

ORDINANCE 1392

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, ADDING TO THE PAYETTE MUNICIPAL CODE SECTION 17.56.012 IN CHAPTER 17.56 OF TITLE 17, ALLOWING EXISTING NONCONFORMING SINGLE FAMILY RESIDENTIAL USE IN A COMMERCIAL ZONE; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

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

Section 17. Section 17.56 of Title 17, Chapter 17.56.012 of the Payette Municipal Code is hereby amended by adding a new chapter 17.56.012 as follows:

**Chapter 17.56
NONCONFORMING USES**

17.56.012: EXISTING NONCONFORMING SINGLE FAMILY RESIDENTIAL USE:

Any single family structure, located in any district that was in use as a single family residence at the time of adoption or amendment to this chapter, and which has continued as a residential use, shall not be considered to be a nonconforming use but shall be considered a special use until such time that the residential use is replaced with another approved use. A single family residential structure, granted special use status, shall have the same privileges as a permitted residential structure and may be replaced/remodeled if a building permit has been obtained, and as long as the setbacks can be met or a variance is granted. Upon a change in use, to commercial or industrial, the residential structure shall not be changed back to a residential use unless a conditional use permit has been approved through following the public hearing process. A change in use shall not be considered to have occurred until the structure has actually been converted to a nonresidential use.

Section 2. This Ordinance may be published in summary form allowed by Idaho Code

Section 3. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

Section 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 5. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 18th day of August, 2015.

CITY OF PAYETTE, IDAHO

BY 
Jeffrey T. Williams, Mayor

ATTEST:

Mary Cordova, City Clerk

SUMMARY OF ORDINANCE 1392

Ordinance 1392 is an ordinance of the City Of Payette, Idaho, adopted August 17, 2015. The ordinance may be descriptively known as the Payette City single family structure ordinance. 17.56 of Title 17, Chapter 17.56.012 of the Payette Municipal Code is hereby amended by adding a new chapter 17.56.012. The Ordinance amends Title 17 of the Payette Municipal Code by adding a new chapter 17.56.012. Ordinance 1392 provides that any single family structure, located in any district that was in use as a single family residence at the time of adoption of this chapter and which has continued as a residential use, shall not be considered to be a nonconforming use but shall be considered a special use until such time that the residential use is replaced with another approved use. The ordinance provides that such a use may be replaced or remodeled if a building permit has been obtained and as long as the setbacks can be met or a variance is granted. Ordinance 1392 provides a severability clause, provides for publication by summary, sets an effective date and establishes a repealer.

I, Bert L. Osborn, City Attorney for the City of Payette Idaho, certify that I am familiar with Ordinance 1392 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 18th day of August, 2015.



Bert L. Osborn