

ORDINANCE 1464

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL ZONING CODE SECTION 17.20.030 CONDITIONAL USES, OF TITLE 17 TO REMOVE THE REQUIREMENT FOR A CONDITIONAL USE PERMIT FOR HOME OCCUPATIONS IN A TRANSITIONAL ZONE; AMENDING SECTION 17.24.030 CONDITIONAL USES, TO REMOVE THE REQUIREMENT FOR A CONDITIONAL USE PERMIT FOR HOME OCCUPATIONS IN AN A-RESIDENTIAL ZONE; AMENDING SECTION 17.64.150 OF TITLE 17, HOME OCCUPATIONS, TO DEFINE NEW REQUIREMENTS FOR HOME OCCUPATIONS IN ALL ZONES; 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 17.20.030 of Title 17 ZONING, of the Payette Municipal Code is hereby amended 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 in accordance with Idaho Code section 67-6509, 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.

Section 2. Section 17.24.030 CONDITIONAL USES, in Title 17, ZONING, of the Payette Municipal Code is hereby amended as follows:

17.24.030: CONDITIONAL USES:

The following uses may be permitted by the Planning and Zoning Commission after public notice has been given 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.

Accessory buildings in excess of the square footage of the primary residential structure and/or in excess of twenty two feet (22') in height at its highest point.

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.

Section 3. Section 17.64.150 HOME OCCUPATIONS, in Title 17, ZONING, of the Payette Municipal Code is hereby amended as follows:

17.64.150: HOME OCCUPATIONS:

A. ~~No more than one person other than members of the family residing on the premises shall be engaged in such occupation. In an A residential district, no nonfamily employees are allowed.~~ General: Home occupations shall be permitted in all zones, provided the home occupation clearly and obviously is subordinate to the main use or dwelling unit for residential purposes. Home occupations shall be conducted wholly within the primary structure on the premises.

B. ~~The use of the dwelling unit or garage for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty~~

~~percent (20%) of the floor area of the dwelling unit or garage shall be used to conduct the home occupation.~~

Conditions: The following conditions shall apply to home occupations:

1. The home occupation shall not exceed twenty percent (20%) of the floor area of the primary structure.
2. Other than those related by blood, marriage or adoption, no more than one person may be employed in the home occupation. In an A residential district, no nonfamily employees are allowed.
3. Inventory and supplies shall not occupy more than fifty percent (50%) of the area permitted to be used as a home occupation.
4. There shall be no exterior display or storage of goods on said premises.
5. The use may not materially change the character of the dwelling or adversely affect the uses permitted in a residential zone. There shall be no change in the outside appearance of the building premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, indirectly illuminated and mounted flat against the wall of the principal building except in an A residential district in which no sign is allowed.
6. Home occupations that involve beauty shops, barbershops, or other occupations that require state or federal licenses to operate, shall require a conditional use permit.
7. Sales and services to patrons shall be arranged by appointment and scheduled so that not more than one patron vehicle is on the premises at the same time.
8. All parking resulting from the operation of the home occupation shall be located on site of the dwelling in a designated parking area, such as a driveway; not on the public street or public street right-of-way or in the front yard or front yard setback area.
9. Prior to conducting a home occupation, an application shall be made to the city clerk's office. The applicant shall be granted a permit if the applicant complies with this and

other pertinent city ordinances and regulations. The applicant may appeal a denial of a permit directly to the planning and zoning commission.

- C. ~~There shall be no change in the outside appearance of the building premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, indirectly illuminated and mounted flat against the wall of the principal building except in an A residential district in which no sign is allowed.~~

Conditional Use Permit: If an applicant for a home occupation permit wishes to deviate from the requirements listed above, such applicant must apply to the planning and zoning commission for a conditional use permit

- D. ~~No significant traffic shall be generated by such home occupation, and any need for parking generated by the conduct of such home occupation shall meet the off street parking requirements as specified in this title, and shall not be located in a required front yard.~~ Application Fee: All applicants for a home occupation permit must pay an application fee in such amount as established by resolution of the city council at the time they apply for the permit
- E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable off of the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Section 4. This Ordinance may be published in summary form allowed by Idaho Code.

Section 5. 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 6. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 7. 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.

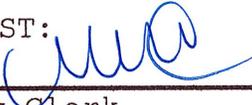
PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 5th day of August, 2019.

CITY OF PAYETTE, IDAHO

BY _____

Jeffrey T. Williams, Mayor

ATTEST: _____


City Clerk