

ORDINANCE 1412

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE SECTION 17.56.060 IN CHAPTER 17.56 OF TITLE 17 BY ADDING A NEW SUB-SECTION 1, EXCEPTIONS; 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 17.56.060 of Title 17, Chapter 17.56 of the Payette Municipal Code is hereby amended to read as follows:

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 (60%) of the actual value of the building or structure at the time such damage occurred. Provided, however, in the case of a residential property in a non-residential zone, if the structure can be rebuilt on exactly the same footprint as the damaged building, then reconstruction of the dwelling shall be allowed provided the rebuilt structure conforms to all current building and fire codes. Provided, ~~further, however,~~ in the case of damage exceeding sixty percent (60%) of the value of a residential dwelling which is located in a commercially zoned area, where the structure cannot be re-built on exactly the same footprint, the owner shall be allowed to rebuild the structure provided the rebuilt/replacement structure complies with the most current residential setback requirements and the building permit is applied for and construction commences within one year of the damage.

1. In the event the planning administrator, or a designee, finds that:

a. Commercial or industrial uses have developed or are developing in the zone, and

b. A majority of the abutting property owners or their representatives are opposed to a continuation of the use of the structure as a principal residence then a rebuild permit shall not be issued without a public hearing before the city council.

c. When requesting a permit for a rebuild or if seeking a rebuild letter, an applicant shall supply the administrator with written statements from the abutting property owners or their representatives which indicate whether the abutting landowners oppose or favor the request.

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

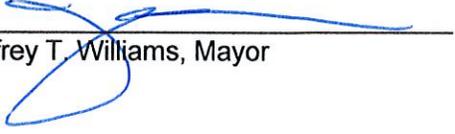
Section 3. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

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 7th day of September, 2016.

CITY OF PAYETTE, IDAHO

BY 
Jeffrey T. Williams, Mayor

ATTEST:



City Clerk