

## ORDINANCE 1393

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE SECTION 17.34.050 AND 17.34.060 IN CHAPTER 17.34 OF TITLE 17, PROVIDING AN EXEMPTION TO OFF STREET PARKING AND LOADING ZONE REQUIREMENTS IN THE C-1 DOWNTOWN 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 1.** Section 17.34 of Title 17, Chapter 17.34.050 of the Payette Municipal Code is hereby amended to read:

### **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 title, the number of off street parking areas required are delineated in chapter 17.72 of this title~~

### **17.34.060: OFF STREET PARKING AND LOADING ZONE REQUIREMENTS:**

- A. The off street parking **and loading zone** requirements for the C-1 commercial district are referred to in chapter 17.72 of this title.
- 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-commercial~~ **non-residential** use permitted **and located on a lot** in **the** C-1 commercial district built **or use intensified** after the effective date of this title, **where there is not area available on the lot to meet** the number of off street parking **areas or off street loading zone as** required ~~are and~~ delineated in chapter 17.72 of this title., **shall be exempt from the requirement of providing off street parking. The exemption shall be applied to the land use on the lot requiring the fewest number of spaces. Only one (1) exemption shall be allowed per lot.**
- D. The city council may enact an in lieu parking space construction fee when it is not possible to provide some or all of the required off-street parking. The funds shall be retained by the city and shall be used exclusively for the purpose of acquiring and developing public off-street parking facilities. The in lieu fee is set by resolution, when enacted.**

**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 8<sup>th</sup> day of September, 2015.

CITY OF PAYETTE, IDAHO

BY 

Jeffrey T. Williams, Mayor

ATTEST:

  
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City Clerk