

ORDINANCE 1337

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION 16.04.020 OF THE PAYETTE MUNICIPAL CODE BY SUBSTITUTING THE REQUIREMENT OF FILING A SURVEY OF RECORD IN PLACE OF FILING AN AMENDED PLAT WHEN DOING A LOT LINE ADJUSTMENT; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

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

Section 1. Section 16.04.020 of Title 16, Chapter 16.04 of the Payette Municipal Code is hereby amended to read as follows:

16.04.020: APPLICABILITY:

A. The regulations codified in this title shall apply to all subdivisions and development within the corporate limits of the city, or within the area of city impact as established by ordinance, including the following:

1. The dividing of any lot, tract or parcel of land into two (2) or more tracts, lots or parcels for transfer of ownership or building development;
2. The dedication of any street or alley through or along any tract of land;
3. Any division or resubdivision of a lot or parcel into sublots except as provided in subsection B of this section.

B. The regulations codified in this title shall not apply to any of the following:

1. A readjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width or depth of each building site below the minimum prescribed by any city ordinance or any covenant pertaining to said plat nor create any new lots.

~~An amended plat~~ A duly recorded or filed record of survey that conforms to Idaho Code title 55, chapter 19 shall be required for any lot line adjustment or adjustment of property boundaries readjustment of between two (2) adjacent parcels lot lines. Such record of survey shall be filed both with the Payette County recorder and the City of Payette. In addition to the requirements of Idaho Code 55-1906, the certificate of surveyor shall be included on the ~~amended plat~~ record of survey: ~~certificate of owners and acknowledgement, certificate of city engineer and certificate of the Payette County recorder.~~ The ~~amended plat~~ survey shall also contain the original lot line(s), the new adjusted parcel lot lines, the square footage of the adjusted-lots parcels, correct street names, footprint(s) of all existing building(s) to be delineated and dimensioned (with dimensions shown from the

adjusted line), a note giving the zone standard in effect for the area or as specifically approved and a Certification and signature of the city engineer verifying that the record of survey complies with state law, title 55 of the Idaho Code and with this title;

The readjustment of ~~lot line(s)~~ the property boundaries shall not reduce ~~the building site below the either parcel below the~~ minimum prescribed by any applicable city ordinance or as specifically approved, nor violate setback requirements. The ~~plat record of survey~~ shall so contain all existing easements of record. Accompanying the ~~plat record of survey~~ shall be a new property description of each adjusted lot parcel. ~~New property pins shall be set for each adjusted lot.~~ The adjusted property boundary between the parcels shall be marked at each endpoint, angle point, and where the adjusted boundary changes direction, with monuments that conform to the provisions of Idaho Code 54-1227. The city engineer shall verify compliance with this section prior to the record of survey being filed with the Payette County Recorder certification. ~~A record of survey is not acceptable to establish or adjust lot lines.~~

2. A division of land into parcels of five (5) acres or more designated to be used solely for agricultural purposes, and which does not involve any new street dedication other than dedications widening existing streets.
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.
4. The exceptions contained in subsections B1, B2 and B3 of this section are from the review and approval requirements of this code only. Plats Surveys must still be prepared in accordance with these regulations and filed with the county recorder. A copy of any plat, amended plat or correction or survey plat must also be provided to the city engineer, city clerk.

Section 2. This Ordinance may be published in summary form as permitted by Idaho Code.

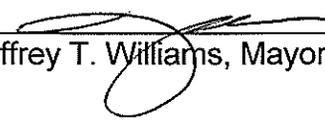
Section 3. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

Section 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 5. 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.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 7th day of March, 2011.

CITY OF PAYETTE, IDAHO

BY 
Jeffrey T. Williams, Mayor

ATTEST: 
Mary Cordova, City Clerk

SUMMARY OF ORDINANCE 1337

Ordinance 1337 is an ordinance of the City Of Payette, Idaho, adopted March 7, 2011. The ordinance may be descriptively known as Payette City survey of record ordinance. The ordinance amends section 16.04.020 of the Payette Municipal Code by substituting the requirement of filing a survey of record in place of filing an amended plat when doing a lot line adjustment. Ordinance 1337 provides a severability clause, provides for publication by summary, sets an effective date and establishes a repealer.

I, Bert L. Osborn, City Attorney for the City of Payette Idaho, certify that I am familiar with Ordinance 1337 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 8th day of March, 2011.



Bert L. Osborn