

ORDINANCE 1271

**AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTIONS 17.24.040 (E), 17.28.030, AND 17.64.060 OF THE PAYETTE MUNICIPAL CODE TO ALLOW ACCESSORY BUILDINGS IN EXCESS OF FOUR HUNDRED (400) SQUARE FEET, AND EXCEEDING TWELVE (12') FEET IN HEIGHT WHEN APPROVED THROUGH CONDITIONAL USE PERMIT PROCESS; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; ESTABLISHING A PENALTY.**

WHEREAS, the Payette City Planning and Zoning Commission has considered the purpose and impact of accessory buildings in the City's neighborhoods and has recommended certain changes in order to better accomplish the purpose of the ordinance; and

WHEREAS, the City Council after having received staff analysis believes certain amendments to the City's accessory building regulations are necessary.

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

**Section 1.** Section 17.24.040 (E) of the Payette Municipal Code is hereby amended to read as follows:

**17.24.040 Area And Location Requirements:**

A. There shall be a setback of at least twenty five feet (25') from the front of the property line or fifty five feet (55') from the street centerline, whichever setback is greater; provided, however, where a uniform setback exists which is less or greater than required in this subsection, the setback shall conform to such uniform setback.

B. There shall be a side yard of not less than eight feet (8').

C. On a corner lot, the minimum setback on the street upon which a majority of the building fronts shall be twenty five feet (25') from the property line or fifty five feet (55') from the street centerline, whichever setback is greater; the setback on an intersecting street shall be not less than ten feet (10') from the property line or forty feet (40') from the centerline of the intersecting street; provided, however, that in the event the majority of the buildings on both streets comply with the minimum setback for fronting streets, the minimum setback on both sides of the corner lot may be required to be the setback of the fronting street.

D. A lot shall have at least seventy five feet (75') of frontage onto a public street unless it is a corner lot, which shall have at least eighty five feet (85') of frontage onto a public street.

E. Accessory buildings, as defined in Sections 17.08.020 and 17.64.060 of this Title, shall be at least eight feet (8') from the property line and unless

permitted pursuant to section 17.28.030 shall not exceed four hundred (400) square feet in area, shall not exceed twelve feet (12') in height at its highest point. ~~and they shall be compatible with the surrounding structures.~~

F. Where there are no alleys, a setback of at least eight feet (8') from the back property line shall be required, unless a variance is granted under the provisions of this Title.

G. Minimum lot size shall be eight thousand (8,000) square feet unless it is a corner lot, which shall be a minimum of ten thousand (10,000) square feet. (Ord. 1204, 2002: Ord. 971 § 8, 1987: Ord. 887, 1978: Ord. 847, 1976: Prior Code § 11-6-1(B))

**Section 2.** Section 17.28.030 of the Payette Municipal Code, is hereby amended to add a section (E.) as follows

17.28.030 Conditional Uses: The following uses may be permitted by the Planning and Zoning Commission after public notice has been give by United States mail to all property owners within three hundred feet (300') of the property in question and a public hearing is held. The Planning and Zoning Commission may require appropriate safeguards and special condition as said Commission deems necessary. Such uses and buildings must be appropriately located and designed to meet a community need without adversely affecting the neighborhood.

A. All special uses permitted and regulated in an A Residential District (see Section 17.24.030 of this Title).

B. Neighborhood grocery store or convenience store serving the needs of the residents in the immediate area.

C. Convalescent homes, nursing homes and congregate homes.

D. Child care facilities. (Ord. 1204, 2002)

**E. Accessory Buildings in excess of four hundred (400) square feet in area, in excess of twelve feet (12') in height at its highest point.**

**Section 3.** Section 17.64.060 of the Payette Municipal Code, is hereby amended to add subsection (D.) to read as follows

17.64.060 Accessory Buildings:

A. Shall not be located in any required front yard setback area.

B. Shall not be located closer than eight feet (8') from any side or rear property line.

C. Any accessory building, including detached garages, over one hundred twenty (120) square feet in size shall require a building permit. (Ord. 1204, 2002)

**D. Must be compatible with the surrounding structures.**

**Section 4.** This Ordinance may be published in summary form allowed by Idaho Code.

**Section 5.** This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

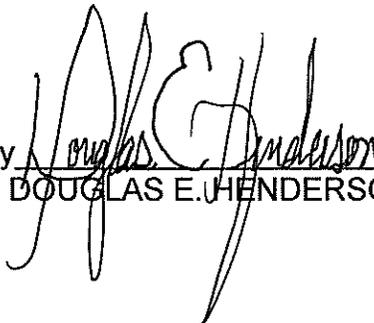
**Section 6.** Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

**Section 7.** 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.

**Section 8.** Any violation of this Ordinance shall be a misdemeanor punishable by up to a \$1,000.00 fine and six months in the Payette County Jail, or both. In addition to, or in lieu of, any criminal charges, the City shall be allowed to bring an action for enforcement or abatement of any inconsistent use. In any such action the City shall be allowed to recover all fees and costs.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 16<sup>th</sup> day of OCTOBER, 2006.

CITY OF PAYETTE, IDAHO

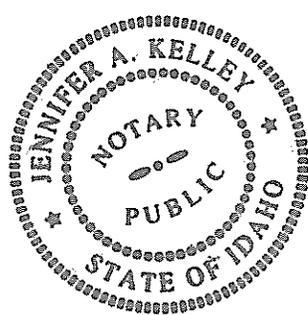
by   
DOUGLAS E. HENDERSON, Mayor

ATTEST:

  
Mary Cordova, City Clerk

State of Idaho                    )  
  ) ss.  
County of Payette                )

On this 16<sup>th</sup> day of October, in the year of 2006, before me Jennifer A. Kelley, a notary public, personally appeared MARY CORDOVA and DOUGLAS E. HENDERSON, personally known to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of the City of Payette in their official capacities as Mayor and City Clerk.



Jennifer Kelley  
Notary Public for Idaho  
Residing at: Payette Id  
Commission expires: 12-11-2008