

ORDINANCE 1491

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE SECTION 17.64.220 IN CHAPTER 17.64 OF TITLE 17, RAILROAD BOXCARS/MOTOR VEHICLE CARGO CONTAINERS TO ALLOW ACCESSORY STORAGE USE IN COMMERCIAL AND INDUSTRIAL ZONING WITH A CONDITIONAL USE PERMIT; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; PROVIDING A PENALTY FOR VIOLATIONS; ESTABLISHING A REPEALER.

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

Section 1. Section 17.64 of Title 17, Chapter 17.64.220 of the Payette Municipal Code is hereby amended to read:

17.64.220: RAILROAD BOXCARS/MOTOR VEHICLE CARGO CONTAINERS:

Railroad boxcars, motor vehicle cargo containers, old unoccupied mobile or manufactured homes or other containers normally used for the shipment of freight, cargo or other items, by rail, ship or motor vehicular transportation, wherein the applicant desires to cause the same to be located upon property within the City for storage or other purposes are specifically prohibited from being located within any residential district within the city or the area of city impact except if utilized on a short term basis as follows. Placement of storage containers within a public right-of-way is prohibited except where temporary placement has been authorized through approval of a right-of-way encroachment permit.

- A. Portable storage containers used for moving household contents in or out of a residence shall be allowed for a maximum of ninety (90) days in any one calendar year and shall only be located on a driveway or other area on private property.
- B. A construction storage container shall not be located on any property for more than six (6) months in any twelve (12) month period, measured continuously from the day the container is first placed. The building inspector or designee may grant extensions of up to six (6) months, but only if it is determined that:
1. The storage container is located on a site with an active building permit.
 2. The storage container is a necessary part of the construction process.
 3. Not be allowed in the public right-of-way.
 4. Construction is moving forward in a timely manner and in accordance with generally accepted industry standards.
 5. The storage containers shall be removed prior to the granting of a certificate of occupancy.
- C. ~~In the event that an applicant desires to place a railroad boxcar/motor vehicle cargo container that is not permitted by subsection A or B of this section, then said applicant is allowed to apply for a conditional use permit.~~ Placement of a storage container may be authorized by a conditional use permit (CUP) as an accessory storage use is limited to the following zoning districts:
1. Commercial (C). Placement of storage container not to exceed (5) years.
 2. Industrial (I). Placement of storage container not to exceed ten (10) years.

The placement of cargo containers is further limited to properties in the above-identified zones only if the property upon which the cargo container is proposed to be located is not primarily used for residential purposes. All requirements, permits and approvals pertaining to structures established in

the Payette Municipal Code shall apply to the placement and use of storage containers, including, but not limited to, fire code, setbacks, lot coverage, height, and critical areas regulations.

D. Cargo containers shall not be used for any advertising purpose, shall be kept clean of all alpha-numeric signage and writing, and shall be painted to match existing structure.

E. As a condition of placement, cargo containers may be required to be fenced or screened from abutting properties and/or rights-of-way. Screening, where required, shall be reviewed and approved by the Building Official and may include landscaping or fencing or other screening methods. Any cargo container allowed in a district which is adjacent to or visible from a highway corridor shall be completely screened from public view.

F. Cargo containers shall not be stacked above the height of a single container device and shall not exceed 46' in length.

G. Cargo containers shall be in an approved designated area and on the same property as the principal use and be included in the calculation of overall lot coverage. Cargo containers shall not exceed 20% of the existing building size.

H. Cargo containers shall not occupy required off-street parking, loading or landscaping areas, or be placed in front of the existing building.

I. Placement of storage containers in areas of special flood hazard shall comply with all requirements of the City's National Flood Insurance Program ordinance.

J. Materials stored within cargo containers are subject to review and approval by the fire chief or his/her designee.

K. A building permit is required prior to placement of a cargo container larger than 200 square feet in area, ensuring effective anchoring/foundation according to the then most current edition of the International Building Code. The application shall show the proposed cargo container is accessory to the permitted use of the property and meets the placement criteria for the zone.

L. All owners or residents of property within the city shall have 120 days from the effective date of this ordinance codified to bring the property, that contains an accessory storage container or containers, which is currently in violation into full compliance with the provisions of this chapter.

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 an infraction.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this _____ day of _____, 2021.

CITY OF PAYETTE, IDAHO

BY

Jeffrey T. Williams, Mayor

ATTEST:

City Clerk