

**PAYETTE CITY COUNCIL  
Resolution 2007-01**

**A RESOLUTION WAIVING THE 300 FOOT LIMITATIONS OF  
IDAHO CODE SECTION 23-913 AND PAYETTE CITY CODE SECTION 5.08.090**

WHEREAS, David Posey has received notice that he can obtain a liquor license in the City of Payette, provided he can obtain a site to operate an establishment within a certain period of time; and

WHEREAS David Posey owns property at 20 South Main Street, Payette Idaho and is proposing that the property be the site of the his new bar; but

WHEREAS, The above set out sections of the Payette City Code and the Idaho Code limits the issuance of liquor licenses to establishments which are more than 300 feet from a public school, church or any other place of worship; and

WHEREAS, Mr. Posey temporarily leased a part of his premises to a church which is in his building on Main Street; and

WHEREAS, Another church may be within 300 feet if measured from property line to front door; but

WHEREAS, The 300 foot limitation can be waived by the City Council; and

WHEREAS, The Payette City Code requires the issuance of a conditional use permit before a bar can be opened in Payette; and

WHEREAS, The Payette Planning and Zoning Commission held a public hearing to consider granting the conditional use permit and had no one appear to object to the operation of the bar at 20 South Main Street; and

WHEREAS, The proposed bar is in a district which is zoned commercial; and

WHEREAS, The Payette Zoning Ordinance lists bars as a permitted use in commercial zones with a conditional use permit; and

WHEREAS, After a presentation by David Posey, who is or will be the recipient of the new Payette City Liquor license, the City Council of the City of Payette determined that the distance restrictions of sections 23-913 I.C. and 5.08.090 should be waived;

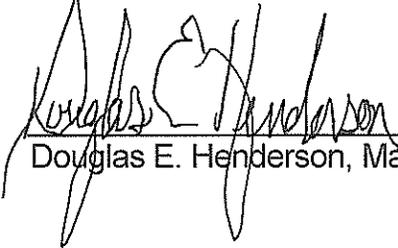
NOW, THEREFORE, BE IT RESOLVED: Upon motion duly made, seconded and

passed by a vote of 3 ayes to 2 nays, the 300 foot distance restriction set out in section 5.08.090 of the Payette City Code and section 23-913 of the Idaho Code is hereby waived for the property located at 20 South Main Street, Payette, Idaho 83661.

Be it further resolved that this resolution shall be in full force and effect immediately upon signing by the Mayor and City Clerk.

APPROVED and SIGNED this 8<sup>TH</sup> day of January, 2007.

City of Payette, Idaho

  
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Douglas E. Henderson, Mayor

ATTEST:

  
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Mary Cordova, City Clerk