

ORDINANCE NUMBER 1066

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING TITLE 17; OF THE PAYETTE MUNICIPAL CODE BY DELETING THE EXCEPTION TO THE ORDINANCE PROHIBITING THE CONSTRUCTION OF A DWELLING LESS THAN TWENTY FEET IN LENGTH OR WIDTH; SUBSTITUTING E-INDUSTRIAL FOR E-COMMERCIAL; STRIKING LANGUAGE PROHIBITING CONSTRUCTION OF A FENCE BEYOND THE SET BACK LINE; CHANGING 200 FEET TO 300 FEET FOR NOTIFICATION PURPOSES; STRIKING SECTIONS 17.28.020, SECTION 17.64.060 F AND 17.58.040; CHANGING USES PERMITTED IN C-COMMERCIAL DISTRICTS; REQUIRING LANDSCAPING TO COVER 5% OF A LOT OR 10 FEET BACK FROM A STREET FRONTAGE WHICH EVER IS LESS; ALLOWING FUEL YARD IN D-COMMERCIAL ONLY WITH A CONDITION USE PERMIT; DELETING A AND B RESIDENTIAL USES IN D-COMMERCIAL DISTRICTS; MOVING CERTAIN PERMITTED USES IN HEAVY INDUSTRIAL TO USES ALLOWED WITH A CONDITIONAL USE PERMIT; REQUIRING NOTICE 15 DAYS BEFORE A PUBLIC HEARING; DELETING THE PHRASE RESOLUTION AND SUBSTITUTING PASSED BY MAJORITY VOTE FOR PASSAGE OF MATTERS BEFORE THE ZONING COMMISSION; INCLUDING THE BUILDING INSPECTOR IN THE LIST OF PERSONS WHO ENFORCES THE ZONING REGULATIONS; BASING CERTAIN FEES ON THE U.B.C.; DELETING T DISTRICT AS AN INDEPENDENT SUBDISTRICT; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; REPEALER; ALLOWING PUBLICATION BY SUMMARY

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PAYETTE, IDAHO;

Section 1. Specific portion of Title 17 of the Payette Municipal Code are hereby amended and to read as follows:

17.12.030 Buildings--Separate yard, court or open space required. Except as provided in this title, no yard, court or open space, or part thereof, shall be included as a part of the yard, court or open space similarly required for any other building, structure or dwelling under this title.

No building or structures shall be less than twenty feet in width or twenty feet in length.*

The following structures shall be excluded from the minimum length and width requirement of Ordinance 988: Architectural projections, porches, canopies, balconies, platforms, carports, awnings, fences, decks, storage sheds, or any other addition or improvement to an existing building or structure which existing structure already meets the length and width requirements of Ordinance 988.*

~~Ordinance 988* shall not apply to any improvement or addition which, upon completion, shall allow an otherwise nonconforming structure to conform to the minimum length and width requirements.---(Ord.-991-Sec.-1 and 2,-1989:-Ord.-988-Sec.-1,-1988:~~

~~prior code Sec. 11-2-3(A)-(3)}~~

17.16.030 District division designated. A. The city is divided into six use districts, which shall be known, in the order of restrictiveness, beginning with the most restrictive as:

1. A residential;
2. B residential;
3. C commercial;
4. D commercial;
5. E ~~commercial~~ industrial

~~B. A-T Trailer district is established as a subuse district which shall be designated by ordinance to be subject to the provisions, restrictions and regulations of one of the use districts named in the preceding subsection.~~

17.20.060 Parking lots and driveways abutting residence district--Wall or fence required--Glareless lighting required. Whenever a parking lot or a driveway to a parking lot is established in other than a residential district so as to abut the side or rear line of a lot in a residential district, a solid masonry wall or a substantial, sightly fence, not less than four feet high and not more than seven feet high, shall be constructed and maintained along said side or rear lot line, up to, but not beyond, the setback building line. In addition, in all use districts the lighting, including any permitted illuminated sign, on any parking lot or driveway shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings or residential districts. (Prior code Sec. 11-3-1 (F)).

17.24.020 Permitted uses.

D. The following uses may be permitted by the board of appeals after public notice has been given by regular mail to all property owners within ~~two~~ three hundred feet of the property in question at the expense of the applicant and public hearing under appropriate safeguards and special conditions as said board deems necessary, such uses and buildings must be appropriately located and designed and meet a community need without adversely affecting the neighborhood.

17.28.020

~~B. Auto courts may be permitted if approved by the board of appeals, after public notice and public hearing, if adequate yard space and other safeguards to preserve the character of the neighborhood are provided, and if in the judgment of said board such buildings and use are appropriately located and designed and will meet a community need without adversely affecting the neighborhood. (Ord. 971 Sec. 107, 1987; prior code Sec. 11-7-1(A)).~~

17.28.040 Building area and use restrictions.--E.--Animals

may be maintained on the lot, if more than fifteen thousand square feet in area, when approved by the board of appeals or appropriate health officers and when they do not cause offensive odors or disturbance to the people of the neighborhood.

C. 1 horse, or 3 sheep or 1 cow with calf may be maintained on the lot, provided there is at least 21,800 square feet of fenced area for the animals and the landowner obtains a permit from the city Council and only so long as the animals do not cause offensive odors or create a disturbance to the people of the neighborhood. After notice and hearing, the City may further limit or expand the number of animals which may be kept. Swine and goats are prohibited.

17.32.020 Permitted uses. A. Permitted uses in the C commercial district are as follows:

1. Hotels;
2. Theaters;
3. Recreation halls;
4. Office buildings;
5. Studios;
6. Dancing academies;
7. Newspaper printing plants;
8. Printing and bookbinding establishments;
9. Photograph galleries;
10. Restaurants and tea rooms;
11. Undertaking parlors;
12. Telephone exchanges;
13. Stores, retail and wholesale;
14. Garages, private and public;
15. Assembly halls;
16. Lodge halls;
17. Stage depots;
18. Automobile sales rooms;
19. Service stations;
20. Repair shops;
21. Dry cleaning and laundry establishments;
22. Carpenter shops;
23. Motels;
24. ~~Mobile home parks;~~
25. ~~Uses permitted in A residential districts and in B residential districts.~~

B. The following uses may be permitted by the board of appeals, after public notice and hearing, under appropriate safeguards and such special conditions as said board deems necessary:

1. Mobile home parks.
2. Uses permitted in A residential districts and in B residential districts.
3. Light manufacturing, which is not dangerous or offensive on account of dust, gas or smoke and noise.
4. Warehouses used for storage of merchandise that is

sold at retail on the premises to the ultimate consumer, excluding mail-order warehouses.

5. Warehouses used for storage of personal property not intended for sale. (Ord. 971 Sec. 12, 1987: prior code Sec. 11-8-1(A)).

17.32.030 Setback required when. No setback shall be required except where buildings are constructed adjacent to a street of less than sixty feet in width, in which case buildings shall be constructed no closer than thirty-five feet from the centerline of the street. Landscaping shall cover five percent of the lot or ten feet deep along any street frontage, whichever is less.

17.36.020 Permitted uses. Permitted uses in the D commercial district are as follows:

- A. Animal hospitals;
- B. Armories;
- C. Assembly halls;
- D. Bakeries;
- E. Cold storage, including frozen food lockers;
- F. Fuel yards, allowed only with Conditional Use Permit;
- G. Laundries and dry-cleaning establishments;
- H. Lodge halls;
- I. Lumberyards;
- J. Stage depots;
- K. Wholesale commercial business, other than manufacturing or processing;
- L. Light manufacturing, which is not dangerous or offensive on account of dust, gas, smoke or noise, in cases where that major portion of the product is not sold on the premises to the ultimate consumer. (Prior code Sec. 11-9-1(A)).

17.36.030 Setback required when. No setback shall be required except where buildings are constructed adjacent to a street of less than sixty feet in width, in which case buildings shall be constructed no closer than forty feet from the centerline of the street. Landscaping shall cover five percent of the lot or ten feet deep along any street frontage, whichever is less. (Prior code Sec. 11-9-1(B)).

17.36.040 Building and use restrictions generally.

D. All uses permitted in C commercial districts, B-residential-districts and A-residential-districts shall be allowed in D commercial districts; provided, however, that D commercial districts shall be primarily for the purposes of commerce or industry. (Prior code Sec. 11-9-1 (C)).

E COMMERCIAL-INDUSTRIAL DISTRICTS

17.40.010 Construction or use--Compliance required.

Except as otherwise provided in this title, no main building

or premises in an E Industrial Commercial district shall be erected, altered, used, arranged or designed to be used, in whole or in part, for uses other than set forth in this chapter and unless they comply with all the provisions set forth in this chapter.

17.40.020

B. Heavy industry as follows:

1. Lumberyards,
2. Railroad yards,
3. Coal yards and wood yards,
4. Ice plants,
5. Heavy manufacturing, where confined to defined limits such as street boundaries,
6. Planing mills,
7. Iron and steel fabricating,
8. Auto sales or repair, mechanical shops, ~~and-wrecking yards-where-confined-to-buildings-and-fenced-premises,~~
9. Truck terminals,
10. Warehouses,
- ~~11---Storage-plant-industry,~~
- ~~12---Bulk-petroleum-products,~~
13. Bulk petroleum products, storage plant industry, autos, mechanical and wrecking where confined to buildings and fenced premises, allowed only with Conditional Use Permit.

17.40.020

D. ~~Any uses permitted in A-residential-districts,-B-residential-districts,C commercial districts and D commercial districts;~~ provided, however that the primary purpose of the E Industrial commercial district shall be for commercial purposes as set forth in this section. (Prior code Sec. 11-10-1(B)).

17.40.030 Setback required when. No setbacks shall be required except where buildings are constructed adjacent to a street of less than sixty feet in width, in which case buildings shall be constructed no closer than forty feet from the centerline of the street. Landscaping shall cover five percent of the lot or ten feet deep along any street frontage, which ever is less. (Prior code Sec. 11-10-1(B)).

17.48 Chapter 48 of Title 17 which is also referred to as Chapter 17.48 is hereby repealed and deleted in full.

17.60.010 Procedure designated.

C. The council shall fix the time and place of a public hearing on proposed amendments and cause notice to be published not less than fifteen days prior to the hearing in a newspaper of general circulation within the city. The notice shall state the general nature of the proposed amendments.

17.64.050

B. The board of appeals shall act in strict accordance with the procedure specified by law and by this title. All appeals and applications made to the board shall be in writing on forms prescribed by the board. Every appeal or application shall refer to the specific provision of the title involved, and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the board of appeals shall be by-resolution passed by a majority vote, each of which shall contain a full record of the findings of the board in the particular case. ~~Each resolution shall be filed in the office of the city clerk by case number under one or another of the following headings: interpretations, special permits or variances, together with all documents pertaining thereto.~~ The board of appeals shall notify the council of each special permit granted under this title. The Board of Appeals shall notify the Council of each special permit and each variance granted under the provision of this title, and of their recommendation concerning each variance heard under the provisions of this title.

17.64.050

C. No action of the board shall be taken on any case (except routine approval of application) until after proper notice has been given and public hearing has been held. Proper notice of a hearing before the board shall be as follows:

1. Public notice shall be given by posting a notice of such hearing for at least seven days prior to such hearing at the front door of the courthouse city hall.

2. A written notice shall be mailed to the owner or his agent and, so far as it is practicable, written notice to directly affected property owners or their agents shall be given at least fifteen days prior to the date of such proposed hearing in such manner as the board may, by its rules, prescribe.

3. There shall be publication providing notice of the hearing fifteen days prior to the hearing in a newspaper of general circulation within the city.

17.68.010 Duty of city administrator or building official. Except as otherwise provided in this title, the city administrator or building official shall administer and enforce this title, including the receiving of applications and the issuing of building permits. No building permit or certificate of occupancy shall be issued by him except where the provisions of this title have been complied with.

17.68.020 Building permits--Required--Application information--Fee.

C. One copy of such layout or plot plan shall be returned,

when approved by the board of appeals and the city administrator, together with such permit to the applicant upon the payment of a fee based upon the U.B.C. (Prior code 11-13-1 (B)).

~~17.58.040 All applications for a building permit, together with matter accompanying such application, and applications for certificates of occupancy shall be referred to the board of appeals within three days of filing with the city clerk, and the board of appeals shall review such applications and take action thereon within seven days of such referral. Action taken by the board may be approval, conditional approval, requests for further information from the applicant, requests for inspection by proper city officials, or a hearing (public or private) within the discretion of the board. The board may, if it finds the application for building or use to be in violation of any provisions of this title, deny such application within seven days or after such further proceedings as it deems necessary. (Prior code Sec. 11-13-1-(C)-(6)).~~

17.68.050 Fee schedule for certain zoning and subdivision requests. The following fee schedule for certain types of applications is hereby created.

A. Applications for variances, conditional use permits or special use permits shall be accompanied by a fifty dollar nonrefundable fee.

B. Applications for rezones, variances, annexation and nonconforming uses shall be accompanied by a one hundred dollar nonrefundable fee.

C. All other applications shall be accompanied by a fifty thirty-five dollar nonrefundable unrefundable fee.

D. Application for subdivision approval shall be accompanied by a two hundred fifty dollar nonrefundable and the applicant shall be advised that in addition to the application fee, applicant may be responsible for all expenses incurred by the city.

E. By naming specific categories of applications which require fees with applications, the city does not intend to imply that other unnamed categories are to be exempt from application fees.

Section 2. Any ordinances which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 3. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall constitute Ordinance Number 1066.

Section 4. This Ordinance may be published by summary in accordance with the Statutes of the State of Idaho.

This Ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Passed and approved by the Mayor and City Council this 15 day of November, 1993.

CITY OF PAYETTE

By Floyd L. Meyer
Mayor

ATTEST: John P. Flanka
City Clerk

SUMMARY OF ORDINANCE 1066

Ordinance number 1066, is an ordinance of the City of Payette, Idaho, amending title 17 of the Payette Municipal Code by deleting the exception to ordinance 988 which prohibits the construction of a dwelling less than twenty feet in length or width; substituting E-Industrial for E-Commercial; changing 200 feet to 300 feet for notification purposes; striking sections 17.28.020, and 17.58.040; changing uses permitted in C-Commercial districts; requiring landscaping to cover 5% of a lot or 10 feet along the street frontage which ever is less; allowing fuel yards in D-Commercial zones only with a conditional use permit; deleting A and B Residential uses in D-Commercial Districts; moving certain permitted uses in E-Industrial to uses allowed only with a Conditional Use Permit; requiring notice of 15 days before a public hearing; deleting the phrase passage of matters by resolution and substituting passed by a majority vote for matters coming before the zoning commission; including the building official in the list of persons who enforces the zoning regulations; basing certain fees on the U.B.C.; deleting T-Districts as an independent subdistrict; altering the charges for variance applications.

The ordinance contains sections providing for the repeal of conflicting ordinances, for severability in the event any portion of the ordinance is stricken and for publication by summary. The ordinance does not contain any emergency clause and sets the effective date immediately upon passage and publication as required by law; The ordinance was passed November 15, 1993.

I certify that this summary is true and complete and provides adequate notice to the public. The full text is available at the Payette City Hall, Payette, Idaho and will be provided to any citizen upon request.

John P. Franks
City Clerk