

CITY OF BOISE

To: Mayor and Council

FROM: Hal Simmons

ORDINANCE NUMBER: O-25-10

DATE: September 29, 2010

SUBJECT: ZOA10-00006 / Amendment to Section 11-04-14

ACTION REQUIRED: Three Readings

RECOMMENDATION: Approval

BACKGROUND: The substandard lot ordinance has been in place since mid-2006. Over the last four years, there have been sections of the ordinance which have not worked as initially proposed. Previous amendments to the ordinance have taken place to address some of those concerns.

This ordinance amendment is to address concerns with the requirements for curb, gutter and sidewalk improvements. Through the appeal process it has been determined the requirement for curb, gutter and sidewalk improvements are most appropriate for new construction, but less appropriate for remodels of existing homes. The cost of the curb, gutter and sidewalk improvements is often prohibitive to homeowners who are remodeling as it can exceed the cost of the new construction, especially if the property is located on a corner lot.

ATTACHMENTS: Amended Ordinance

ORDINANCE NO. _____

BY THE COUNCIL:

BISTERFELDT, CLEGG, EBERLE,
JORDAN, SHEALY AND THOMSON

AN ORDINANCE (ZOA10-00006/ BOISE CITY PLANNING AND DEVELOPMENT SERVICES) AMENDING CERTAIN SUBSECTIONS OF BOISE CITY CODE, TITLE 11, CHAPTER 4, SECTION 14, STANDARDS FOR RESIDENTIAL DEVELOPMENT OF SUBSTANDARD ORIGINAL LOTS OF RECORD IN THE R-1A, R-1B, R-1C, R-2, R-3, A, R-O, N-O, L-O, C-1, C-2, AND C-3 ZONES, SPECIFYING WHEN CURB, GUTTER AND SIDEWALK IMPROVEMENTS ARE REQUIRED AND DELETING THE REQUIREMENT FOR IN-LIEU PAYMENT TO THE PUBLIC RIGHTS-OF-WAY ROAD TRUST; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. That Boise City Code, Title 11, Chapter 04, Section 14.01, Purpose and Intent, shall be amended to read as follows:

Section 11-04-14.01 Purpose and Intent

The purpose of this ordinance is to guide residential development on substandard lots, ensuring that ~~new~~ the ~~developments~~ is are compatible with the character and the scale of established housing.

Section 2. That Boise City Code, Title 11, Chapter 04, Section 14.02(C), Applicability and General Provisions, shall be amended to read as follows:

C. These standards do not apply to all new dwellings and remodels of existing dwellings. These standards do not apply to lots that are part of a planned unit development and they do not take precedence over any note recorded on a subdivision plat. The standards set forth in the substandard lot ordinance shall apply to all substandard lots within the city limits. However, nothing in the substandard lot ordinance shall prevent the City from imposing additional criteria or refusing to apply certain criteria in order to issue a certificate of appropriateness in a historic district that is congruous with the adjacent structures, the block, or the district as a whole.

Section 3. That Boise City Code, Title 11, Chapter 04, Section 14.03(G)(1), Right-of-Way Improvement, shall be amended to read as follows:

G. Right-of-Way Improvement

1. All ~~developments~~ new dwellings (excluding remodels) shall provide curb, gutter and sidewalk on the adjacent roadway(s). ~~A~~ and, if applicable, the applicant shall provide a paved driveway apron that extends to the edge of the pavement of the roadway or alley will also be required. Waivers or variations to some of these requirements may be granted by the Planning Director based upon site specific local conditions such as the lack of adjacent improvements and/or documented drainage problems that may result from the improvement of the roadway. ~~Any alternative granted through a waiver shall include a curb line or physical barrier to prevent parking adjacent to the right of way. If a waiver is granted, the value of the improvements, as estimated by the City of Boise, shall be placed in a Public Rights of Way Road Trust deposit for up to ten (10) years to be held by the City of Boise for later improvement of the curb, gutter and sidewalk abutting the site.~~

Section 4. That this Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the Council of the City of Boise, Idaho, this ____ day of _____, 2010

APPROVED by the Mayor of the City of Boise, Idaho this ____ day of _____, 2010

APPROVED:

ATTEST:

David H. Bieter
MAYOR

CITY CLERK