

11-09-02. RECORDS OF SURVEY

1. STANDARDS

The following divisions of land and/or change of parcel boundaries will require the review and approval of a Record of Survey prepared in accord with Idaho Code, 55-19, to establish that resulting parcels are conforming, buildable parcels.

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. **If a proposal requires any additional development applications, it cannot be reviewed administratively; and**
- (7) **It shall be at the discretion of the Planning Director to require a subdivision application if any of the following conditions are present:**
 - (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.

B. Property Line Adjustment

A property line adjustment that establishes buildable parcels with boundaries that differ from existing buildable parcel and/or buildable lot boundaries.

(1) Conforming Lots of Record

- (a) The total number of buildable parcels must not be greater than the number of buildable parcels and/or lots existing prior to the record of survey. When Property Line Adjustments occur between section land and subdivided lots no lot shall increase in area by more than 20 percent.
- (b) The resultant parcels must meet the minimum requirements for area, frontage and width for the existing zone.
- (c) All existing buildings, driveways and parking areas must meet the setback requirements of the existing zone as measured from any parcel boundary being created by this process. Any setback that is legally non-conforming may remain as a legal non-conforming setback, provided the legal non-conforming setback is not altered by the Property Line Adjustment. If any building not meeting the required setback is to be partially or completely demolished, the demolition must be completed prior to the Planning Director's approval of the Record of Survey.
- (d) If existing residential buildings are to remain, the parcel containing such building(s) must comply with current Boise City Zoning Ordinance parking

requirements. The parking shall be located on-site. If existing commercial, office or industrial buildings are to remain, the parcel containing such building(s) must comply with current parking requirements, either within the parcel or by means of a permanent recorded shared-parking agreement, as evidenced by a note on the Record of Survey stating both the number of spaces provided and the code required number of spaces. If required parking is provided by means of a permanent shared-parking agreement, the Record of Survey must list the total required and provided parking for all parcels to which the 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 Record of Survey.
- (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 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. **The Planning Director shall have the discretion to waive sidewalk requirements if the property line adjustment is not creating additional buildable parcels or adjusting lines for substandard lots.**
- (g) The boundaries of a parcel with a residential zone or use may be adjusted through the Property Line Adjustment process twice. Any additional boundary adjustments shall require a subdivision plat or a Record of Survey for a Minor Land Division.

11-07-02. LOTS

1. LOT LAYOUT

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. **Common driveways created with a Minor Land Division may only serve up to four parcels.**
- (3) The maximum length is 150 feet, 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-Parcels~~ 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 parcels 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.

*Update Checklist:

Site plan must show building envelope/setbacks