



City of Boise
Ordinance
First Reading

**Planning and Development
Services**
150 N Capitol Blvd
Boise, ID 83702
(208) 972-8531

TO: Mayor and Council
FROM: Cody Riddle, Planning and Development Services
NUMBER: **ORD-3-19**
DATE: January 8, 2019
SUBJECT: ZOA18-00002 / Ordinance

BACKGROUND:

On **August 6, 2018**, the Planning and Zoning Commission recommended approval of ZOA18-00002 6 in favor, 1 opposed.

On **October 9, 2018**, the City Council approved ZOA18-00002.

FINANCIAL IMPACT:

None.

ATTACHMENTS:

- ORD 3-19 Legal Notice (PDF)

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Ordinance NO. ORD-3-19

BY THE COUNCIL

CLEGG, LUDWIG, MCLEAN, SANCHEZ,
THOMSON AND WOODINGS

AN ORDINANCE AMENDING TITLE 11, CHAPTERS 7 AND 9 OF THE BOISE CITY CODE, LIMITING AVAILABILITY OF AND CHANGING STANDARDS FOR MINOR LAND DIVISION PROCESS; ALLOWING WAIVER OF CURB, GUTTER, AND SIDEWALK REQUIREMENTS IN LIMITED SITUATIONS ON PROPERTY LINE ADJUSTMENTS; RENUMBERING SECTIONS AS NEEDED; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on August 6, 2018, following a public hearing, the Planning and Zoning Commission for the City of Boise City recommended approval of ZOA18-00002; and

WHEREAS, on October 9, 2018, the Boise City Council, following a public hearing, approved adoption of ZOA18-00002.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That Boise City Code Title 11, Chapter 9, Section 2.1(A) shall be, and hereby is, amended to read as follows:

A. Minor Land Division

The purpose of the Minor Land Division is to allow the creation of up to four buildable parcels without being subject to the procedural provisions of the Preliminary and Final Plat regulations of this title. A Record of Survey, application and the appropriate fee are required for a Minor Land Division of a lot, tract or parcel of land. The Minor Land Division must ~~that~~ meet the following conditions:

- (1) No Minor Land Division shall create more than 4 new parcels;
- (2) No property involved in a Minor Land Division shall be involved in a subsequent Minor Land Division for a period of 1 year from the recording date of the previous Record of Survey for a Minor Land Division;
- (3) No new street dedication, excluding widening of an existing street, is involved;
- (4) No new public utility lines shall be extended within the right-of-way to property involved in a Minor Land Division;
- (5) Wet line sewer and central water lines must be currently located in the public right-of-way that abuts the parcel to be divided;
- (6) All resulting parcels must conform to the minimum requirements of all existing land use regulations including the adopted Zoning Ordinance; ~~and~~
- (7) If any of the following conditions are present, a subdivision application will be required.

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- (a) The possibility for public or private streets that would provide greater connectivity to the area;
 - (b) Creating lots that will have incompatible setbacks to surrounding parcels (i.e. side yards adjacent to rear yards);
 - (c) The creation of multiple driveway access points on a collector or arterial roadway when a public or private street could avoid the situation;
 - (d) Creating a larger remnant parcel that could otherwise be included in an overall subdivision; and
 - (e) New property lines configured in a way that could create future setback or access issues.
- ~~(7)~~(8) All existing buildings to remain shall meet 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. Additionally, the following shall apply:
- (a) Any setback that was legally non-conforming prior to the Minor Land Division may remain as a legal non-conforming setback, provided the legal non-conforming setback is not altered by the Minor Land Division;
 - (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 Minor Land Division;
 - (c) Any existing structures shall connect to public water and sewer lines prior to approval of the Minor Land Division;
 - (d) 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;
 - (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 Director's approval of the Minor Land Division; and
 - (f) All new parcels that abut the public right-of-way shall be improved with sidewalk, curb and gutter, and if applicable, a paved driveway apron that extends to the edge of street pavement will be required. All right-of-way improvements, license agreements, and/or bonding shall be completed prior to the Planning Director's approval of the Minor Land Division.

Section 2. That Boise City Code Title 11, Chapter 9, Section 2.1(B)(1)(f) shall be, and hereby is, amended to read as follows:

- (f) If the street(s) adjacent to the lot(s) have not been improved with sidewalk the applicant shall landscape the right-of-way area between the edge of the street pavement and the property line with lawn or other vegetative ground cover that will prevent the area from being used as an off street parking area. Depending on the paved street width, the Ada County Highway District may require some separation between the landscaping and the

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edge of the street pavement. If the lot is not alley loaded and has driveways off of the street, the area between the edge of the street pavement and the property line shall be paved to align with the driveway. The applicant shall obtain a license agreement from the Ada County Highway District prior to landscaping and/or paving in the right-of-way. Sidewalks shall be installed if sidewalk exists on adjoining property. If the property line adjustment is not creating additional buildable parcels or adjusting lines for substandard lots, a waiver or variation may be granted by the Director based upon site-specific conditions.

Section 3. That Boise City Code Title 11, Chapter 7, Section 2.1(C) shall be, and hereby is, amended to read as follows:

C. Common Driveways

~~The Director may issue a zoning certificate for e~~Common driveways are subject to the following requirements:

- (1) The common driveway benefits the design of the development and reduces the number of public street accesses.
- (2) The common driveway provides access to no less than two and no more than six lots, each occupied with one single family or townhouse dwelling unit. A Minor Land Division shall not result in a common driveway being used to serve more than 4 lots.
- (3) The maximum length is 150 feet, unless approved by the Fire Department, and the minimum width is 20 feet. "No parking" signs shall be placed on the common driveway.
- (4) A five-foot wide landscaped area is required between the common driveway and lots that do not utilize the common driveway.
- (5) The minimum street frontage requirement of each flag lot served by the common driveway is five feet.
- (6) Lots that abut a common driveway shall take access from the common driveway and not the public right-of-way.
- (7) A perpetual ingress/egress access easement and an agreement for maintenance for the paved driveway and any required landscaping shall be recorded prior to issuance of building permits. For Minor Land Divisions, a copy of the easement or agreement must be submitted for the lots to be deemed legal.
- (8) Required off-street parking shall be set back a minimum of 20 feet from the edge of the common driveway.
- (9) In the case of a subdivision plat, the common driveway and utilities shall be constructed concurrently with all other public improvements.

Section 4. That following passage, approval, and publication, this ordinance may be visually reformatted administratively to ensure a consistent and correct appearance.

Section 5. That upon its passage, approval, and publication, this ordinance shall be in full force and effect.

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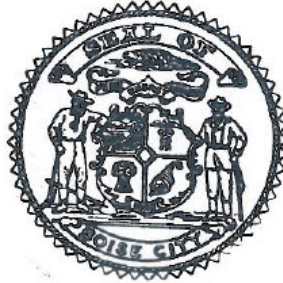
ADOPTED by the Council of Boise City, Idaho, on March 26, 2019.

APPROVED by the Mayor of the Boise City, Idaho, on March 26, 2019.

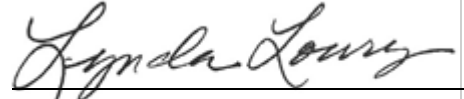
APPROVED:



David H. Bieter, Mayor



ATTEST:



Lynda Lowry, Ex-Officio City Clerk

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ADOPTED by the Council of Boise City, Idaho, on March 26, 2019.

APPROVED by the Mayor of the Boise City, Idaho, on March 26, 2019.

Approved: /s/ David H Bieter,
Mayor

Attest: /s/ Lynda Lowry, Ex-
Officio City Clerk