

## ORDINANCE 1410

**AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE SECTION 17.32.030 IN CHAPTER 17.32 OF TITLE 17, 17.34.030 IN CHAPTER 17.34 OF TITLE 17, AND 17.36.030 IN CHAPTER 17.36 OF TITLE 17 BY ALLOWING LICENSEE TO OPERATE UPON EXISTING LICENSED PREMISES WITHOUT OBTAINING A CONDITIONAL USE PERMIT; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; PROVIDING A PENALTY.**

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

**Section 1.** Section 17.32.030, 17.34.030 and 17.36.030 of Title 17, Chapter 17.32, Chapter 17.34 and Chapter 17.36 of the Payette Municipal Code is hereby amended to read as follows:

### **17.32.030: CONDITIONAL USES:**

The following uses may be permitted by the planning and zoning commission after public notice has been given by United States mail to all property owners within three hundred feet (300') of the property in question and a public hearing is held. The planning and zoning commission may require appropriate safeguards and special 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.

Uses permitted in A residential districts and in B residential districts. Any permitted residential use shall meet the residential zoning standards as specified in the A residential and B residential zoning regulations.

Churches.

Dance halls.

Drinking establishments that serve beer, wine or liquor for on site consumption. **Provided, however, in the event a drinking establishment license is being transferred to a new owner within 90 days from the date the current owner ceases doing business, a conditional use permit will not be required. If there is any change in the use, including, but not limited to, increased hours of operation, size, capacity, type of drinking establishment, or entertainment then the transfer shall be subject to receiving a new conditional use permit.**

Light manufacturing, which is not dangerous or offensive on account of dust, gas or smoke and noise.

Manufactured home parks. Because of increased residential density in a manufactured home park, commercial uses allowed in commercial zones will not be permitted within a manufactured home park.

Residential use directly connected to the business including, but not limited to, motel residences, security housing, office/residence setups. Such residences shall meet all standards for residences as specified in the B residential district.

Warehouses used for storage of merchandise that is sold at retail on the premises to the ultimate consumer, excluding mail order warehouses.

Warehouses used for storage of personal property not intended for sale. (Ord. 1330, 2010)

**17.34.030: CONDITIONAL USES:**

The following uses may be permitted by the planning and zoning commission after public notice has been given by United States mail to all property owners within three hundred feet (300') of the property in question and a public hearing is held. The planning and zoning commission may require appropriate safeguards and special 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.

All conditional uses as allowed in a C commercial district.

Drinking establishments that serve beer, wine or liquor for on site consumption. **Provided, however, in the event a drinking establishment license is being transferred to a new owner within 90 days from the date the current owner ceases doing business, a conditional use permit will not be required. If there is any change in the use, including, but not limited to, increased hours of operation, size, capacity, type of drinking establishment, or entertainment then the transfer shall be subject to receiving a new conditional use permit.**

Residential use. (Ord. 1204, 2002)

**17.36.030: CONDITIONAL USES:**

The following uses may be permitted by the planning and zoning commission after public notice has been given by United States mail to all property owners within three hundred feet (300') of the property in question and a public hearing is held. The planning and zoning commission may require appropriate safeguards and special 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.

Drinking establishments that serve beer, wine or liquor for on site consumption. **Provided, however, in the event a drinking establishment license is being transferred to a new owner within 90 days from the date the current owner ceases doing business, a conditional use permit will not be required. If there is any change in the use, including, but not limited to, increased hours of operation, size, capacity, type of drinking establishment, or entertainment then the transfer shall be subject to receiving a new conditional use permit.**

Fuel yards.

Manufactured home parks.

Residential uses; any permitted residential use shall meet the residential standards as specified in the B residential zone regulations. (Ord. 1204, 2002)

**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.

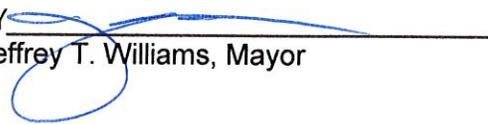
**Section 4.** Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

**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.

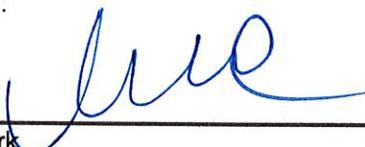
**Section 6.** Any violation of this ordinance shall be a misdemeanor.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 7<sup>th</sup> day of Sept, 2016.

CITY OF PAYETTE, IDAHO

BY   
Jeffrey T. Williams, Mayor

ATTEST:

  
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City Clerk