

ORDINANCE 1501

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING TITLE 17 ZONING, OF THE PAYETTE MUNICIPAL CODE BY ADDING A NEW CHAPTER 17.66 INFILL & FLAG LOTS; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

WHEREAS, it is the intent of the Council to manage growth by implementing the principles of the Comprehensive Plan and the Local Land Use Planning Act; and,

WHEREAS, in accordance with the vision of the Comprehensive Plan, the Council desires to make land use decisions which promote enduring quality and consideration for the entire community; and,

WHEREAS, the Council finds that flag lot development regulations for residential subdivisions in existing single family neighborhoods promote quality development consistent with the Comprehensive Plan.

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

Section 1. Title 17 ZONING, of the Payette Municipal Code is hereby amended by adding a new Chapter 17.66 INFILL AND FLAG LOTS to read as follows:

Chapter 17.66
INFILL AND FLAG LOTS

17.66.01: DEFINITIONS:

INFILL DEVELOPMENT: means residential development in an A-Residential or B-Residential zone only consisting of either:

A. Construction on one vacant legal lot or redevelopment of properties in an area which is currently developed with an existing residential structure, or

B. Subdivision or lot line adjustments to property having existing dwelling(s) upon them in order to facilitate development or redevelopment of underutilized or vacant properties (e.g., new construction between 2 existing single-family dwellings), or

C. Development of a flag lot site which is landlocked except for an access lane.

FLAG LOT: Interior lots located to the rear of another lot but with a narrow portion extending to the street when that narrow portion is less than the frontage required by the Payette Zoning Ordinance.

17.66.03: PURPOSE AND INTENT:

The purpose of this chapter is to provide for and encourage residential infill development of vacant lots or large parcels with one existing residential structure. The intent is to provide opportunities to more fully utilize properties in the City which have ready access to utilities, thus reducing the need for additional infrastructure, reducing long term maintenance costs, and promoting the revitalization and beautification of properties which may be vacant, blighted, or difficult to develop due to size or physical constraints. Uses should not conflict with the objectives and characteristics of any zone, or with the Comprehensive Plan.

17.66.05: FLAG LOTS:

A flag lot may be approved by the Planning & Zoning Administrator as a proposed residential infill development, if the proposed lot has been found to completely satisfy the following conditions:

A. Fire regulations must be met in their entirety. The City Fire Chief must approve all site plans for new construction on a flag lot. No structure shall be constructed which is farther than two hundred fifty feet (250') from an existing fire hydrant, measured without encroachment onto adjacent properties.

B. In no case can a flag lot be less than the minimum lot size of the underlying zone in which the proposed lot is located. The access lane shall not be considered when calculating the minimum lot area.

C. Structures must be compatible in appearance with surrounding structures and meet all architectural and landscape standards for infill development under section 17.66.07 of this chapter.

D. Flag lots shall not be developed without proof of ownership of a permanent access. No flag lot access lane shall serve more than one lot.

- E. Residential structures must meet setback requirements of the zone in which the property is located. Setbacks shall be established based on the flag portion of the lot.
- F. Bulk standards, including utilities, drainage, etc., for the underlying zone must be met in their entirety.
- G. Multiple-unit dwellings and accessory apartments are not permitted on flag lots.
- H. In no case can the access lane exceed two hundred fifty feet (250') in length from the edge of the right-of-way to the center point of the turnaround area.
- I. Flag lots must have a twenty-four foot (24') minimum width access lane, of which a minimum of sixteen feet (16') wide by twenty feet (20') long must be constructed to driveway standards. The remainder of the access lane may be constructed ~~or~~ of a City approved hard surfacing with a minimum four foot (4') unpaved utility easement on both sides. Any unpaved hard surface must be treated for dust control. No accessory building shall be located on the flagpole portion of the lot except aesthetic entry features such as archways, decorative mailboxes, raised landscape beds or similar structures.
- J. At the end of the access lane there must be enough open area for a firetruck to turn around in accordance with International Fire Code standards.
- K. There must be accommodations for handling drainage both parallel and perpendicular at the point where the access lane intersects with the street frontage.
- L. The access lane is not to be dedicated to the public or treated as a public street and therefore shall be maintained, including snow removal, by the benefiting property owner(s). Snow removal from the access lane shall not be moved into the public street.

17.66.07: INFILL REDUCTION:

Infill properties may be eligible for a reduction in the lot area and frontage requirements stipulated within the zoning classification in which the property is located. Use of these infill standards requires Planning & Zoning Commission approval through City subdivision review processes. The following standards shall apply:

A. Infill Reduction:

1. A proposed lot area may be reduced by no more than twenty percent (20%) of the underlying zone standard.
2. A proposed frontage may be reduced by no more than twenty percent (20%) of the underlying zone standard.
3. Except as provided for architectural considerations in subsection B of this section, all new construction must comply with setbacks of the underlying zone.

B. Architectural Considerations: The following architectural requirements must be demonstrated prior to a building permit being given for construction on an infill property:

1. Architectural Styles: Architectural styles must be compatible with the surrounding area.
2. Porches: Porch areas should be utilized to provide emphasis to the dwelling area. Porches must be a minimum of five feet (5') deep and should run the width of the dwelling area facing the front lot line. Porch areas may encroach into the front setback of an infill lot by five feet (5') unless otherwise specified in the underlying zone.

C. Landscaping: All front and visible side yard landscaping and maintenance systems shall be installed prior to a certificate of occupancy being granted. Where landscaping cannot be completed before October in the same year construction begins, a certificate of occupancy may be granted if a cash bond for completion of the landscaping is provided to the City. Bond amounts shall be determined by the City Engineer consistent with the City development bonding regulations. Landscaping must be installed within six (6) months of bond posting.

Section 2. This Ordinance may be published in summary form allowed 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 first day of November, 2021.

CITY OF PAYETTE, IDAHO

BY *Ryan Wickersham*

Ryan Wickersham, Council President

ATTEST:
[Signature]
City Clerk

