

## ORDINANCE 1425

**AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE SECTIONS 17.20.30, 17.24.030, 17.28.030, 17.32.030, 17.34.030, 17.36.030 AND 17.40.030 SO THAT HEARING PROCEDURES ADVERTISING CONDITIONAL USE PERMITS CONFORM TO SECTION 67-6509 IDAHO CODE; 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 17.20.30, 17.24.030, 17.28.030, 17.32.030, 17.34.030, 17.36.030 and 17.40.030 of Title 17, Chapter 17.20, 17.24, 17.28, 17.32, 17.34 and 17.36 of the Payette Municipal Code is hereby amended to read as follows:

### **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 in accordance with Idaho Code section 67-6509 at the expense of the applicant, after publication and a public hearing is held. 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.

Agricultural buildings.

Childcare facilities.

Commercial kennel, animal hospital.

Home occupations.

Public building, hospital or church.

Public utility installation.

Riding stables and schools.

Schools; private, commercial and public.

Temporary buildings as necessary for construction purposes for a period not to exceed one year.

Truck and tractor and engine repair.

The city may determine other uses to be similar to those listed above. (Ord. 1204, 2002)

### **17.24.030: CONDITIONAL USES:**

- A. Generally: 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 in accordance with Idaho Code

**section 67-6509** 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.

Bed and breakfasts.

Buildings of more than two (2) stories, except public or semipublic.

Childcare facilities.

Churches.

Condominiums and townhouses.

Fire stations.

Home occupations.

Libraries.

Parks and buildings for same.

Playgrounds and buildings for same.

Schools: private, commercial and public.

Triplexes.

#### **17.28.030: 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~~ in accordance with **Idaho Code section 67-6509** and a public hearing is held. The planning and zoning commission may require appropriate safeguards and special condition 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 special uses permitted and regulated in an A residential district (see section [17.24.030](#) of this title).

Accessory buildings in excess of four hundred (400) square feet in area, in excess of twelve feet (12') in height at its highest point.

Childcare facilities.

Convalescent homes, nursing homes and congregate homes.

Neighborhood grocery store or convenience store serving the needs of the residents in the immediate area. (Ord. 1271 § 2, 2006: Ord. 1204, 2002)

#### **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 in accordance with Idaho Code section 67-6509 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 ninety (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. 1410, 2016)

#### **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 in accordance with Idaho Code section 67-6509 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 ninety (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. 1410, 2016)

**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~~ in accordance with Idaho Code section 67-6509 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 ninety (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. 1410, 2016)

**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 ~~United States mail to all property owners within three hundred feet (300') of the property in question~~ in accordance with Idaho Code section 67-6509 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.

Bulk petroleum products, storage plant industry, autos, mechanical and wrecking where confined to buildings and fenced premises.

Nude and seminude establishments. (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.

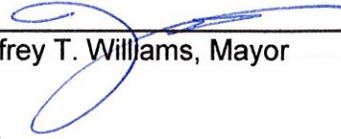
**Section 4.** Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

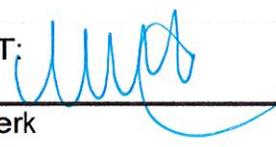
**Section 5.** If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

**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 21<sup>st</sup> day of March, 2017.

CITY OF PAYETTE, IDAHO

BY   
Jeffrey T. Williams, Mayor

ATTEST:   
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City Clerk