

ORDINANCE 1204

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING TITLE 17 BY ADDING AND ALTERING DEFINITIONS; BY MOVING THE TOWNHOUSE DEVELOPMENT REGULATIONS FROM GENERAL REGULATIONS TO PERFORMANCE STANDARDS; BY DELETING THE TRANSITION ZONING SECTION AND PLACING IT IN GENERAL REGULATIONS; BY ESTABLISHING AN AGRICULTURAL TRANSITION ZONE; BY ESTABLISHING A DOWNTOWN COMMERCIAL DISTRICT; BY ESTABLISHING REGULATIONS TO GOVERN PLANNED UNIT DEVELOPMENTS; BY ESTABLISHING A PERFORMANCE STANDARDS SECTION; BY ESTABLISHING AN OFF-STREET PARKING AND LOADING FACILITY SECTION; BY DELETING THE BOARD OF APPEALS SECTION; BY ESTABLISHING A DEVELOPMENT AGREEMENTS SECTION; BY ESTABLISHING A VARIANCE PROCEDURES SECTION; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; ALLOWING FOR PUBLICATION BY SUMMARY; SETTING AN EFFECTIVE DATE.

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

SECTION 1. Title 17 of the Payette Municipal Code, which is also referred to as the Payette City Zoning Ordinance, is hereby amended as set out in Exhibit A which is attached hereto and incorporated hereat as if set out in full verbatim.

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 Any ordinances which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.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 remain in effect and shall constitute Ordinance 1204.

SECTION 4. This ordinance may be published by summary in accordance with the statues of the State of Idaho.

SECTION 5. 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 1st day of April, 2002.

CITY OF PAYETTE

BY Mark L. Heleker  
Mark Heleker, Mayor

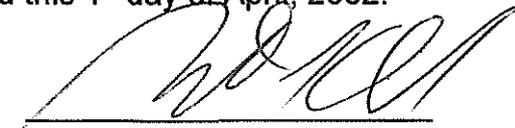
ATTEST: John P. Franks  
John P. Franks, City Clerk

## SUMMARY OF ORDINANCE 1204

Ordinance 1204 is an ordinance of the City of Payette, Idaho, adopted April 1, 2002. The ordinance may be descriptively known as the Payette City Zoning Ordinance. The ordinance amends Title 17 by adding and altering definitions; by moving the townhouse development regulations from General Regulations to Performance Standards; by deleting the transition zoning section and placing it in General Regulations; by establishing a Transitional Zone; by establishing a Downtown Commercial District; by establishing regulations to govern Planned Unit Developments; by establishing a Performance Standards section; by establishing an Off-Street Parking and Loading Facility section; by deleting the Board of Appeals section; by establishing a Development Agreement section; by establishing a Variance Procedures section; providing for severability and repealer; allowing for a publication by summary and setting an effective date upon passage and publication. The ordinance shall take effect immediately upon passage and publication.

I, Bert L. Osborn, City Attorney for the City of Payette, Idaho, certify that I am familiar with Ordinance 1204 of the City of Payette, Idaho, and with the foregoing summary. The summary is true and complete and provides adequate notice to the public. The full text is on file with the Payette City Clerk and shall promptly be made available to any citizen upon request.

Dated this 1<sup>st</sup> day of April, 2002.



Bert L. Osborn

## Title 17

### ZONING

#### Chapters:

- 17.04 General Provisions
- 17.08 Definitions
- 17.12 Regulations Generally
- 17.16 District Establishment and Zoning Map
- 17.20 ~~F~~ T Agricultural/Transitional District
- 17.24 A Residential Districts
- 17.28 B Residential Districts
- 17.32 C Commercial Districts
- 17.34 C-1 Commercial Districts - Downtown
- 17.36 ~~D Commercial Districts~~ C-2 Commercial Districts
- 17.40 ~~E Industrial Districts~~ I Industrial Districts
- 17.44 Planned Unit Development ~~F Unclassified District~~
- ~~17.52 Accessory Uses~~
- 17.56 Nonconforming Uses
- 17.60 Amendments
- 17.64 Performance Standards
- 17.68 Administration and Enforcement
- 17.72 Off Street Parking and Loading Facilities
- 17.76 Development Agreements
- 17.78 Variances

Chapter 17.04  
GENERAL PROVISIONS

Sections:

17.04.010 Short title.

17.04.020 To be interpreted as minimum requirements.

17.04.030 Scope.

17.04.010 Short title. This Title shall be known and may be cited as the "Zoning Title of the City."

17.04.020 To be interpreted as minimum requirements. In their interpretation and application, the provisions of this Title shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare.

To protect the public, among other purposes, such provisions are intended to provide for adequate light, pure air, safety from fire and other dangers, undue concentrations of population, and ample parking facilities.

17.04.030 Scope. It is not intended by this title to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or regulations, except those specifically repealed by this title; or with private restrictions placed upon property by covenant, deed or other private agreement; or with restrictive covenants running with the land to which the city is a party. Where this title imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this title shall prevail.

**Chapter 17.08**  
**DEFINITIONS**

**Sections:**

17.08.010	Generally	
17.08.020	Accessory use or building	
17.08.030	<del>Alley</del>	<u>Agriculture</u>
17.08.040	Alteration	<u>Airport</u>
17.08.050	Building	<u>Alley</u>
17.08.060	Building area	<u>Alteration</u>
<del>17.08.061</del>	<del>Condominium</del>	
17.08.070	Duplex	<u>Animal Hospital</u>
17.08.080	Dwelling	<u>Apartment Building</u>
17.08.090	Dwelling house	<u>Automobile Sales Lot</u>
17.08.100	<del>Dwelling, multiple-family</del>	<u>Automobile Service Station</u>
17.08.110	Dwelling unit	<u>Automobile Wrecking Yard</u>
17.08.120	Essential service	<u>Bed and Breakfast</u>
17.08.130	Family	<u>Buffer</u>
17.08.140	Family garden	<u>Building</u>
17.08.150	Garage, private	<u>Building Area</u>
17.08.160	Garage, public	<u>Building Official</u>
<del>17.08.161</del>	<del>Household pets</del>	
17.08.162	<u>Child Care Center</u>	
17.08.164	<u>Child Care, Family Home</u>	
17.08.166	<u>Child Care, Group</u>	
17.08.170	Junk	<u>Church</u>
17.08.180	Junkyard	<u>City</u>
17.08.190	Loading space	<u>City Clerk</u>
17.08.200	Lodginghouse	<u>Commission</u>
17.08.210	Lot	<u>Comprehensive Plan</u>
17.08.220	Lot, corner	<u>Conditional Use</u>
17.08.230	Lot, reversed corner	<u>Condominium</u>
<del>17.08.231</del>	<del>Mobile home</del>	
<del>17.08.232</del>	<del>Modular home</del>	
17.08.240	Multiple-family dwelling	<u>Council</u>
17.08.245	<u>Convenience Store</u>	
17.08.250	Nonconforming use	<u>Development</u>
17.08.260	Office, home	<u>Duplex</u>
17.08.270	Parking space	<u>Dwelling</u>
17.08.280	Retail shop	<u>Dwelling House</u>
17.08.290	Roominghouse	<u>Dwelling, multiple-family</u>
17.08.300	Setback	<u>Dwelling Unit</u>
17.08.310	Street	<u>Essential Service</u>
17.08.320	Structure	<u>Garden, Residential</u>
<del>17.08.321</del>	<del>Townhouses</del>	
17.08.330	Two-family duplex	<u>Garage, private</u>
17.08.340	Use	<u>Garage, public</u>
17.08.350	Yard	<u>Home Occupation</u>
17.08.360	Yard, front	<u>Household Pets</u>
17.08.370	Yard, rear	<u>Junk</u>
17.08.380	Yard, side	<u>Junkyard</u>
17.08.390	<u>Kennel Commercial</u>	
17.08.400	<u>Landscaping</u>	
17.08.410	<u>Livestock Confinement Operation (LCO)</u>	
17.08.420	<u>Loading Space</u>	
17.08.430	<u>Lot</u>	
17.08.440	<u>Lot, corner</u>	

<u>17.08.450</u>	<u>Lot, reversed corner</u>
<u>17.08.460</u>	<u>Manufactured Home</u>
<u>17.08.470</u>	<u>Manufactured/Mobile Home Park</u>
<u>17.08.480</u>	<u>Mobile home</u>
<u>17.08.490</u>	<u>Motel</u>
<u>17.08.500</u>	<u>Multiple-family dwelling</u>
<u>17.08.510</u>	<u>Nonconforming use</u>
<u>17.08.515</u>	<u>Nude, Nudity</u>
<u>17.08.520</u>	<u>Nursing home, Convalescent home</u>
<u>17.08.530</u>	<u>Parking space</u>
<u>17.08.540</u>	<u>Planned Unit Development</u>
<u>17.08.550</u>	<u>Planning Commission</u>
<u>17.08.560</u>	<u>Retail Shop</u>
<u>17.08.565</u>	<u>Roominghouse</u>
<u>17.08.570</u>	<u>Setback</u>
<u>17.08.580</u>	<u>Sign</u>
<u>17.08.590</u>	<u>Street</u>
<u>17.08.600</u>	<u>Structure</u>
<u>17.08.610</u>	<u>Townhouses</u>
<u>17.08.620</u>	<u>Two-family duplex</u>
<u>17.08.630</u>	<u>Use</u>
<u>17.08.640</u>	<u>Variance</u>
<u>17.08.645</u>	<u>Wrecking Yard</u>
<u>17.08.650</u>	<u>Yard</u>
<u>17.08.660</u>	<u>Yard, front</u>
<u>17.08.670</u>	<u>Yard, rear</u>
<u>17.08.680</u>	<u>Yard, side</u>
<u>17.08.690</u>	<u>Zoning Commission</u>
<u>17.08.700</u>	<u>Zoning Map</u>
<u>17.08.710</u>	<u>Zoning Ordinance</u>

17.08.010 Generally. For the purposes of this title, the following terms, phrases, words and their derivations shall have the meaning given in this chapter.

17.08.020 Accessory use or building. "Accessory use or building" is a subordinate use or building customarily incidental to and located on the same lot with the main use or building, and includes a family garden.

17.08.030 Agriculture "Agriculture" means tilling of soil, horticulture, raising crops, livestock, dairying, including all uses customarily accessory and incidental thereto; but excluding slaughterhouses and commercial feed lots.

17.08.040 Airport - "Airport" means any area of land or water, which is used or intended, for use by aircraft and including the necessary appurtenant structures of facilities located thereon.

17.08.050 Alley - "Alley" is any public space or thoroughfare twenty feet or less in width, but not less than ten feet in width, which has been dedicated or deeded to the public for public travel and which affords secondary access to abutting property.

17.08.060 Alteration - "Alteration" as applied to a building or structure is a change or rearrangement in the structural parts or in the exit or existing facilities; or is an enlargement, whether by extending on a side or by increasing in height; or is the moving from one location or position to another.

17.08.070 Animal hospital - "Animal hospital" means any building or portion thereof

designed or used for the care or treatment of cats, dogs or other animals.

17.08.080 Apartment Building - "Apartment Building" means multiple rooms or suite of rooms in a multiple-family structure which are arranged, designed or used as a single housekeeping unit which has complete kitchen and sanitary facilities permanently installed.

17.08.090 Automobile sales lot - "Automobile sales lot" means premises on which new and used passenger automobiles, trailers, motor homes or trucks in operating condition are displayed in the open for sale or trade, and where no repair or service work is done.

17.08.100 Automobile service station - "Automobile service station" means premises used primarily for the retail sale and delivery to the vehicle of motor vehicle fuel and of lubricating oil, tires and incidental vehicular accessories and providing vehicular lubrication and related services, including motor vehicle repairs and/or manual or automatic car washes.

17.08.110 Automobile wrecking yard - "Automobile wrecking yard" means any use of premises, excluding fully enclosed buildings, whereon more than two non-licensed motor vehicles not in operating condition are standing more than thirty (30) days or on which such used motor vehicles or parts thereof, are dismantled or stored.

17.08.120 Bed and Breakfast - "Bed and Breakfast" means a professionally run facility providing up to 16 rooms for temporary overnight accommodations, and where the owner-innkeeper is a resident on the property. A bed and breakfast provides breakfast for overnight guests, but does not provide a restaurant and/or bar. Exterior signage must conform with sign ordinances of that zone and area.

17.08.130 Buffer - "Buffer" means a strip of land designed to separate different uses and protect one land use from another. The protection is from noises, emissions, vies, or other activities not permitted in the protected zone. A buffer yard is normally landscaped and maintained as an open space. The term "may" be broadly used to describe an area that separates two different and separate districts.

17.08.140 Building - "Building" is a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property, including tents, lunch wagons, dining cars, camp cars, trailers and other roofed structures on wheels or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educations or recreational purposes. For the purposes of this definition "roof" includes an awning or other similar covering, whether or not permanent in nature.

17.08.150 Building area - "Building area" is the aggregate of the maximum horizontal cross section area of the main building on a lot, excluding corners, eaves, gutters or chimneys, steps, one-story open porches, balconies and terraces.

17.08.160 Building Official - "Building Official" means the officer or duly authorized representative or other designated authority charged with the administration and enforcement of the building code and any other codes dealing with building, adopted by the City of Payette.

17.08.162 Child Care Center - "Child care center" is a child care facility providing child care for over 12 children.

17.08.164 Child Care, Family Home - "Family child care home" is a child care facility providing for 6 or fewer children as an accessory use to residential uses.

- 17.08.166 Child Care, Group - "Group child care" is a child care facility for 7 to 12 children within the operator's residence or that is outside the operator's home.
- 17.08.170 Church - "Church" means a place where people congregate to worship on a regular basis which is not a residence or place of business.
- 17.08.180 City - "City" means the City of Payette.
- 17.08.190 City Clerk - "City Clerk" is defined in Chapter 2.12.
- 17.08.200 Commission - "Commission" means the City Planning and Zoning Commission. The Planning Commission is declared to also be the zoning commission of the City.
- 17.08.210 Comprehensive Plan - "Comprehensive Plan" means a compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the City of Payette and its environs, and defined in the Local Planning Act of 1976, and adopted through ordinance by the City of Payette.
- 17.08.220 Conditional Use - "Conditional use" means a permit to use a certain piece of land in a manner for which no right exists; i.e., the use would not comply with district regulation, but with the acquisition of a permit development may proceed, provided that the conditions of the permit are followed.
- 17.08.230 Condominium - "Condominium" is a structure containing separate living units, owned by persons having separate interests in said structure with a common interest in the real property upon which it is situated.
- 17.08.240 Council - "Council" means the City Council of the City.
- 17.08.245 Convenience Store - "Convenience Store" means a premises used for retail sale of motor vehicle fuel, vehicle accessories, fast food, grocery and dairy items.
- 17.08.250 Development - "Development" means any man-made change to improve or unimproved real estate, including but not limited to buildings or other structures, mining dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
- 17.08.260 Duplex - "Duplex" is a dwelling containing separate living units for two families that share a common wall, but have separate utility services and/or facilities for both.
- 17.08.270 Dwelling - "Dwelling" is a building designed or used as the living quarters for one or more families.
- 17.08.280 Dwelling house - "Dwelling house" is a detached house designed for and occupied exclusively as the residence of not more than one family.
- 17.08.290 Dwelling, multiple-family - "Dwelling, multiple-family" is a dwelling or group of dwellings on one lot containing separate living units for three or more families, but which may have joint services or facilities for all.
- 17.08.300 Dwelling unit - "Dwelling unit" is one or more rooms providing facilities for food preparation, sleeping, living and bathroom amenities.

17.08.310 Essential service - "Essential service" is the installation and erection or maintenance by public utilities or municipal departments or commissions of gas, electrical, steam or water transmission or distribution systems, and of collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety or general welfare.

17.08.320 Family Garden, Residential - "Residential garden" is that area of ground used for the production of agricultural and horticultural products for the use of the family residents occupying the premises, and which is not for sale or resale.

17.08.330 Garage, private - "Private garage" is a building or part thereof accessory to a main building which provides for the storage of automobiles and in which no occupation or business for profit is carried on.

17.08.340 Garage, public - "Public garage" is a building or part thereof, other than a private garage, for the storage of motor vehicles and in which service station activities may be carried on.

17.08.350 Home occupation - "Home occupation" means any gainful occupation engaged in by an occupant of a dwelling unit and meeting the requirements of 17.64.150.

17.08.360 Household pets - "Household pets" are limited to dogs, cats, fish, small animals and caged birds. Requests to harbor any other kind of pet shall be taken to the Planning and Zoning Commission before being introduced into the City.

17.08.370 Junk - "Junk" is any worn out, cast off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

17.08.380 Junkyard - "Junkyard" is the use of more than fifty square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk. A junkyard must comply with Section 17.64.200.

17.08.390 Kennel, Commercial - "Commercial Kennel" means any lot or premises on which three (3) or more domesticated animals are housed, groomed, bred, boarded, trained in return for compensation, or sold, and which may offer incidental medical treatment. This use is only allowed within the Area of City Impact with a Conditional Use Permit.

17.08.400 Landscaping - "Landscaping" shall include:

A. Plant material which includes the use of a mixture of ground covers, shrubs and trees in a variety of sizes. Preferences shall be given to the use of drought tolerant, low maintenance native species. Decorative "hard surface" materials such as but not limited to, volcanic rock, gravel or textured paving or "soft surfaces" such as, but not limited to, redwood bark or wood chips may be utilized to fill up to 40% of the required landscaped area.

B. Installation of street trees within the right-of-way may be required upon approval of species and location by the City.

C. Plant material will be selected to maintain sight or clear vision triangles at intersections.

- D. A method of piped irrigation shall be provided to each landscaped area.  
E. It shall be the responsibility of the owner or tenant for the on-going maintenance of all landscaping, once installed, which is to be kept in good condition and free from weeds, refuse and debris.  
F. A plan shall be submitted for approval to the City prior to development of the site.

17.08.410 Livestock Confinement Operation (LCO) - Any lot, corral, or facility where more than ten (10) animal units of livestock are confined, or stabled and fed, or maintained for a total of 180 days or more in any 12 month period; and on which crops, vegetation, forage growth or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Livestock shall be considered domesticated animals, poultry, rabbits and fur-bearing animals. Animal units shall be determined by the county standard.

17.08.420 Loading space - "Loading space" is an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

~~17.08.900 Lodginghouse - "Lodginghouse". See "roominghouse" which is defined in Section 17.08.520.~~

17.08.430 Lot - "Lot" is a parcel of land occupied or capable of being occupied by one building, and the accessory building or uses customarily incidental to it, including such open spaces as are required by this chapter.

17.08.440 Lot, corner - "Corner lot" is a lot ~~at the point of intersection~~ abutting on two or more intersecting streets, the angle of intersection being not more than one hundred thirty-five degrees. It is the land occupied or to be occupied by the corner building and its accessory buildings.

17.08.450 Lot, reversed corner - "Reversed corner lot" is a corner lot on which the building does not face the same street as the rest of the homes on that lot. ~~the rear of which abuts upon the side of another lot whether across an alley or not.~~

17.08.460 Manufactured Home - "Manufactured Home" means a structure, constructed according to the HUD/FHA manufactured/mobile home construction and safety standards, built after July 1, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401 et seq. A manufactured home must meet the siting conditions as specified in 17.64.80.

17.08.470 Manufactured/mobile home park - "Manufactured/mobile home park" means any area, tract, plot, or site of land, whereupon two or more manufactured/mobile homes are placed, located and maintained for dwelling purposes on a permanent or semi-permanent basis and for which a fee, rental or contract for payment for such use is collected by or payable to the person holding the land.

17.08.480 Mobile home - "Mobile home" is a detached single-family dwelling, designed to be transported after fabrication on its own wheels, flatbed or detached wheels, arriving at the site where it is to be occupied as a dwelling complete, after location on

permanent foundation support on its chassis frame, and hooked to all utilities as any built on-site house would be, as set out in 5.28.070, Section F of the Uniform Building Code. A mobile home must meet the siting standards as specified in 17.64.080.

17.08.490 Motel - "Motel" means a building, or group of buildings on the same premises whether detached or in connected rows, containing sleeping or dwelling units independently accessible from the outside, with garage space or parking space located on the premises and designed for, or occupied by, travelers. The term includes, but is not

limited to, any buildings or building groups designated as auto courts, motor lodges, tourist courts or by any other title or sign intended to identify them as providing lodging to motorists.

17.08.500 Multiple-family dwelling - See "dwelling, multiple family" which is defined in Section 17.08.290.

17.08.510 Nonconforming use - "Nonconforming use" is a building, structure or use of land existing at the time of the enactment of this title and which does not conform to the regulations of the district in which it is located. See Section 17.56.

~~17.08.260 Office, home - "Home office" is an office of professional person within the dwelling of such person and occupying not more than fifty percent of the area of the building and employing not more than one nonresident office of laboratory assistant.~~

17.08.515 Nude, Nudity - "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernible turgid state.

17.08.520 Nursing home, convalescent home - "Nursing home" or "Convalescent home" means a building housing any facility, however named, whether operated for profit or not, the purpose of which is to provide skilled nursing care and related medical services for two or more individuals suffering from illness, disease, injury, deformity or requiring care because of old age.

17.08.530 Parking space - "Parking space" is an area of not less than one hundred eighty, square feet (9' X 20'), net, exclusive of access or maneuvering area, ramps, or columns, to be used exclusively as a temporary storage space for one private motor vehicle. Truck loading and unloading space shall not be included in such area.

17.08.540 Planned Unit Development - An area of land in which a variety of residential, commercial and industrial uses develop under single ownership or control. Accommodated in a pre-planned environment with more flexible uses than those restrictions that would normally apply under these regulations and which are detailed in Section 17.44.

17.08.550 Planning Commission - The Planning /Zoning Commission for the City is a quasi-judicial board appointed by the mayor and confirmed by the Council. Responsibilities of the Planning Commission are detailed in Payette City Code 2.52.

17.08.560 Retail shop - "Retail shop" is a building or portion of a building in a residential district constructed in the style of a residence and used for the sale of merchandise or services to the ultimate consumer and so used only upon special permit of the Planning and Zoning Commission.

17.08.565 Roominghouse. "Roominghouse" is any dwelling for hire in which more than three persons, either individually or as families are housed or lodged, with or without

meals. A boardinghouse, lodging house or furnished roominghouse shall be deemed a roominghouse.

17.08.570 Setback - "Setback" is the line between the property line and the line upon which a structure may be erected, as designated in each zoning district. No structures may occupy the space between the property line and the setback line. ~~street line or lot line no building or other structure or portion thereof, except as provided in this title, may be erected above the grade level.~~ The setback line is considered a vertical surface intersecting the ground on such line.

17.08.580 Sign - "Sign" means any structure or natural object such as a tree, rock, bush and the ground itself, or part thereof or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, word, model banner, flag, pennant, insignia, device or representation used as, or which is in the nature of announcement, direction or advertisement. For the purpose of this definition, the word sign does not include the flag, pennant or insignia of any nation, state, city or other political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement or event.

~~17.08.310 Street~~ - "Street" is a public thoroughfare more than twenty four feet in width which has been dedicated or deeded to the public for public use and which affords a principal means of access to abutting property:

~~17.08.580 Street~~ - "Street" means any street, avenue, boulevard, road, lane, parkway, place, viaduct, easement for access, or other way which is an existing state, county, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law, or approved by official action and includes the land between street lines; whether improved or unimproved and may comprise pavement, shoulders, gutters, sidewalks, parking areas, and other areas within the right-of-way.

- ~~(a) Street: A thoroughfare which has been dedicated or abandoned to the public and accepted by property public authority, or a thoroughfare not less than 50 feet wide which has been made public by right of use and which affords the principal access to the abutting property, and/or provides vehicular circulation.~~
- ~~(b) Street, Major Arterial: An existing or proposed street which is intended to serve as a major traffic way with controlled access.~~
- ~~(c) Street, Minor Arterial: An existing or proposed street which is intended to serve as a major traffic way with direct access from lots discouraged.~~
- ~~(d) Street, Major Collector: A street which is intended to provide some access to lots and mainly to provide transportation routes from local streets to major collector or arterioles.~~
- ~~(f) Street, Local: A street which is intended to provide access to lots and serve the needs of a neighborhood.~~
- ~~(g) Street, Marginal Access: A street which is parallel to and adjacent to a major arterial street which provides access to abutting properties and protection form through traffic.~~
- ~~(h) Street, Minor Terminal: A local street which is terminated with a cul-de-sac and which is not intended to go through or connect with other streets.~~

17.08.590 Street - "Street" means any street, avenue, boulevard, road, lane, parkway, place, viaduct, easement for access, or other way which is an existing state, county, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law, or approved by official action and includes the land between street lines, whether improved or unimproved, and may comprise of pavement, shoulders, gutters, sidewalks, parking areas, and other areas within the right-of-way.

"Street" also means a thoroughfare which has been dedicated or granted to the

public and accepted by proper public authority, or a thoroughfare not less than 56 feet wide which has been made public by right of use and which affords the principal access to the abutting property, and/or provides vehicular circulation.

Street, Arterial - "Arterial Street" means a street with a high level of traffic mobility and a low level of access to land. Arterial streets are found most commonly on the section lines and require an 80' right of way with a 47' improved surface.

Street, Collector - "Collector street" means a street with a medium level of traffic mobility and medium level of access to land. Collectors street require a 70' to 90' right of way with a 41' improved surface.

Dead-end street - "Dead-end street" means a street connecting to another street at one end only.

Street, frontage - "Frontage, Street" means a minor street designated as an industrial street by the Council. It is the primary purpose of an industrial street to provide for traffic movement in an industrial area.

Street, loop - "Loop street" means a minor street that forms a loop and returns to the same street from which it originated. A street forming a connection between two (2) other streets is not considered a loop.

Street, Local - "Local street" means a street that is intended to provide access to lots and serve the needs of a neighborhood. Local streets require a 56' right of way and a 37' improved surface.

Street, partial - "Partial street" means a dedicated right of way that provides only a portion of the required street width.

17.08.600 Structure - "Structure" is anything constructed or erected which requires location on the ground or attachment to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.

17.08.610 Townhouses - A "townhouse" is a structure containing separate living units requiring no setback side lines between contiguous units, having separate utility connections, and is owned by a person or persons having divided interests in said structure including the real property upon which it is situated.

17.08.620 Two-family duplex - See "duplex" defined in Section 17.08.260.

17.08.630 Use - "Use is the purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

17.08.640 Variance - "Variance" provides a device which grants a property owner relief from certain provisions of this Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in an undue hardship upon the owner as distinguished from mere inconvenience.

17.08.645 Wrecking Yard - "Wrecking Yard" is an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard.

17.08.650 Yard - "Yard" is an open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided in this title.

17.08.660 Yard, front - "Front yard" is an open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the street line and the front line of the building, projecting on the side lines of the lot.

17.08.670 Yard, rear - "Rear yard" is an open, unoccupied space on the same lot with the main building, between the rear line of the building and the rear line of the lot, which extends the full width of the lot.

17.08.680 Yard, side - "Side yard" is an open, unoccupied space on the same lot with the main building, situated between the building and the side line of the lot, which extends from the front yard to the rear yard.

17.08.690 Zoning Commission - "Zoning Commission" means the planning commission.

17.08.700 Zoning map - "Zoning map" means the map incorporated into this title designating the use district zones.

17.08.710 Zoning Ordinance - The City of Payette Zoning Ordinance.

**CHAPTER 17.12**  
**REGULATIONS GENERALLY**

**Sections:**

- 17.12.010 Buildings and land-Use or construction-Conformity required generally
- 17.12.020 Buildings and land-Yard size and families per building restrictions
- 17.12.030 Buildings--Separate yard, court or open space required
- ~~17.12.040 Townhouse development regulations~~
- 17.12.040 Survey and establishment of property corners
- 17.12.050<sup>60</sup> Lots in business or industrial districts adjacent to residential districts
- 17.12.060<sup>70</sup> Mixed residential and business or industrial frontage
- 17.12.070<sup>80</sup> Garage entrances and exits
- 17.12.080<sup>90</sup> Private lots and driveways abutting residential district
- 17.12.090<sup>100</sup> Reversed corner lot abutting residential district
- 17.12.100<sup>110</sup> Single units
- 17.12.110<sup>120</sup> Lots in a residential district adjacent to a business or industrial district
- 17.12.120<sup>130</sup> Occupancy Standards

*lots in  
two districts  
parking*

17.12.010 Buildings and land-Use or construction-Conformity required generally. No building, structure or premises shall be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged or altered except in conformity with the regulations in this Title specified for the district, as shown on the Official Map, in which it is located.

17.12.020 Buildings and land-Yard size and families per building restrictions. Except as provided in this Title, no building, structure or premises shall be erected, altered or used so as to produce smaller yards or less unoccupied acres than prescribed by the setback restrictions of the district in which built, and no building shall be occupied by more families than prescribed for such building, structure or premises for the zone in which it is located.

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 structure shall be less than twenty feet (20') in width or twenty feet (20') in length.

The following structures shall be excluded from the minimum length and width requirement as prescribed herein; ~~of Ordinance 988~~: Architectural projections, porches, canopies, balconies, platforms, carports, patios, covered patios, belfries, cupolas, ventilators, chimneys, 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 this code.

~~17.12.040 Townhouse development regulations. A town-house as defined by Section 17.08.321 of the Payette Municipal Code, in addition to any other limitations set by any zoning or subdivision requirements in the zone in which the structure may be built, shall be subject to the following restrictions:~~

- ~~A. Minimum lot size shall be three thousand (3,000) square feet.~~
- ~~B. Minimum lot width shall be thirty five feet (35')~~
- ~~C. Minimum intersecting street setbacks shall be twenty five feet (25') from the property line.~~
- ~~D. Minimum front yard setback shall be twenty five feet (25') from the front property line.~~
- ~~E. Minimum side yard setback shall be eight feet (8') from the side.~~
- ~~F. Minimum rear yard setback shall be fifteen feet (15') from the rear property line.~~
- ~~G. A minimum of two (2) off-street parking spaces shall be provided on each lot.~~
- ~~H. The maximum number of contiguous townhouses shall be four (4).~~

~~I. The maximum height on any townhouse shall be two (2) stories high.  
J. There shall be either, a sufficient open space for the storage of at least one recreational vehicle (RV) in the rear of each lot which shall have either front access by recorded easement or; a separate designated area large enough to store at least one recreational vehicle (RV) for each townhouse in the complex.  
Townhouses in the City shall be required to meet the same fire and safety codes that are required for all new structures built within the City. (Ord. 1084 §§ 1, 2, 1994).~~

17.12.040 Survey and establishment of property corners. Before any person may apply for, or receive, a building permit, variance, a conditional use permit or any other zoning or use permit which involves the locating, varying, changing, moving or altering of lot lines or corners, or for new construction or for major exterior changes which alter the outside dimensions of a structure, the person seeking the permit shall provide a survey by a licensed surveyor in which the lot lines or boundaries and corners have been established as a matter of record. At the time of application and inspection, the surveyor shall have visibly staked the lot lines and corners.

17.12.050 Lots - Lots in two districts. Where a district boundary line, as established in this Title or as shown on the Zoning Map, divides a lot which was in single ownership and of record at the time of the effective dates of the ordinances codified in this Title, the least restrictive district shall apply to the entire lot. The use so extended shall be deemed to be conforming.

17.12.060 Lots in business or industrial districts adjacent to a residential district – adherence to residential yard requirements. Where a lot in a business or industrial district abuts a lot in a residential district, there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district.

17.12.070 Mixed residential and business or industrial frontage – residential yard depth required. Where the frontage on one side of a street between two (2) intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth in the business or industrial district shall be equal to the required front depth of the residential district.

17.12.080 Garage entrances and exits – minimum distance requirement from residential district. No public or private garage for more than five (5) motor vehicles shall have an entrance or exit for motor vehicles within sixty feet (60') of a residential district.

17.12.090 Parking lots and driveways abutting residential 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 three feet (3') high and not more than six feet (6') 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 districts.

17.12.100 Reversed corner lot abutting residential district – minimum rear yard requirement. In the case of a reversed corner lot, where the rear of a lot is in a commercial or industrial district, there shall be a rear yard of not less than twenty five feet (25'); provided, that where a public alley separates the rear of the lot in the commercial or industrial district and the side of the lot in any residential district, no rear yard shall be required.

17.12.110 Single units – Single units in a residential district shall have no accessory building built without first constructing a primary residential structure. There shall be only one primary structure built on any one lot.

17.12.120 Lots in a residential district adjacent to a business or industrial district – least restricted use permissible. The first residentially zoned lot having a side yard adjacent to any commercial or industrial district may be utilized in accordance with the use requirements of the next least restricted residential zone; provided, that the area, height and other restrictions of the zone in which it is located are met. In addition, any single adjacent structure located or built upon the first sixty feet (60') of such a residentially zoned lot with a side yard adjoining a commercial or industrial district may be used for offices for groups of doctors, dentists, architects, engineers or attorneys; clinics with private dispensaries; and insurance, institutional and real estate offices. In addition, such other semi-commercial uses as determined by the Commission to be of similar character are permitted. Such structure or use must comply with the area, height and other restrictions of the zone in which it is located.

17.12.130 Occupancy standards – Within a single residence, no more than 2 persons per habitable room shall reside. Habitable room shall be defined as excluding hallways, kitchens and bathrooms.

**Chapter 17.16**  
**DISTRICT ESTABLISHMENT AND ZONING MAP**

**Sections:**

- 17.16.010 District division generally--Zoning map adoption by reference.
- 17.16.020 Rules for boundary interpretation.
- 17.16.030 District division designated.

**17.16.010 District division generally-Zoning map adoption by reference.**

- A. For the purposes of this title, the city is divided into districts as provided in this title.
- B. The use districts for parcels of land located within the city are classified and reclassified as shown on a map entitled "the zoning map of the city of Payette," on file in the office of the city clerk and identified by approving signatures of the mayor and clerk, which map, with all explanatory matter thereon, shall be deemed to accompany, be, and is made a part of this title. No building or premises shall be used and no building shall be erected except in conformity with the regulations and ordinances of the city prescribed for the use district in which it is located.

**17.16.020 Rules for boundary interpretation.** Where uncertainty exists with respect to the boundaries of any of the districts as shown on the zoning map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following the centerline or street line of streets, the centerline or alley line of alleys, or the centerline or right-of-way line of highways, such lines shall be construed to be such district boundaries.
- B. Where district boundaries are so indicated that they are approximately parallel to the centerline of street lines of streets, the centerlines or alley lines of alleys, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.
- C. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.
- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- E. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be construed to be at the limit of the jurisdiction of the city, unless otherwise indicated.
- F. All areas within the corporate limits which are underwater and are not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.
- G. Any areas shown on the zoning map as a park, play-ground, school, cemetery, water, street or right-of-way, shall be subject to the zoning regulations of the district in which they are located. In case of doubt, the zoning regulations of the most restricted adjoining district shall govern.
- H. In every case where property has not been specifically included within a district, or where territory has become a part of the City by annexation, the same shall automatically be classed as lying and being in the A Residential District until such classifications have been changed by an amendment to this Title as provided by law.
- I. Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then be subject to all regulations of the extended districts.

17.16.030 District Division Designated.

A. The City is divided into ~~six (6)~~ seven (7) use districts, which shall be known, in the order of restrictiveness, beginning with the most restrictive as:

1. ~~F Unclassified~~      T - Agricultural/Transitional
2. A Residential
3. B Residential
4. C Commercial;
5. C-1 Commercial - Downtown
6. ~~D Commercial~~      C-2 Commercial
7. ~~E Industrial~~      I-Industrial

## CHAPTER 17.20

### TRANSITION ZONING

#### Sections:

~~17.20.010 Lots In Two Districts.~~

~~17.20.020 Lots In Residence Zone Adjacent To Business Or Industrial Zone--Least Restricted Use Permissible.~~

~~17.20.030 Lots In Business Or Industrial Districts Adjacent To Residential Zone--Adherence To Residential Yard Requirements~~

~~17.20.040 Mixed Residential And Business Or Industrial Frontage--Residential Yard Depth Required.~~

~~17.20.050 Garage Entrances And Exits--Minimum Distance Requirement From Residential District.~~

~~17.20.060 Parking Lots And Driveways Abutting Residence District--Wall Or Fence Required--Glareless Lighting Required.~~

~~17.20.070 Reversed Corner Lot Abutting Residential District--Minimum Rear Yard Requirement.~~

~~17.20.010 Lots in two districts. Where a district boundary line, as established in this Title or as shown on the Zoning Map, divides a lot which was in single ownership and of record at the time of the effective dates of the ordinances codified in this Title, the use thereon and the other district requirements apply to the least restricted portions of such lot under this Title shall be considered as extending to the entire lot; provided, that the more restricted portion of such lot is entirely within sixty feet (60') of said dividing district boundary line. The use so extended shall be deemed to be conforming.~~

~~17.20.020 Lots in residence zone adjacent to business or industrial zone--Lease restricted use permissible. The first residentially zoned lot having a side yard adjacent to any C or D district may be utilized in accordance with the use requirements of the next least restricted residential zone; provided, that the area, height and other restrictions of the zone district in which it is located are met. In addition, any single adjacent structure located or built upon the first sixty feet (60') of such a residentially zoned lot with a side yard adjoining a C or D district may be used for offices for groups of doctors, dentists, architects, engineers or attorneys; clinics with private dispensaries; and, insurance, institutional and real estate offices. In addition, such other semi-commercial uses as determined by the Board of Appeals to be of similar character are permitted. Such structure or use must comply with the area, height and other restrictions of the zone in which it is located. (Prior Code § 11-3-1(B)).~~

~~17.20.030 Lots in business or industrial districts adjacent to residential zone--Adherence to residential yard requirements. Where a lot in a business or industrial district abuts a lot in a residential district, there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district. (Prior Code § 11-3-1(C)).~~

~~17.20.040 Mixed residential and business or industrial frontage--Residential yard depth required. Where the frontage on one side of a street between two (2) intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth in the business or industrial district shall be equal to the required front depth of the residential district. (Prior Code § 11-3-1(D)).~~

~~17.20.050 Garage entrances and exits--Minimum distance requirement from residential district. No public or private garage for more than five (5) motor vehicles shall have an entrance or exit for motor vehicles within sixty feet (60') of a residential district. (Prior Code § 11-3-1(E)).~~

~~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 residence district so as to abut the side or rear line of a lot in a residence district, a solid masonry wall or a substantial, sightly fence, not less than four feet (4') high and not more than seven feet (7') 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 residence buildings or residence districts. (Prior Code § 11-3-1(F))

~~17.20.070--Reversed Corner Lot Abutting Residential District--Minimum Rear Yard Requirement.~~ In the case of a reversed corner lot, where the rear of a lot in a C or D District abuts upon the side of a lot in any residential district, there shall be a rear yard of not less than twenty five feet (25'); provided, that where a public alley separates the rear of the lot in the C or D District and the side of the lot in any residential district, no rear yard shall be required. (Prior Code § 11-3-1(G))

**CHAPTER 17.20**  
**F-AGRICULTURAL/ T-TRANSITIONAL DISTRICT**

Sections:

<u>17.20.010</u>	<u>Purpose</u>
<u>17.20.020</u>	<u>Permitted uses</u>
<u>17.20.030</u>	<u>Conditional uses</u>
<u>17.20.040</u>	<u>Area and Location Requirements</u>
<u>17.20.050</u>	<u>Building and Use Restrictions</u>
<u>17.20.060</u>	<u>Accessory Uses</u>
<u>17.20.070</u>	<u>Off-street parking requirements</u>

17.20.010 Purpose. The purpose of the T Transitional district is to protect a country type lifestyle while the area is transitioning from agricultural to urban type uses. The uses protected are gardening, family recreation and the keeping of a limited number of livestock and poultry. Lots must be large enough to offer a country lifestyle without imposing upon neighboring properties. The minimum lot size is 2-1/2 acres and should be planned in such a manner to allow other lots to be incorporated as density increases into residential A&B. Building location must be such that water and sewer facilities can be easily installed to provide access to each lot, without affecting surrounding properties adversely.

17.20.020 Permitted uses. The following are allowed in the T district:

A. Agriculture, not including livestock confinement operations (LCO's). Livestock and poultry shall be allowed on all properties exceeding one acre in size following the guideline of one animal unit per half-acre of productive fenced pasture. One animal unit shall mean the following:

- One cow or
- One horse or
- Three sheep or
- 25 Poultry

These numbers do not include offspring younger than six (6) months of age. Swine and goats are not allowed.

Other animals - Other animals may only be permitted by Conditional Use Permit

Buildings housing horses and other usual farm animals shall not be located closer than fifty feet (50') from any dwelling other than the dwelling on the property.

B. Golf Course;

C. Single-family dwelling as regulated in the A-Residential district with the exception that the minimum lot size for such use shall be 108,900 square feet (two and one-half acres);

D. Garden or plant nursery, selling only produce or plants, the major portion of which is raised on the premises, and excluding any use injurious, noxious or offensive to the neighborhood.

E. Accessory uses to any uses permitted in the district

F. Municipal Facilities

17.20.030 Conditional uses. The following uses may be permitted by the Planning and Zoning Commission after public notice has been given by regular mail to all property owners within three hundred feet (300') of the property in question at the expense of the applicant, after publication and public hearing. Any permit issued shall contain such safeguards and special conditions as the Commission deems necessary. Such uses and buildings must be appropriately located, designed and meet a community need without adversely affecting the neighborhood.

- A. Commercial kennel, animal hospital;
- B. Public utility installation;
- C. Public building, hospital or church;
- D. Schools; Private, Commercial and public;
- E. Truck and Tractor and Engine Repair
- F. Riding Stables and Schools
- G. Home Occupations
- H. Day Child Care Facilities
- I. Agricultural buildings
- J. Temporary buildings as necessary for construction purposes for a period not to exceed one year.

The City may determine other uses to be similar to those listed above.

17.20.040 Area and location requirements:

A. Height regulations. Any building or structure or portion thereof hereafter erected which is not of an agricultural nature, shall not exceed twenty feet in height unless a greater height is approved by conditional use permit.

B. Setback requirements. The following are setback requirements for the T zone:

- 1) Front yard. No building or structure shall be erected nearer than thirty feet of the street-side property line.
- 2) Side Yard. No building shall be erected closer than ten feet to any side property line, except corner lots shall maintain a thirty foot side yard adjacent to the street which intersects the street upon which the building fronts.
- 3) Rear Yard. There shall be a rear yard having a depth of not less than twenty-five feet.
- 4) Area requirements. The minimum lot area shall be 108,900 square feet (two & one-half acres).

17.20.050 Building and Use Restrictions

A. Corner Clearance. Within the area formed by the lines of intersecting streets or roadways and a sight line joining points on such lines thirty (30) feet distant from their point of intersection, or in the case of a rounded corner, the point of intersection of their tangents, no structure or foliage shall be maintained between a height of three (3) feet and height of (8) feet above the plane through the curb, street or roadway grades whichever is the highest.

B. Projections. Nothing herein shall prevent the projection of steps, eaves, cornices, masonry fireplaces, windowsills or belt courses into any required yard.

17.20.060 Accessory uses. Accessory uses are permitted.

17.20.070 Off-street parking requirements. The off-street parking requirements for the T-zone are referred to in Chapter 17.72.

**Chapter 17.24**  
**A RESIDENTIAL DISTRICTS**

Sections:

- 17.24.010 Construction Or Use--Compliance Required.
- 17.24.020 Permitted Uses.
- 17.24.030 Conditional uses
- 17.24.040 Area And Location Requirements.
- 17.24.050 Building And Use Restrictions.
- 17.24.060 Off Street Parking Requirements.

17.24.010 Construction Or Use-Compliance Required. Except as otherwise provided in this Title, no main building or premises in an A Residential District shall be erected, altered, used, arranged or designed to be used, in whole or part, for uses other than set forth in this Chapter and unless they comply with all the provisions set forth in this Chapter.

17.24.020 Permitted Uses. The following are permitted in A Districts:

- A. One-family dwellings;
- B. Two-family dwellings;
- ~~C. Townhouses;~~ Municipal Facilities

17.24.030 Conditional Uses - The following uses may be permitted by the Planning and Zoning Commission after public notice has been given by U.S. 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 conditions 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.

- 1. Schools; private, commercial and public,
- 2. Churches,
- 3. Libraries,
- 4. Fire stations,
- 5. Parks and buildings for same,
- 6. Playgrounds and buildings for same,
- 7. Condominiums and townhouses,
- 8. Tri-plexes,
- 9. Day Child care facilities
- 10. Home Occupations,
- 11. Buildings of more than two (2) stories, except public or semipublic,
- 12. Bed and Breakfasts,

B: Yard Sales: Sales of personal property owned by the occupant, limited to three (3) sales periods each year, each period not to exceed forty-eight (48) hours. Written notice of the sale and sale permit shall be obtained at the Public Safety Department prior to the sale of property. No signs are to be placed upon utility poles or other public property.

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 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 fifty five from the street center line, 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 (75') feet of frontage onto a public street unless it is a corner lot, which shall have at least eighty five (85) feet of frontage onto a public street.

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

17.24.050 Building and use restrictions.

A. The roofs of buildings shall not project to within four feet (4') of the side property line.

B. If garages open on side streets, they shall be at least ten feet (10') from the side property line, and, if the opening is on an alley, the setback shall be eight feet (8') from the property line.

C. No building of more than two (2) stories, except public ~~or semipublic~~ shall be permitted except by approval of the ~~Board of Appeals~~: Planning and Zoning Commission.

D. No permanent signboards of any kind shall be permitted.

~~E. Single family dwellings shall provide at least two (2) off-street parking areas, and multiple dwellings shall provide at least two (2) off-street parking areas for each dwelling unit. Buildings permitted shall provide parking facilities required by the Board of Appeals.~~

F. No animals, other than household pets, shall be permitted.

G. Sidewalks shall be constructed in all residential areas either adjacent to street curbs or set back away from the curb so the outer edge of the sidewalk lies adjacent to the property line. The Planning and Zoning Commission shall designate which option may be utilized. If the sidewalk is set back from the curb, a planting strip shall be maintained between the sidewalk and street curb. A planting strip is an area between a curb and sidewalk which is landscaped or maintained as a lawn.

H. All dwelling units shall be at least twenty feet (20') in width and forty feet (40') in length.

17.24.060 Off-street parking requirements. The off-street parking requirements for the A-Residential zone are referred to in Chapter 17.72.

**Chapter 17.28**  
**B RESIDENTIAL DISTRICTS**

**Sections:**

17.28.010	Construction Or Use--Compliance Required
17.28.020	Permitted Uses
17.28.030	<u>Conditional Uses</u>
17.28.040	<u>Location Requirements</u>
17.28.050	Building area and use restrictions
17.28.060	<u>Off street parking requirements</u>

17.28.010 Construction Or Use-Compliance Required. Except as otherwise provided in this Title, no main building or premises in a B Residential 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 unless they comply with all the provisions set forth in this Chapter.

**17.28.020 Permitted Uses.**

A. Permitted uses in the B Residential Districts are as follows:

1. All uses permitted in A Residential District, Section 17.24.020.
2. Multiple-family dwellings.
3. Boardinghouses; Bed and Breakfasts
4. ~~Lodginghouses~~
5. ~~Baby homes;~~
6. ~~Convalescent homes; Nursing Homes~~ and Assisted Living Homes
7. ~~Sanitariums~~ Boardinghouses
8. ~~Old peoples' homes~~
9. Hospitals;
10. Home Occupations offices
11. Dancing schools
12. ~~All other uses permitted and as regulated in an A Residential District.~~
12. Child Care Facility Municipal Facilities

**17.28.030 Conditional Uses - The following uses may be permitted by the Planning and Zoning Commission Board of Appeals after public notice has been given by U.S. 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 Board deems necessary. Such uses and buildings must be appropriately located and designed to meet a community need without adversely affecting the neighborhood.**

- 1) All special uses permitted and regulated in an A Residential District see 17.24.030.
- 2) Neighborhood grocery store or convenience store serving the needs of the residents in the immediate area.
- 3) Convalescent homes, nursing homes and congregate homes
- 4) Child Care Facilities

17.28.040 **Building Location requirements** - Requirements for location of buildings in A Residential Districts shall be applicable to the location of buildings in B Residential Districts.

- 1) Minimum lot size shall be as follows:
  - a) Multi-family housing - thirty-five hundred (3,500) square feet per living unit.
  - b) Single-family home - seven thousand (7,000) square feet. six-

thousand (6,000) square feet  
c) Corner lots for single family homes - eight thousand (8,000) square feet.

17.28.050 Building area and use restrictions

A. ~~Single family dwellings shall provide at least two (2) off-street parking areas, and multiple dwellings shall provide at least two (2) off-street parking areas for each dwelling unit. Other Buildings permitted shall provide parking facilities required by the Board of Appeals. Chapter 17.72.~~

B. ~~Signboards~~ Billboards of not more than eight (8) square feet may be permitted. Signs for home occupations shall be regulated by Section 17.64.150.

C. One (1) horse, or three (3) sheep or one (1) cow with calf may be maintained on the lot, provided there is at least twenty one thousand eight hundred (21,800) square feet of fenced irrigated pasture area for the animals and the landowner obtains a permit from the City Council Planning and Zoning Commission 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, pursuant to Section 17.28.030 the ~~City~~ City Planning and Zoning Commission may further limit or expand the number of animals which may be kept. Swine and goats are prohibited.

D. ~~Except as otherwise stated in the Section, buildings and use restrictions applicable in A Residential Districts shall be applicable in B Residential Districts.~~

17.28.060 Off-street parking requirements. The off-street parking requirements for the B Residential Districts are referred to in Chapter 17.72.

**Chapter 17.32**  
**C COMMERCIAL DISTRICTS**

**Sections:**

- 17.32.010 Construction Or Use-Compliance Required
- 17.32.020 Permitted Uses
- 17.32.030 Conditional Uses
- 17.32.040 Area and location requirements
- 17.32.050 Building and use restrictions generally
- 17.32.060 Landscaping requirements
- 17.32.070 Off street parking requirements

17.32.010 Construction or use - compliance required. Except as otherwise provided in this Title, no main building or premises in a C-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 unless they comply with all the provisions set forth in this Chapter.

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. Mortuaries, funeral homes, undertaking parlors;
12. Telephone exchanges;
13. Stores, retail and wholesale;
14. Garages, private and public;
15. Assembly halls;
16. Lodge halls;
17. Public Transportation Depots;
18. Automobile sales rooms;
19. Service stations & convenience stores;
20. Repair shops;
21. Dry-cleaning and laundry establishments;
22. Carpenter shops;
23. Motels
24. Municipal Facilities

17.32.030 Conditional Uses - The following uses may be permitted by the Planning and Zoning Commission after public notice has been given by U.S. 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 conditions 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.

1. Residential use directly connected to the business including but not excluding motel residences, security housing, office/residence set-ups. Such residences shall meet all standards for residences as specified in the B Residential District.
2. Mobile Manufactured home parks. Because of increased residential density in a mobile manufactured home park, commercial uses allowed in commercial zones will not be permitted within a mobile manufactured home park.
3. Uses permitted in A Residential Districts and in B Residential Districts.
4. Light manufacturing, which is not dangerous or offensive on account of dust, gas or smoke and noise.
5. Warehouses used for storage of merchandise that is sold at retail on the premises to the ultimate consumer, excluding mail-order warehouses.
6. Warehouses used for storage of personal property not intended for sale.
7. Churches
8. Dance Halls
9. Drinking establishments that serve beer, wine or liquor for on-site consumption.

17.32.040 Area and Location Requirements

- 1) Setback required when. No setback shall be required except where buildings are constructed adjacent to a street of less than sixty feet (60') in width, in which case buildings shall be constructed no closer than thirty five feet (35') from the centerline of the street. Landscaping shall cover five percent (5%) of the lot or ten feet (10') deep along any street frontage, whichever is less. Delivery service areas of twenty (20) feet in width in the rear or side may be required.
- 2) Minimum lot size - There shall be no minimum lot size in the C Commercial District.

17.32.050 Buildings and use restrictions generally.

- A. No window or door while in an open position or during opening shall project into any street or alley.
- B. For each five thousand (5,000) square feet of floor space, one off-street loading zone of at least three hundred (300) square feet shall be provided on the property.
- C. For all business or commercial use permitted in C commercial District built after the effective date of this ordinance, the minimum number of off-street parking areas required are ~~shall be determined by both the Planning Commission and the City Council~~ delineated in Chapter 17.72 of this code.

17.32.060 Landscaping Requirements - Whenever a building or structure is constructed after the effective date of this Ordinance the City of Payette Landscaping Ordinance shall be complied with unless such structure is located within the downtown core and such requirements cannot be met due to lot size or configuration. Whenever a building or structure existing prior to the effective date of this ordinance is enlarged to the extent of fifty per cent (50%) or more in floor area, by 399 square feet or more, number of employees, or by 50% or more in the number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the City of Payette Landscaping Ordinance unless such structure is located within the C-1 zoning district and such requirements cannot be met due to lot size or configuration.

17.32.070 Off Street Parking Requirements - The off-street parking requirements are referred to in Chapter 17.72.

**CHAPTER 17.34**  
**C-1 COMMERCIAL DISTRICT - DOWNTOWN**

Sections:

- 17.34.010 Construction or Use - Compliance required
- 17.34.020 Permitted uses
- 17.34.030 Conditional uses
- 17.34.040 Area and location requirements
- 17.34.050 Buildings and use restrictions generally
- 17.34.060 Off-street parking requirements
- 17.34.070 District Boundaries

17.34.010 Construction or Use - Compliance required. Except as otherwise provided in this Title, no main building or premises in a C-1 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 unless they comply with all the provisions set forth in this Chapter.

17.34.020 Permitted Uses

A. Permitted uses in the C-1 Commercial District areas follows:

- 1) All uses allowed in a C Commercial District
- 2) Residential use with Conditional Use Permit

17.34.030 Conditional Uses - The following uses may be permitted by the Planning and Zoning commission after public notice has been given by U.S. 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 conditions 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.

- 1) All conditional uses as allowed in a C-Commercial District.
- 2) Residential Use
- 3) Drinking Establishments that serve beer, wine or liquor for on-site consumption.

17.34.040 Area and Location Requirements

1) Setback required when - No setback shall be required except where buildings are constructed adjacent to a street of less than sixty feet (60') in width, in which case buildings shall be constructed no closer than thirty-five feet (35') from the centerline of the street. Landscaping shall cover five percent (5%) of the lot or ten feet (10') deep along any street frontage, whichever is less. Delivery service areas of twenty feet (20') in width in the rear or side may be required.

2) Minimum lot size - There shall be no minimum lot size in the C-1 Commercial District.

17.34.050 Buildings and use restrictions generally

A. No window or door while in an open position or during opening shall project into any street or alley.

B. For each five thousand (5,000) square feet of floor space, one off-street loading zone of at least three hundred (300) square feet shall be provided on the property.

C. For all business or commercial use permitted in C-1 Commercial District built after the effective date of this ordinance, the number of off-street parking areas required are determined by both the Planning Commission and the City Council delineated in Section 17.72 of this code.

17.34.060 Off-street parking requirements. The off-street parking requirements for the C-1 zone are referred to in Chapter 17.72.

17.34.070 District Boundaries. The boundaries for the C-1 zone extend from Third Avenue North to Kiwanis Park and from Seventh Street to Ninth Street.

**Chapter 17.36**  
**C-2 COMMERCIAL DISTRICTS**

Sections:

- 17.36.010 Construction or use--Compliance required.
- 17.36.020 Permitted uses.
- 17.36.030 Conditional uses
- 17.36.040 Area and location requirements
- 17.36.050 Building and use restrictions generally
- 17.36.060 Landscaping requirements
- 17.36.070 Off street parking requirements

17.36.010 Construction or use--Compliance required. Except as otherwise provided in this Title, no main building or premises in a C-2 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 unless they comply with all the provisions set forth in this Chapter.

17.36.020 Permitted uses. Permitted uses in the C-2 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;~~ Municipal Facilities
- G. Laundries and dry-cleaning establishments;
- H. Lodge halls;
- I. Lumberyards;
- J. ~~Stage depots~~ Public transportation 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 the major portion of the product is not sold on the premises to the ultimate consumer.

17.36.030 Conditional Uses - The following uses may be permitted by the Planning and Zoning Commission after public notice has been given by U.S. 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 conditions 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. Manufactured home parks.
- B. Residential Uses, any permitted residential use shall meet the residential standards as specified in the B Residential zone regulations.
- C. Fuel Yards.
- D. Drinking establishments that serve beer, wine or liquor for on-site consumption.

17.36.040 Area and Location Requirements

Setback required when - No setback shall be required except where buildings are constructed adjacent to a street of less than sixty feet (60') in width, in which case buildings shall be constructed no closer than forty feet (40') from the centerline of the street. Landscaping shall cover five percent (5%) of the lot or ten feet (10') deep along any street frontage, whichever is less. Delivery service areas of twenty (20) feet in width in the rear or side may be required.

Minimum lot size - There shall be no minimum lot size in the C-2 Commercial District.

17.36.050 Building and use restrictions generally.

A. No window or door while in an open position or during opening shall project into any street or alley.

B. For each six thousand (6,000) square feet of floor space, two (2) off-street loading zones of at least three hundred fifty (350) square feet each shall be provided on the property. In addition, for each ten thousand (10,000) square feet of open shed or yard used for storage, one loading zone of at least three hundred fifty (350) square feet shall be provided on the property. All other parking requirements are addressed in Chapter 17.72.

C. Location and size of curb cuts and driveways shall be approved by the ~~Board of Appeals~~ City Council; provided, however, that any curb cut or driveway greater than twelve feet (12') in width will be permitted only if public parking space is provided within three hundred feet (300') equal to the number of parking spaces removed from public use by such curb cut or driveway.

D. All uses permitted in C Commercial Districts shall be allowed in C-2 Commercial Districts; provided, however, that C-2 Commercial Districts shall be primarily for the purposes of commerce or industry.

17.36.060 Landscaping Requirements

Whenever a pre-existing structure is enlarged by fifty per cent (50%) or more in floor area, 399 square feet or more, number of employees, or by 50% or more in the number of housing units, seating capacity or otherwise, said building or structure shall comply with section 17.08.400.

17.36.070 Off-street parking requirements. The off-street parking requirements for the C-2 Commercial Districts are referred to in Chapter 17.72.

**Chapter 17.40**  
**I - INDUSTRIAL DISTRICTS**

Sections:

- 17.40.010 Construction or use--Compliance required.
- 17.40.020 Permitted uses.
- 17.40.030 Conditional Uses
- 17.40.040 Area and location requirements
- 17.40.050 Building and off street parking plans - ~~Board of Appeals~~ Planning Commission review and approval required
- 17.40.060 Landscaping Requirements
- 17.40.070 Off-street parking requirements

17.40.010 Construction or use--Compliance required. Except as otherwise provided in this Title, no main building or premises in an I Industrial 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 Permitted uses. Premises shall be used and occupied by structures used primarily for industrial purposes, including the following:

A. Agricultural industry as follows:

1. Poultry processing,
2. Egg processing,
3. Feed stores and feed manufacturing,
4. Creameries,
5. Flour mills and elevators,
6. Fruit and vegetable processing,
7. Fruit and vegetable packing,
8. Canneries,
9. Sugar processing;

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,
9. Truck terminals,
10. Warehouses,
11. Municipal Facilities

C. Other industry that either does not have objectionable noises, odors or refuse; provided, however, that other such industries may be permitted by the ~~Board of Appeals~~ Planning Commission under appropriate safeguards and such special conditions as said ~~Board~~ Commission deems necessary;

D. Any uses permitted in C Commercial Districts: provided, however, that the primary purpose of the I Industrial District shall be for ~~commercial~~ industrial purposes as set forth in this Section.

17.40.030 Conditional Uses -Any industrial use not defined under permitted uses within this section may be permitted by the Planning and Zoning commission after public notice has been given by U.S. 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 conditions 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.

1. Bulk petroleum products, storage plant industry, autos, mechanical and wrecking where confined to buildings and fenced premises.
2. Nude and semi-nude establishments

17.40.040 Area and Location Requirements

1) Setback required when - No setback shall be required except where buildings are constructed adjacent to a street of less than sixty feet (60') in width, in which case buildings shall be constructed no closer than forty feet (40') from the centerline of the street. Landscaping shall cover five percent (5%) of the lot or ten feet (10') deep along any street frontage, whichever is less. Delivery service areas of twenty (20) feet in width in the rear or side may be required.

2) Minimum lot size - There shall be no minimum lot size in the industrial district.

17.40.050 Building and off-street parking plans - Planning Commission review and approval required

A. All building plans shall be subject to review and approval by the ~~Board of Appeals~~ Planning Commission and City Council with a view to maximum utilization of property and with a full use of property.

B. Plans for off-street parking shall be reviewed by the ~~Board of Appeals~~ Planning Commission and be subject to its approval. Requirements shall be in conformance with Chapter 17.72.

17.40.060 Landscaping Requirements

Whenever a pre-existing structure is enlarged by fifty per cent (50%) or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall comply with section 17.08.400.

17.40.070 Off street parking requirements. The off-street parking requirements for the E-Industrial District are referred to in Chapter 17.72.

**Chapter 17.44**  
**PLANNED UNIT DEVELOPMENT**

Sections:

<u>17.44.010</u>	<u>Intent</u>
<u>17.44.020</u>	<u>Validity</u>
<u>17.44.030</u>	<u>Compliance</u>
<u>17.44.040</u>	<u>Site Area</u>
<u>17.44.050</u>	<u>Land Use</u>
<u>17.44.060</u>	<u>Arrangement of Commercial Uses</u>
<u>17.44.070</u>	<u>Facilities</u>
<u>17.44.080</u>	<u>Landscaping</u>
<u>17.44.090</u>	<u>Arrangement of Manufacturing Use</u>
<u>17.44.100</u>	<u>Independent</u>
<u>17.44.110</u>	<u>Utilities</u>
<u>17.44.120</u>	<u>Streets</u>
<u>17.44.130</u>	<u>Public Facilities</u>
<u>17.44.140</u>	<u>Application Requirements</u>

17.44.010 Intent - The intent of a Planned Unit Development (PUD) is to permit greater flexibility in the development of residential, commercial, or manufacturing uses or some combination thereof, than is generally possible under the regulations for the various use districts. It is further intended to provide a harmonious variety of uses, a higher level of amenities, and the preservation of natural qualities and open space. A (PUD) may be located in any area of the City subject to the following standards and the approval of the Planning Commission and City Council.

17.44.020 Validity - When examining a PUD proposal, the Planning Commission shall determine:

- A. That the development promotes clustering of individual lots;
- B. That the design of the development provides economies in the provisions of roads and other public improvements.

17.44.030 Compliance - In addition to compliance with the goals and objectives of this Ordinance and those set forth in the Comprehensive Plan, an applicant for PUD approval shall additionally demonstrate:

- A. The desirability of a PUD over a traditional subdivision in the specific instance in which the concept is intended to be used.
- B. That the PUD shall be so located with respect to major streets and highways or other transportation facilities, as to provide direct access to the development without creating traffic burdens along minor streets in residential, commercial, or industrial districts outside said PUD and,
- C. That, upon completion, the PUD shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems and other utility systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location degree, scale, or timing resulting in higher net public cost or earlier incursion of public cost than would develop in a form generally permitted in the district.

17.44.040 Site Area - A PUD shall contain a site area of not less than:

- A. Three (3) acres for residential development;
- B. Ten (10) acres for residential use with subordinate commercial or light manufacturing uses;
- C. Five (5) acres for commercial development; and
- D. Ten (10) acres for industrial and manufacturing development.

17.44.050 Land Use - In a residential PUD, commercial and manufacturing uses shall be distinctly subordinate to the residential use and shall be oriented to the provision

of goods and services to the residents of the development. Approval for such a combination of uses shall be withheld until buildings permits have been granted for at least fifty per cent (50%) of the dwelling units.

17.44.060 Arrangement of Commercial Uses - When PUD's include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections.

17.44.070 Facilities - The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

17.44.080 Landscaping - All areas designed for future expansion or not intended for immediate improvement or development shall comply with section 17.08.400.

17.44.090 Arrangement of Manufacturing Use - PUD's may include manufacturing uses if it can be shown that the development results in a more efficient and desirable use of land.

A. Manufacturing uses and parcels shall be developed utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks and/or outdoor storage of raw materials or products. A planned manufacturing area shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned manufacturing area in order to reduce through traffic.

B. If the project is located adjacent to any residential uses, a buffer yard consisting of trees, shrubs or fences may be required. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

17.44.100 Independent - A PUD shall be essentially independent and contained. It shall be physically disassociated from surrounding properties with different uses. Terrain orientation of streets and highways, woods, or rivers may serve to create such a disassociation.

17.44.110 Utilities - Underground utilities, including telephone and electrical systems are required within the limits of the PUD.

17.44.120 Streets - The arrangement, type, extent, width, grade, and location of all streets within the PUD shall conform to the City of Payette design standards and shall be further considered in relation to;

A. Traffic conditions on existing streets

B. Topographical conditions

C. Public convenience and safety

D. Circulation patterns within the boundaries of the development;

E. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.

17.44.130 Public Facilities - A PUD may include site availability for needed public services not otherwise provided for. Such provisions may include, but are not limited to, school sites, utilities, and parks and recreation areas.

17.44.140 Application Requirements - A PUD shall comply with the provisions established in this Ordinance having reference to the form and presentation of preliminary and final plat. In addition, the following information shall be submitted.

- A. Description of open space, recreational facilities, roads and other facilities proposed to be under common ownership.
- B. A copy of any proposed covenants.
- C. Proposed type (s) of ownership (s) upon completion of development
- D. A copy of the community association agreement, describing provisions to assure permanence of open space and other facilities held in common ownership
- E. A development plan which calls for a development time of eighteen (18) months or less for street and utility improvements, and outlines a schedule of the completion time for required public improvements; and includes a plan on the financial mechanism to construct and to continue to fund the upkeep of these improvements. The City reserves the right to require financial guarantees of these improvements per Payette City Code 16.28.020(C).
- F. Such additional information as may have been required as a result of the preplat conference or information deemed necessary by the Planning Commission or City Engineer.

**Chapter 17.52**  
**ACCESSORY USES**

**Sections:**

~~17.52.010 — Permissible if customary — Determination by Board of Appeals~~

~~17.52.010 — Permissible if customary — Determination by Board of Appeals. Any accessory use customarily incidental to a use authorized in a district shall be permitted as an accessory use. The Board of Appeals shall determine the applicability of this Chapter to any proposed accessory use.~~

**CHAPTER 17.56  
NONCONFORMING USES**

17.56.010	Existing structures, buildings and land--Continuance permissible when
17.56.020	Unsafe buildings or structures
17.56.030	Buildings or structures--Restrictions on alterations
17.56.040	Extensions
17.56.050	Changes prohibited
17.56.060	Restoration permissible when
17.56.070	Wear and tear repair permissible when
17.56.080	Abandonment--Return prohibited
17.56.090	Extension for purposes of displacement prohibited
17.56.100	Junkyards and wrecking yards--Zoning changes--Enclosures required when
17.56.110	Unlawful use not authorized
<del>17.56.120</del>	<del>Certificate of nonconforming use.</del>
17.56.130	Applicability to district boundary changes
17.56.140	<u>Procedure designated</u>

17.56.010 Existing structures, buildings and land--Continuance permissible when. The lawful use of any building, structure or land existing at the time of the enactment of the provision in this title may be continued although such use does not conform with the provisions of this chapter, provided the conditions of this chapter are met.

17.56.020 Unsafe buildings or structures. Nothing in this title shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

17.56.030 Buildings or structures--Restrictions on alterations. A nonconforming building or structure may be altered, improved, or reconstructed provided such work is not to an extent exceeding in aggregate cost ~~seventy-five~~ sixty percent of the assessed value of the building or structure, unless the building or structure is changed to a conforming use.

17.56.040 Extensions. A nonconforming use shall not be extended, but the extensions of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of the provisions in this title shall not be deemed the extension of such nonconforming use.

17.56.050 Changes prohibited. No nonconforming building, structure or use shall be changed to another nonconforming use. (Prior code § 11-4-1(A)(4)).

17.56.060 Restoration permissible when. Nothing in this title shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or act of God, subsequent to the effective date of the provisions codified in this chapter, wherein the expense of such work does not exceed sixty percent of the actual value of the building or structure at the time such damage occurred.

17.56.070 Wear and tear repair permissible when. Nothing in this title shall prevent the reconstruction, repairing or rebuilding of a nonconforming building, structure or part thereof, existing at the effective date of the provisions in this title, rendered necessary by wear and tear, deterioration or depreciation; provided, that the cost of such work shall not exceed twenty-five percent of the assessed value of such building or structure at the time such work is done, nor shall it prevent compliance with the provisions of this code.

17.56.080 Abandonment--Return prohibited. A nonconforming use of any building or premises which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned:

- A. When the intent of the owner to discontinue the use is apparent; or,
- B. When the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one year, unless other facts show intention to resume the nonconforming use; or
- C. When it has been replaced by a conforming use; or,
- D. When it has been changed to another use under permit from the Planning and Zoning Commission
- E. When the use has been discontinued for a period of 90 days.

17.56.090 Extension for purposes of displacement prohibited. No nonconforming use shall be extended to displace a conforming use.

17.56.100 Junkyards and Wrecking yards--Zoning changes--Enclosures required when. No junkyard or automobile wrecking yard not within an enclosed masonry building and not within a heavy industrial or unrestricted industrial district shall be operated or maintained for more than six months after a zoning change to a use district within which such yard is not permitted; except, that in a light industrial district, where the Planning and Zoning Commission determines that it is impractical to roof over a large area containing junk material or an automobile wrecking yard, the Commission may permit the construction around such area of a seven-foot-high masonry wall or substantial slightly tight or semitight fence, whichever in its opinion is the more appropriate in the surroundings of the property, and may then permit, for a specified time, the continued use of such property for such purposes.

17.56.110 Unlawful use not authorized. Nothing in this title shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of the provisions of this title.

~~17.56.120 Certificate of nonconforming use. A. Within six months from the effective date of the provisions codified in this title, the board of appeals shall issue a certificate of nonconforming use to all owners of property, the use of which does not conform to the provisions of the use zone in which the property is located.~~  
~~B. In accordance with the provisions of this chapter no use of land, buildings or structures shall be made other than that specified on the certificate of nonconforming use, unless said use is in conformity with the provisions of the use zone in which the property is located.~~  
~~C. A copy of each certificate of nonconforming use shall be filed with the office of the clerk. No permit or license shall be issued to any property for which a certificate of nonconforming use has been issued until said permit or license has been approved by the board of appeals.~~

17.56.130 Applicability to district boundary changes. Whenever the boundaries of a district are changed so as to transfer an area from one district to another district of a different classification, the provisions of this chapter shall also apply to any nonconforming uses existing therein.

17.56.140 Procedure designated

- A. The Council may, from time to time, on its own motion, or on petition or on recommendation of the Planning Commission, amend, supplement or repeal the regulations and provisions of this Title.
- B. Every such proposed amendment or change, whether initiated by the Council or by petition, shall be referred to the Planning Commission for a report thereon before the public hearing provided for in subsection C of this Section.
- 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 (15) days prior to the hearing in the newspaper of general circulation within the City. The notice shall state the general nature of the proposed amendments.
- D. An amendment or rezoning may be initiated by a petition of interested property owners

for rezoning of any land to a less restricted district; provided, that said land is adjacent to or directly across a street or alley from property which is already zoned in the same or less restricted zone as that to which said property is proposed to be zoned.

**Chapter 17.60  
AMENDMENTS**

Sections:

17.60.010 Procedure Designated

A. The Council may from time to time, on its own motion, or on petition or on recommendation of the Planning Commission, amend, supplement or repeal the regulations and provision of this Title.

B. Every such proposed amendment or change, whether initiated by the Council or by petition, shall be referred to the Planning Commission for report thereon before the public hearing provided for in subsection C of this Section.

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 (15) 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.

D. An amendment or rezonng may be initiated by a petition of interested property owners or authorized agents of such owners for rezoning of any land to a less restricted district; provided, that said land is adjacent to or directly across a street or alley from property which is already zoned in the same or less restricted zone as that to which said property is proposed to be zoned.

CHAPTER 17.64  
BOARD OF APPEALS

Sections

- ~~17.64.010 — To fall under purview of Planning Commission~~
- ~~17.64.020 — Power and duties generally~~
- ~~17.64.030 — Interpretation authority~~
- ~~17.64.040 — Special permits - Issuance~~
- ~~17.64.050 — Granting variances - Procedure~~
- ~~17.64.060 — Actions - Appeal procedure~~
- ~~17.64.070 — Notice and publication~~
- ~~17.64.080 — Hearing officer~~

~~17.64.010 — To fall under purview of Planning Commission. The Planning Commission for the City shall serve as the Board of Appeals and shall prescribe rules for the conduct of its affairs when sitting as such Board of Appeals.~~

~~17.64.030 — Interpretation authority. Upon appeals from a decision by an administrative official, the Board of Appeals shall decide any question involving the interpretation of any provision of this Title, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.~~

~~17.64.040 — Special permits - Issuance. The Board of Appeals shall issue special permits for any of the uses for which this Title requires the obtaining of such permits from the Board of Appeals, or for the extension of a building or use as such existed at the time of the adoption of the provisions in this Title into a contiguous, more restricted district for a distance not exceeding sixty feet (60'), but not for any other purpose. In granting any special permit, the Board shall prescribe any conditions that it deems to be necessary to or desirable for the public interest; however, no such special permit shall be granted by the Board of Appeals unless it finds that the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will be in harmony with the general purpose of this Title. In determining its findings, the Board shall take into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in such buildings or such land, the traffic conditions in the vicinity.~~

~~17.64.050 — Granting variances - Procedure~~

~~A. The Board of Appeals shall have the power to vary or adapt the strict application of any of the requirements of this Title in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable; however, no variance in the strict application of any provision of this Title shall be granted by the Board of Appeals unless it finds:~~

- ~~1. There are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this Title would deprive the applicant of the reasonable use of such land or building;~~

~~2. The granting of the variance will be in harmony with the general purpose and intent of this title, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in determining its findings, shall take in account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity;~~

~~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 passed by a majority vote, each of which shall contain a full record of the findings of the Board in the particular case. 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 of their recommendation concerning each variance heard under the provisions of this Title.~~

~~C. No action of the Board shall be taken on any case (except routine approval of applications) 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 (7) days prior to such hearing at the front door of 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 (15) days prior to the date of such proposed hearing in such manner as the Board may, but its rules, prescribe. There shall be publication providing notice of the hearing fifteen (15) days prior to the hearing in a newspaper of general circulation within the City.~~

#### ~~17.64.060 — Actions — Appeal procedure~~

~~A. Any person aggrieved by any action of the Board of Appeals may appeal from such action by filing with the City Clerk a notice of appeal within ten (10) days from the decision of said Board. Such notice of appeal shall state the portion or portions of such decision being appealed from and the relief being sought.~~

~~B. Upon receiving and filing such notice of appeal, the City Clerk shall notify the Board of Appeals and all papers in connection therewith shall be forthwith transmitted to the City Clerk.~~

~~C. At the next regular Council meeting following the filing of such notice of appeal, the Council shall set a date for hearing the appeal, which date shall not be more than sixty (60) days from such regular Council meeting.~~

~~D. Notice of such hearing shall be given to the appellant and such other persons as may be directed by the Council and in the manner directed by the Council.~~

~~E. The hearing shall be conducted in such manner as the Council may prescribe.~~

~~F. The decision of the Council shall be by resolution adopted by a vote of a majority of those Councilman present, the Mayor voting only in case of a tie. The resolution shall state grounds upon which the decision shall be based and any conditions imposed.~~

#### ~~17.64.070 — Notice and publication. — Notice of all public hearings held by either the City Council or the City Planning and Zoning Commission shall be given as follows:~~

~~A. Notice of time, place and purpose of each public hearing held by the Council or by the Commission shall be given by publication in a newspaper of general circulation in the County at least fifteen (15) days prior to such hearing. All information required in the notice shall be given by the applicant to the City Clerk, the City Zoning Administrator or the Building Official, who shall publish the notice and deliver said notice by regular U.S. Mail to each property owner who resides within three hundred (300') of the affected property and whose name and address appears on the list accompanying such application. When a site~~

specific notice is required to be given to two hundred (200) or more property owners or residents, as an alternate form of procedure, the administrator shall order a second publication to be completed at least fifteen (15) days prior to the public hearing. The notice shall give the date, time and place of hearing, the name of the applicant, the relief sought, identification of the property, and such other facts as may be prescribed by the Council. B. In any public hearing, the presiding officer may order the hearing to be continued by publicly announcing the time and place of continuance, and no further notice thereof shall be required.

17.64.080 — Hearing officer. The Mayor or the Planning and Zoning Commission chairman may conduct the public hearing or may appoint another to act as a hearing officer to conduct any public hearing. Any hearing officer shall have authority to appoint a sergeant at arms to maintain necessary order and may prescribe and enforce such rules as may be necessary to maintain order and decorum during the public hearing. The hearing officer shall have authority to swear witnesses, may set a time limit of not less than three (3) minutes per speaker and set the order of testimony. The officer may order the removal of any person who is intentionally and repeatedly disrupting any public hearing.

**CHAPTER 17.64**  
**PERFORMANCE STANDARDS**

Sections

<u>17.64.010</u>	<u>General</u>
<u>17.64.020</u>	<u>Conversion of Dwelling to More Units</u>
<u>17.64.030</u>	<u>Temporary Buildings</u>
<u>17.64.040</u>	<u>Parking and Storage of Certain Vehicles</u>
<u>17.64.050</u>	<u>Provisions for Commercial and Industrial Uses</u>
<u>17.64.060</u>	<u>Accessory Building</u>
<u>17.64.070</u>	<u>Animal Clinic, Animal Hospital, Veterinary Office and Commercial Kennel</u>
<u>17.64.080</u>	<u>Manufactured Home Placement</u>
<u>17.64.090</u>	<u>Mobile Home Placement</u>
<u>17.64.100</u>	<u>Bulk Storage of Flammable Liquids and Gases</u>
<u>17.64.110</u>	<u>Chemicals, Pesticide and Fertilizer Storage and Manufacturing</u>
<u>17.64.120</u>	<u>Contractors Yard</u>
<u>17.64.130</u>	<u>Drive-In Commercial Facilities</u>
<u>17.64.140</u>	<u>Filling, Grading, Lagooning, Dredging, or Other Earth Moving Activities</u>
<u>17.64.150</u>	<u>Home Occupations</u>
<u>17.64.160</u>	<u>Manufactured Home/Recreational Vehicle Parks</u>
<u>17.64.170</u>	<u>Outdoor Storage of Commercial and Industrial Materials</u>
<u>17.64.180</u>	<u>Riding Stables and Schools</u>
<u>17.64.190</u>	<u>Rifle and Pistol Ranges</u>
<u>17.64.200</u>	<u>Wrecking Yard and Junk Yard</u>
<u>17.64.210</u>	<u>Landfills, Recycling Centers, Incinerators, Compost Operators, and other Solid Waste Disposal Facilities</u>
<del><u>17.64.220</u></del>	<del><u>Firearms Usage</u></del>
<u>17.64.220</u>	<u>Railroad Cars/Motor Vehicle Cargo Containers</u>
<u>17.64.230</u>	<u>Townhouse Development Regulations</u>

17.64.010     General - The purpose of these Performance Standards is to set specific conditions for various uses. In addition to all other regulations specified in this Ordinance, the following provisions shall be adhered to.

17.64.020     Conversion of Dwellings to More Units - A residence may not be converted to accommodate an increased number of dwelling units unless:  
A. The yard dimensions will meet the yard dimensions required by the zoning regulations for new structures in that district.  
B. The lot area per family equals the lot area requirements for new structures in that district.  
C. The conversion is in compliance with all other relevant codes and ordinances.

17.64.030     Temporary Buildings - Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work may only be permitted in any zone during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. In a residential district of the City this use shall be limited to 120 days. Storage of such facilities or equipment beyond the completion date of the project shall require a Conditional Use Permit authorized by the City.

17.64.040     Parking and Storage of Certain Vehicles - No inoperable and/or unregistered vehicles of any kind or type shall be parked or stored on any residential property other than in a carport, completely enclosed building or a licensed junk an enclosed yard that is not visible to the neighbors.

17.64.050     Provisions for Commercial and Industrial Uses - No land or structure in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas

or adjoining premises, except that any use permitted by this ordinance may be undertaken and maintained if safeguards are employed which will reduce dangerous and objectionable conditions to acceptable limits as set out herein.

A. Fire Hazards - Any activity involving the use or storage of flammable or explosive materials, including hazardous materials, should be protected by adequate fire fighting and fire protection equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as specific in the Uniform Fire Code and the National Safety Foundation publications.

B. Radioactivity or Electrical Disturbance - No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

C. Noise - Noise that is audible from 50 feet or greater from the source. Air-raid sirens or fire sirens and related apparatus used solely for public purposes are exempt from this requirement, as are noises attendant to ordinary agricultural operations.

D. Vibration - No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.

E. Air Pollution - Air pollution shall be subject to the rules and regulations established by the Southwest District Health Department, its successor, the State of Idaho or the United States of America.

F. Glare - No direct or reflected glare shall be permitted which is visible from any property outside an industrial-commercial zone or from any street.

G. Erosion - No erosion, caused by human instrumentalities, shall be permitted which will carry objectionable substances onto neighboring properties.

H. Enforcement Provisions - The City, prior to the issuance of a Building Permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

I. Measurements Procedures - Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures by the Southwest District Health Department.

#### 17.64.060 Accessory Building

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 and twenty (120) square feet in size shall require a building permit.

17.64.070 Animal Clinic, Animal Hospital, Veterinary Office Commercial Kennel - Shall be located at least three hundred feet (300') from any residence including motels and hotels, except for an owner's residence. The City may modify these requirements if the animals are housed in soundproof structures that screen them from view of the abutting residential property.

17.64.080 Manufactured Home Placement - Manufactured homes meeting the following standards may be sited on single family lots within the City limits. Manufactured home does not include recreational vehicles.

A. The manufactured home shall be a double-wide.

B. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter unless located within a floodplain, which causes compliance with the City floodplain standards as referenced in Chapter 15.36.

C. The manufactured home shall have a pitched roof of no less than three feet (3') in height for each twelve feet (12') in width.

D. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on

residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings.

E. Additions to a manufactured home shall be of compatible construction using like materials.

F. Only one manufactured home may be placed on any single lot.

17.64.090 Mobile Home Placement

A. No mobile home may be placed on a single-family lot within the city limits of the City after the effective date of this ordinance unless it meets the rehabilitation standard as specified in Title 44 of the Idaho Code and also meets the siting standards of a manufactured home as stated in Section 17.64.080. Mobile homes do not include recreational vehicles.

B. Neither mobile homes, manufactured homes nor recreational vehicles shall be placed on any lot in any district to provide housing which is in addition to the primary residential structure.

17.64.100 Bulk Storage of Flammable Liquids and Gases, Above Ground and For Resale

A. Shall be located at least three hundred feet (300') feet from a residence, motel, or hotel, except for an owner's residence.

B. Shall be erected only with the written approval of the Payette Department of Public Safety and with any other governmental agency having jurisdiction.

C. Shall have suitable loading and unloading spaces and off-street parking facilities meeting the approval of the Payette Department of Public Safety.

17.64.110 Chemicals, Pesticide and Fertilizer Storage and Manufacturing - Will have adequate fire protection, storage area, handling and disposal as approved in writing by the Payette Department of Public Safety.

17.64.120 Contractors Yard

A. Shall be located a minimum distance of three hundred feet (300') from any residence except for an owner's residence.

B. Shall have a vision-screening fence around areas utilized for storage of equipment and demolition material.

17.64.130 Drive-In Commercial Facilities

A. Shall be enclosed within the property lines and landscaping and fencing, except for ingress and egress, to prevent trash from moving onto other properties.

B. Shall have a six foot (6') high sight obscuring fence along the property lines that adjoin a residence.

C. Shall provide for adequate trash receptacles; and

D. Lighting shall be positioned so that artificial lighting is directed inward towards the lot and does not shine directly on surrounding property.

17.64.140 Filling, Grading, Lagooning, Dredging, or other Earth Moving Activities

A. Shall take place in such a manner as to result in the smallest amount of bare ground exposed for the shortest time feasible.

B. Shall provide temporary ground cover, such as mulch.

C. Shall use diversions, silting basins, terraces and other methods to trap sediment. D. Shall provide lagooning in such a manner as to avoid creation of fish trap conditions.

E. Shall not result in damage to a floodway, channel or natural drainage way.

F. Shall construct and stabilize side and bottom of cuts, fills, channels and artificial watercourses to prevent erosion or slope failure.

G. Shall not have below grade excavation except for drainage ways within fifty feet (50') of any lot line or public right of way.

H. Shall restore topsoil or loam to a depth of not less than six inches (6").

17.64.150 Home Occupations

A. No more than one (1) person other than members of the family residing on the premises shall be engaged in such occupation. In an A Residential District, no non-family employees are allowed.

B. The use of the dwelling unit or garage for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty percent (20%) of the floor area of the dwelling unit or garage shall be used to conduct the home occupation.

C. There shall be no change in the outside appearance of the building premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, indirectly illuminated and mounted flat against the wall of the principal building except in an A Residential District in which no sign is allowed.

D. No significant traffic shall be generated by such home occupation and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance, and shall not be located in a required front yard.

E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable off of the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

17.64.160 Manufactured Home/Recreational Vehicle Parks - Shall be allowed in Districts B and C by conditional use permit, but only when such parks are constructed and maintained in accordance with Payette City Code 5.28.

17.64.170 Outdoor Storage of Commercial and Industrial Materials

A. Will be screened from view from any existing adjoining residence or residentially zoned area, whether or not such property is separated by an alleyway or street.

B. Will not be located in any front yard setback area.

17.64.180 Riding Stables and Schools

A. Will locate all stables or loafing sheds not nearer than three hundred feet (300') from any residence, except for owner's residence. All facilities shall be set back a minimum distance of thirty feet from any property line.

B. Will be designed and located with full consideration being given to their proximity to adjacent uses and their effect upon adjacent and surrounding properties as to the storage of horse trailers and the factors of noise and odor.

C. Will require that the owner or operator of such use shall have a continuous obligation to maintain adequate housekeeping practices to prevent the creation of a nuisance.

17.64.190 Indoor Rifle and Pistol Ranges

A. Shall be designed with a backstop.

B. Shall be designed to avoid a line of fire that is directed towards any residence or business within one (1) mile.

C. Shall incorporate landscaping that is compatible with the surrounding landscaping.

D. Shall provide supervision and security measures during all periods of use.

17.64.200 Wrecking Yard and Junk Yard

A. A solid fence blocking the view of the yard from outside the yard meeting the terms of this ordinance and kept in good repair shall be constructed parallel to and ten feet (10') behind the right-of-way line of any public street or highway for any auto wrecking yard and salvage yard. Said fence shall be constructed along the entire premises devoted to such auto wrecking or salvage yard, and shall be constructed within one year (1) from the effective date of this ordinance.

B. Materials used and details of construction must be approved by the Planning and Zoning Commission. The decision of the Planning Commission shall be guided by the need to preserve and protect the scenic and aesthetic values of the surrounding area, and to protect property value.

C. Shall not store automobiles or junk in a manner exceeding the fence height.

D. Shall have such landscaping that is appropriate with the surrounding area.

E. Shall have a current, valid license from the City to operate a junkyard.

F. Shall be in compliance with Chapter 17.56.100.

17.64.210 Landfills, Recycling Centers, Incinerators, Compost Operators, and other Solid Waste Disposal Facilities - The Planning Commission may grant a conditional use permit for the construction of a landfill, recycling center, incinerator, commercial composting operation, liquid waste land farm, or any other type of solid waste disposal or recycling operation subject to the following conditions:

1. No such permit shall be granted in the A and B Districts.

2. Such operations shall obtain proper state and local permits.

3. Such operations shall be required to establish, to the Commission's satisfaction, that they intend to and are financially capable of complying with all State, Federal, and local laws, ordinances and regulations governing the conduct of such operations.

4. Such operation shall be required to plan for, install and maintain such safeguards and measures as the Commission shall require to insure that ground water quality and air quality are preserved and environmental hazards, nuisances and unsightly areas are not created by the operation.

5. Such operations that involve the landfilling of solid waste shall be required to install a composite liner system and a leachate collection system.

17.64.220 Railroad Box Cars/Motor Vehicle Cargo Containers - Railroad box cars, motor vehicle cargo containers, old unoccupied mobile or manufactured homes or other containers normally used for the shipment of freight, cargo or other items, by rail, ship or motor vehicular transportation, wherein the applicant desires to cause the same to be located upon property within the City for storage or other purposes are specifically prohibited from being located within any district within the City or the area of City impact except if utilized on a short-term basis not to exceed three (3) months for construction purposes. Placement of a storage container may be authorized by a conditional use permit.

17.64.230 Townhouse Development Regulations - A townhouse as defined by Section 17.08.610 of the Payette Municipal Code, shall be subject to the following restrictions:

A. Minimum lot size shall be thirty-five hundred (3,500) square feet per living unit.

B. Minimum lot width shall be thirty-five feet (35') per living unit.

C. Minimum intersecting street setbacks shall be twenty-five feet (25') from the property line.

D. Minimum front yard setback shall be twenty-five feet (25') from the front property line.

E. Minimum side yard setback shall be ten feet (10') from the side.

F. Minimum rear yard setback shall be fifteen feet (15') from the rear property line.

G. A minimum of two (2) side by side off-street parking spaces shall be provided on each lot.

H. The maximum number of contiguous townhouses shall be four (4).

I. The maximum height on any townhouse shall be two (2) stories high.

J. A storage area for recreational vehicles (R.V's), providing for one RV parking space per two townhouses shall be provided in the property.

K. All other zoning or subdivision requirements in the area in which the structure is being located shall apply.

**Chapter 17.68**  
**ADMINISTRATION AND ENFORCEMENT**

Sections:

- 17.68.010 Duty of City Clerk or Building Official  
17.68.020 Building permits--Required--Application information--Fee  
17.68.030 Certificate of occupancy--Required when--Application--Recordkeeping.  
~~17.68.040 Building permit and certificate of occupancy applications--Referral to Board of Appeals for action.~~  
17.68.050 Fee schedule for certain zoning and subdivision requests.

17.68.010 Duty of Building Official or City Clerk. Except as otherwise provided in this Title, the Building Official, City Clerk, or his designee, ~~or the 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.

A. No building or structure shall be erected, added to or structurally altered until a permit therefor has been issued by the Building Official, City Clerk or his designee. All applications for such permits shall be in accordance with the requirements of this Title and, unless upon written order of the Planning and Zoning Commission, no such building permit or certificate of occupancy shall be issued for any building where said construction, addition or alteration, or use thereof, would be in violation of any of the provisions of this Title.

B. There shall be submitted with all applications for building permits two (2) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory building to be erected, and such other information as may be necessary to determine and provide for the enforcement of this Title.

C. One copy of such layout or plot plan shall be returned with the building permit, when approved by the ~~Board of Appeals and the City Administrator~~, together with such permit to the applicant upon the City's receipt of payment of a fee based upon the currently recognized building code.

17.68.030 Certificate Of Occupancy--Required When--Application--Recordkeeping:

~~A. No land shall be occupied or used, and no building erected, altered or extended after the effective date of the provisions codified in this Title shall be used or changed in use, until a certificate of occupancy has been issued by the City Administrator, upon approval of the Board of Appeals, stating that the building or proposed use thereof complies with the provisions of this Title: No building shall be occupied until a certificate of occupancy has been issued by the Building Official, City Clerk, or his designee.~~

B. No nonconforming use shall be maintained, renewed, changed or extended without a certificate of occupancy having first been issued by the Building Official, City Clerk or his designee.

C. All certificates of occupancy shall be applied for coincident with the application for a building permit. Said certificate shall be issued within five (5) days after the erection or alteration has been approved.

D. The Building Official, City Clerk or his designee shall maintain a record of all certificates, and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.

E. No permit for excavation of, the erection or alteration of, or repairs to any building shall be issued until an application has been made for a certificate of occupancy.

~~17.68.040 Building Permit And Certificate Of Occupancy Applications--Referral To Board Of Appeals For Action.~~

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 conditional use permits or special use permits shall be accompanied by a fifty dollar (\$50.00) nonrefundable fee.
- B. Applications for rezones, variances, annexation and nonconforming uses shall be accompanied by a one hundred dollar (\$100.00) nonrefundable fee.
- C. All other applications shall be accompanied by a fifty dollar (\$50.00) nonrefundable fee.
- D. An application for subdivision approval shall be accompanied by a nonrefundable fee as required by Section 16.16.050 of this Code 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.

**CHAPTER 17.72**  
**OFF-STREET PARKING AND LOADING FACILITIES**

Sections:

<u>17.72.010</u>	<u>General Requirements</u>
<u>17.72.020</u>	<u>Standards</u>
<u>17.72.030</u>	<u>Off-Street Parking Design and Dimensional Tables</u>
<u>17.72.040</u>	<u>Parking Space Requirements</u>

17.72.010      General Requirements

A. No building or structure shall be erected, substantially altered or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Ordinance.

B. The provisions of this Chapter, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many such spaces as may be required by this Ordinance.

C. Whenever a building or structure constructed after the effective date of this Ordinance is changed or enlarged in floor area, ~~number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change.~~ Whenever a building or structure existing prior to the effective date of this Ordinance is enlarged by 399 or more square feet, or by 50% or more in the number of housing units ~~the extent of fifty per cent (50%) or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.~~

17.72.20      Standards

A. Location of Parking Spaces. The following regulations shall govern the location of off-street parking spaces and areas:

Off-street parking spaces for all residential uses shall be located off-street on the same lot. Any conversion of garage or parking space required to meet the off-street parking requirement shall be accompanied by the provision of additional off-street parking to replace those eliminated.

1. Parking spaces for commercial, industrial or institutional use shall be located not more than three hundred feet (300') from the principal use.
2. Parking spaces for apartments, dormitories or similar residential uses shall be located not more than one hundred feet (100') from the principal use.
3. Loading Space Requirements and Dimensions - Off-street loading spaces for commercial uses may be required by the City.
4. Maintenance - The owner or lessee of property used for parking and/or loading shall maintain such area in good condition without holes and free of dust, trash and other debris.
5. Surface - The required number of parking and loading spaces as set forth below, together with driveways, approaches, aisles, curbs, gutters, sidewalks and other circulation areas, shall be improved to a standard equal to or better than the surface of the public street it adjoins. Parking in the residential areas shall have a 15-foot apron from the street.
6. Curb, Gutter, Sidewalk - When a parking lot adjoins a public street, curb, gutter and sidewalk will be constructed as part of the lot on any side that faces a public street.
7. Approaches - All private driveway approaches to a public street shall be no more than 7% in grade and shall meet City standards.

8. Drainage - All parking and loading areas shall provide for on-site surface water retention. The retention plan shall be reviewed and approved by the City.
9. Lighting - Any commercial, school or church parking area, located in any district in the City, which will be used during non-daylight hours, shall be properly illuminated. Any lights used to illuminate a parking lot shall be so arranged to reflect light away from the adjoining property.
10. Access - Any commercial or industrial parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or onto a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such areas shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street.
11. Striping and Paving - All parking areas shall be paved and striped with double lines, six inches (6") both sides of center, between stalls to facilitate the movement into and out of the parking stalls.
12. Screening and/or Landscaping - Whenever a parking area is required by this or other City ordinance to be screened on any sides which adjoin or face other properties, the planting screen shall be not less than three feet (3') nor more than six feet (6') in height and shall be maintained in good condition. The space between such fence, wall or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition.
13. Wheel Blocks - Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.
14. Joint Use - Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement is presented to the City simultaneously with the application for a building permit. The written agreement shall be reviewed and approved before the issuance of any building permit.

17.72.030 Off-Street Parking Design and Dimensional Tables

	<u>45</u>	<u>60</u>	<u>90</u>	<u>Parallel</u>
<u>A Width of Parking Space</u>	<u>13'</u>	<u>10'</u>	<u>09'</u>	<u>09'</u>
<u>B Length of Parking Space</u>	<u>15'</u>	<u>18'</u>	<u>19'</u>	<u>23'</u>
<u>C Width of Driveway Aisle</u>	<u>13'</u>	<u>17'</u>	<u>25'</u>	<u>12'</u>

17.72.040 Parking Space Requirements - For the purpose of this Ordinance the following parking space requirements shall apply. Parking requirements shall apply to the use that occupies the majority of floor space within the structure(s) on the property, with the exception of home occupations which shall meet the requirements below: An area blocked by a parking space directly behind it shall not be considered a parking space.

TYPE OF USE

PARKING SPACES REQUIRED

Residential

1. Single family or two (2) family dwelling

Two (2) for every unit

2. Apartments, or multi-family dwelling

Two (2) for two (2) bedroom units  
Three (3) Two (2) for a three (3) bedroom unit  
Three (3) for a four (4) bedroom unit  
Three (3) for a five (5) bedroom unit  
One additional space for each bedroom unit beyond five (5)  
Two (2) for every unit  
Two (2) for two (2) bedroom units  
Three (3) for a three (3) bedroom unit  
Three (3) for a four (4) bedroom unit

3. Boarding houses, Boarding houses rooming houses, dorms, bed & breakfasts

One (1) for every sleeping room, permanent occupant  
Two (2) for owner/operator

4. Manufactured/Mobilehome park

Two (2) for every unit

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Commercial

1. Automobile service garages which also repair

One (1) for every two (2) gasoline pumps and two (2) for every service bay

2. Hotels, motels

One (1) per every sleeping room and One (1) for every two (2) employees

3. Funeral parlors, mortuaries and similar

One (1) for every three (3) seats in Chapel areas

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Recreational or Entertainment

1. Dining rooms, restaurants, taverns

One (1) for every two (2) seats and One (1) for every two hundred (200) square feet of floor area in night clubs

2. Bowling Alleys

Four (4) for each alley or for each one hundred (100) square feet of the area used for restaurant, cocktail lounge or similar use

3. Dance floors, skating rinks

One (1) for every one hundred (100) square feet of floor area used for the activity

4. Outdoor swimming pools, public

One (1) for every five (5) persons capacity plus one (1) for each four (4) seats or one (1) for each thirty (30) square feet floor area used for seating purposes which ever is greater

5. Auditoriums, sports arenas, theaters and similar uses

One (1) for every four (4) seats

6. Retail stores

One (1) for every two hundred and fifty (250) square feet floor area.

7. Banks, financial institutions

One (1) for every two hundred (200) square feet similar uses of floor area

8. Offices, public or professional administration service building

One (1) for every four hundred (400) square feet of floor area

9. All other types of business or commercial uses permitted in any business district

One (1) for every three hundred (300) square feet of floor area

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Institutional

1. Churches or other places of religious assembly

One (1) for every three (3) seats  
Two (2) for five (5) seats

2. Hospitals

One (1) for every bed

3. Sanitariums, homes for the aged, nursing homes, children homes, asylums and similar

One (1) for every two (2) beds

4. Medical, dental clinics, doctors office and waiting rooms

One (1) for every two hundred (200) square feet of floor area

5. Libraries, museum and art galleries

One (1) for every four hundred (400) square feet floor area

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Schools, Public, Parochial or Private

1. Elementary and Junior High Schools

Two (2) for every classroom and one (1) for every six (6) seats in auditorium or assembly halls

2. High Schools

One (1) for every five (5) students and one (1) for every teacher and employee

3. Business, technical and trade schools

One (1) for every two (2) students and one (1) per instructor

4. College, universities

One for every four (4) students

5. Kindergartens, child care center, nursery schools and similar use

Two (2) for every classroom, one (1) per four (4) children

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Manufacturing

1. All types of manufacturing storage

One (1) for every employee per shift (Except, parcel delivery and freight for which the building terminal is designed) plus one (1) for each motor vehicle used in the business

**CHAPTER 17.76**  
**DEVELOPMENT AGREEMENTS**

Sections:

17.76.010      Development Agreements Allowed

17.76.010      Development Agreements Allowed - The City may grant a change in zoning contingent upon the owner fulfilling specific terms, provisions, reservations and commitments contained in an agreement in order to provide a balance between the owner's desire for certainty in the development process and the City's desire for control of project impacts, to insure harmony with the established surrounding pattern of development; and to insure that the development proceeds in the best interest of health, safety and welfare of the citizens of Payette. Such agreement must be in compliance with Idaho Code 67.6511.

**CHAPTER 17.78  
VARIANCES**

Sections:

<u>17.78.010</u>	<u>Variances -Permissible when</u>
<u>17.78.020</u>	<u>Variances - Request procedure</u>
<u>17.78.030</u>	<u>Variances - Council's authority to set conditions</u>
<u>17.78.040</u>	<u>Right of appeal</u>

17.78.010 Variances - Permissible when - The City Council shall consider variances to the terms of this title which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title will result in undue hardship upon a landowner and under such conditions that the spirit of this title shall be observed and substantial justice done. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of the characteristics of the site. In acting upon a variance request, the City Council shall make full investigation and shall only grant a variance upon finding that the following are true:

- A. That the granting of the variance will not be in conflict with the spirit and intent of the comprehensive plan for the City, and will not effect a change in zoning.
- B. That there are exceptional or extraordinary circumstances or conditions, applicable to the property involved, or the intended use thereof, which do not apply generally to the property or class of use in the district, so that a denial of the relief sought will result in:
  - 1. Undue loss in value of the property.
  - 2. Inability to preserve the property rights of the owner
  - 3. The prevention of reasonable enjoyment of any property right of the owner.
- C. The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property of improvements of other property owners or the quiet enjoyment of such property improvements.
- D. That the reason for a variance was not caused by the owners, or previous owner's actions.

17.78.020 Variances - Request procedure

- A. In requesting any modification to the provisions of this title, a landowner, developer or his engineer shall make written request to the City Clerk,
- B. Such request, together with such related data and maps as necessary to fully illustrate the relief sought, shall be referred by the City Engineer or City Clerk in writing to the Planning and Zoning Commission.
- C. The Planning and Zoning Commission after conducting a public hearing, shall act upon such request and make a recommendation to the City Council at its next regular meeting or within thirty days. If no recommendation is made within such time, the matter shall be forwarded to the City Council as if there were a favorable recommendation.
- D. The Council, after receiving the recommendations of the planning commission, shall hold its own public hearing and shall act upon the matter within 60 days.
- E. Approval of such modifications shall require a majority vote of the regular membership of the City Council.
- F. Any decision of the Planning and Zoning Commission may be appealed to the City Council. Any person including, but not limited to, the City Clerk, Public Works Director or Zoning Commission may file an appeal.

17.78.030 Variances - Council's authority to set conditions: In granting variances and/or modifications from the regulations of this title, the Council may require such conditions as will, in its judgement, secure substantially the objective of the standards or requirements so varied or modified.

17.78.040 Right of appeal

A. Any decision of the Planning and Zoning Commission may be appealed to the City Council. Any person including, but not limited to, the City Clerk, Public Works Director or Zoning Commissioner may file an appeal.

B. Any person, firm or company may appeal the decision of the Council to the district court.