of sixty feet at the setback line as required by the zoning regulations of the city.

Section 9. Any ordinances which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 10. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall constitute Ordinance Number 1071.

Section 11. This Ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Passed and approved by the Mayor and City Council this 7 day of February, 1994.

CITY OF PAYETTE

By James E. McEwen
Mayor

ATTEST: John P. Franke
City Clerk