

ORDINANCE 1442

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE SECTION 17.24.030 ADDING ACCESSORY BUILDINGS IN EXCESS OF PRINCIPLE STRUCTURE ALLOWED UNDER CUP; BY REPEALING SUBSECTION 17.24.030(B) YARD SALES; BY ADDING NEW LANGUAGE UNDER CHAPTER 5.33.020 PERMITS REQUIRED UNDER TITLE 5, BUSINESS LICENSES & REGULATIONS; REPEALING SUBSECTION 17.24.040 (E), AREA & LOCATION REQUIREMENTS, RE-INDEXING (F) & (G) UNDER CHAPTER 17.24, A-RESIDENTIAL DISTRICTS; AMENDING SECTION 17.64.060 ACCESSORY BUILDINGS, UNDER CHAPTER 17.64, PERFORMANCE STANDARDS, BY ADDING NEW SECTIONS C AND D SETTING A MAXIMUM SIZE FOR ACCESSORY BUILDINGS; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; ESTABLISHING A PENALTY.

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

Section 1. Section 17.24 of Title 17, Chapter 17.24.030, Subsection B of the Payette Municipal Code is hereby amended as follows:

**Chapter 17.24
A RESIDENTIAL DISTRICTS**

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 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.

~~B. Yard Sales: Sales of personal property owned by the occupant, limited to three (3) sale periods each year, each period not to exceed forty eight (48) hours. Written notice of the sale and sale permit shall be obtained at the public safety department prior to the sale of property. No signs are to be placed upon utility poles or other public property.~~

Section 2. Amending Chapter 5.33.020 PERMITS REQUIRED, of Title 5, Business Regulations, is hereby created as follows:

5.33.020: PERMITS REQUIRED:

No garage sale shall be conducted unless and until the individual desiring to conduct said sale shall obtain a permit therefor from the city. Multiple resident garage sales shall be allowed under one permit, but shall be limited to or conducted at the residence of one resident named in the permit. (Ord. 1113 § 1, 1995)

Sales of personal property owned by the occupant, limited to three (3) sale periods each year, each period not to exceed forty-eight (48) hours. Written notice of the sale and sale permit shall be obtained at the public safety department prior to the sale of property. No signs are to be placed upon utility poles or other public property.

Section 3. Subsection 17.24.040 (E) is hereby repealed, and subsections F & G are renumbered as follows:

17.24.040: AREA AND LOCATION REQUIREMENTS:

- A. There shall be a setback of at least twenty-five feet (25') from the front of the property line or fifty-five feet (55') from the street centerline, whichever setback is greater; provided, however, where a uniform setback exists which is less or greater than required in this subsection, the setback shall conform to such uniform setback.
- B. There shall be a side yard of not less than eight feet (8').
- C. On a corner lot, the minimum setback on the street upon which a majority of the building fronts shall be twenty five feet (25') from the property line or fifty five feet (55') from the street centerline, whichever setback is greater; the setback on an intersecting street shall be not less than ten feet (10') from the property line or forty feet (40') from the centerline of the intersecting street; provided, however, that in the event the majority of the buildings on both streets comply with the minimum setback for fronting streets, the minimum setback on both sides of the corner lot may be required to be the setback of the fronting street.
- D. A lot shall have at least seventy-five feet (75') of frontage onto a public street unless it is a corner lot, which shall have at least eighty-five feet (85') of frontage onto a public street.

~~E. Accessory buildings, per definition of "accessory use or building" in section 17.08.010 of this title and regulations in section 17.64.060 of this title, shall be at least eight feet (8') from the property line and unless permitted pursuant to section 17.28.030 of this title, shall not exceed four hundred (400) square feet in area, and shall not exceed twelve feet (12') in height at its highest point.~~

~~E F.~~ Where there are no alleys, a setback of at least eight feet (8') from the back property line shall be required, unless a variance is granted under the provisions of this title.

~~F G.~~ Minimum lot size shall be eight thousand (8,000) square feet unless it is a corner lot, which shall be a minimum of ten thousand (10,000) square feet.

Section 4. Section 17.28.030 Conditional Uses, under Chapter 17.28, B Residential Districts, is hereby amended as follows:

17.28.030: 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 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 the square footage of the primary residential structure, and/or four hundred (400) square feet in area, in excess of ~~twelve feet (12')~~ twenty-two feet (22') 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.

~~Storage business facilities serving the needs of the residents in the immediate area.~~

Section 5. Section 17.64.060 Accessory Buildings, under Chapter 17.64, Performance Standards, is hereby amended as follows:

17.64.060: ACCESSORY BUILDINGS/STRUCTURES:

A. Shall not be located in any required front yard setback area.

B. Shall not be located closer than eight feet (8') from any side or rear property line.

C. In residential zones, the square footage of an accessory structure shall not be greater than that of the primary residence, unless approved through Conditional Use Permit.

D. A detached accessory building, structure, or use shall not exceed twenty-two feet (22') in height in residential zones. In all other zones, the height of an accessory building, structure or use shall not exceed the maximum building height allowed in the applicable zoning district.

E. Any accessory building, including detached garages, over two hundred (200) square feet in size shall require a building permit.

F. Must be compatible with the surrounding structures.

Section 6. This Ordinance may be published in summary form allowed by Idaho Code.

Section 7. 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 8. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 9. 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.

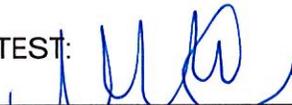
PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 7th day of May, 2018.

CITY OF PAYETTE, IDAHO

BY 

Jeffrey T. Williams, Mayor

ATTEST:



City Clerk