

# APPROVED

## ORDINANCE NO. 213 "GENERAL USE REGULATIONS"

AN ORDINANCE OF THE CITY OF STANLEY, CUSTER COUNTY, IDAHO:

AMENDING TITLE 17 ZONING REGULATIONS, CHAPTER 17.08 DEFINITIONS, TO ADD DEFINITIONS OF BUILDING HEIGHT AND VIEWABLE FAÇADE.

AMENDING TITLE 17 ZONING REGULATIONS, CHAPTER 17.40 GENERAL USE REGULATIONS, REVISING THE BUILDING APPEARANCE AND MATERIALS REQUIREMENT, BUILDING HEIGHT REQUIREMENTS, AND HILLSIDE CONSTRUCTION REQUIREMENTS.

WHEREAS, the City of Stanley, Custer County Idaho (the "City"), is a municipal corporation organized under the laws of the State of Idaho and is authorized and required by the Constitution and laws of the State of Idaho to adopt land use regulations and classifications; and,

WHEREAS, the Land Use section of the Stanley Comprehensive Plan states that it is priority to maintain the rustic, western, and unique character of the town; and,

WHEREAS, Title 17 needs to provide further clarity on the types of construction that meet the intent of the Land Use section of the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STANLEY, IDAHO, AS FOLLOWS:

### TITLE 17

### ZONING REGULATIONS

Subject:

Definitions .....	17.08
General Use Regulations .....	17.40

### Chapter 17.08

Section 1: Chapter 17.08 entitled "Definitions" of the Stanley Municipal Code is hereby amended as follows:

## DEFINITIONS

- 17.08.010: GENERALLY:
- 17.08.020: ACCESSORY BUILDING:
- 17.08.025: APARTMENT:
- 17.08.030: BUILDINGS:
- 17.08.031: BUILDING HEIGHT:
- 17.08.032: CONDOMINIUM:
- 17.08.033: CUSTOMER AREA:
- 17.08.034: FLOOR-TO-CEILING WINDOWS:
- 17.08.035: DAYCARE FACILITY:
- 17.08.036: DAYLIGHT BASEMENT:
- 17.08.040: DWELLING:
- 17.08.042: FLAT ROOF:
- 17.08.045: HOME OCCUPATIONS:
- 17.08.046: LOFT:
- 17.08.050: MOBILE HOME:
- 17.08.051: MOBILE HOME PARK (REP. BY ORD. 162, 3-14-2005):
- 17.08.052: MOBILE HOME SPACE (REP. BY ORD. 162, 3-14-2005):
- 17.08.053: MULTI-FAMILY DWELLING:
- 17.08.054: MULTI-FAMILY MOBILE HOME:
- 17.08.055: MULTIPLEX UNITS:
- 17.08.056: OFF STREET PARKING:
- 17.08.058: OFFICE:
- 17.08.059: ONE-FAMILY DWELLING:
- 17.08.060: OUTDOOR ADVERTISING SIGNS:
- 17.08.062: OVERNIGHT UNITS:
- 17.08.064: PARK MODEL RECREATIONAL VEHICLE:
- 17.08.065: PARKING SPACE:
- 17.08.066: PORCH:
- 17.08.070: RECREATIONAL VEHICLES:
- 17.08.080: RUSTIC NATURE OR CHARACTER:
- 17.08.082: SHED ROOF:
- 17.08.090: SIGN:
- 17.08.100: TINY HOUSE:
- 17.08.110: TINY HOUSE PARK:
- 17.08.120: TINY HOUSE PERMANENT PLACEMENT:
- 17.08.121: VIEWABLE FAÇADE

17.08.010: **GENERALLY:**

The definitions set forth in this chapter apply for purposes of this title. Words not defined in this chapter shall be given the meaning ordinarily applied to such words. (Ord. 44, 1977)

**17.08.020: ACCESSORY BUILDING:**

"Accessory building" means a subordinate building such as a private garage or shed which is located on the same lot on which the main building or use is situated, and which is reasonably necessary and incidental to the conduct of the primary use of such main building. (Ord. 44, 1977)

**17.08.025: APARTMENT:**

"Apartment" means a multiple-family dwelling containing two (2) or more dwelling units in which all units, exclusive of a unit which may be occupied by the owner or caretaker, are rented or leased for thirty (30) days or more. (Ord. 184, 2-10-2011)

**17.08.030: BUILDINGS:**

"Buildings" means any structure having a roof supported by columns or walls, and designated or intended for the shelter, support, enclosure or protection of persons, animals or chattels, but not including trailers or mobile homes. (Ord. 44, 1977)

**17.08.031: BUILDING HEIGHT:**

The height of a building shall be the vertical distance between the highest point at which the foundation meets the finished grade and the highest point of any ridgeline of the roof or any enclosed structure attached to the roof.

**17.08.032: CONDOMINIUM:**

"Condominium" means an estate consisting of an undivided interest in common in real estate, in an interest or interests in real property, or in any combination thereof; together with a separate interest in real property, in an interest or interests in real property, or in any combination thereof. (Ord. 184, 2-10-2011)

**17.08.033: CUSTOMER AREA:**

"Customer area" means total area open to use by customers, including, without limitation, seating, bar seating, standing area, counter space, waiting area, bathrooms, passageways and halls. (Ord. 129, 3-4-1998)

**17.08.034: FLOOR-TO-CEILING WINDOWS:** Windows or glass walls, also called curtain windows or curtain walls, that extend from or near floor level to at or near ceiling level, whether placed between floor and ceiling slabs or hung outside the floor and ceiling slabs, and similar designs,

**17.08.035: DAYCARE FACILITY:**

"Daycare facility" is a place or facility providing care and supervision, for compensation, during part of a twenty four (24) hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child's or children's own home or homes. (Ord. 109, 8-24-1993)

**17.08.036: DAYLIGHT BASEMENT**

A "daylight basement" shall exist when least one side of the basement level is totally or partially excavated or backfilled into a hillside, and at least two (2) other sides significantly excavated or backfilled into a hillside.

**17.08.040: DWELLING:**

"Dwelling" means a building or portion thereof designed or used for residential occupancy, including tiny houses, but not including hotels, boarding houses and lodging houses, accessory buildings, trailers or mobile homes. (Ord. 201, 1-11-2018)

17.08.042: FLAT ROOF: A roof with only one sloping plane, with no hips, ridges, or valleys, and with a slope of 10 percent or less.

**17.08.045: HOME OCCUPATIONS:**

"Home occupations" means nonretail enterprises, which do not provide retail show and customer space, operated for a profit within a primarily residential structure, including, but not limited to, occupations such as accountant, realtor, attorney, artist, seamstress, woodworker, cabinetmaker or any other such occupation as may be determined appropriate by the City Council. (Ord. 129, 3-4-1998)

**17.08.046: LOFT:**

The definition of "loft" from appendix V: Tiny Houses contained in the 2012 International Residential Code and any subsequent amendments, as adopted by the State of Idaho, is hereby adopted. (Ord. 201, 1-11-2018)

**17.08.050: MOBILE HOME:**

"Mobile home" means a unit designed for conveyance after fabrication on its own wheels or on flatbed or other trailers, and arriving at a site where it is to be used for human habitation, and whether or not permanently placed on jacks or other foundations. For purposes of this title, "mobile home" includes trailers, campers, motor homes and recreational vehicles used for human habitation, but prefabricated houses designed for permanent foundations shall not be included in this definition.

A. Doublewide Mobile Home: A "doublewide mobile home" is a mobile home consisting of two (2) sections combined horizontally at the site to form a single dwelling, while still retaining their individual chassis for future movement.

B. Singlewide Mobile Home: A "singlewide mobile home" is a mobile home consisting of one structurally complete section which arrives at the site as a complete dwelling without need for combination with any other unit or structure, with the exception of utility hookups and foundation support. (Ord. 44, 1977: Ord. 109, 8-24-1993)

**17.08.051: MOBILE HOME PARK:**

(Rep. by Ord. 162, 3-14-2005)

**17.08.052: MOBILE HOME SPACE:**

(Rep. by Ord. 162, 3-14-2005)

**17.08.053: MULTI-FAMILY DWELLING:**

"Multi-family dwelling" means a dwelling which is constructed in a manner which creates a minimum of two (2) physically independent living units within a single structure. Each living unit within a multi-family dwelling shall include independent kitchen and bath facilities and independent exterior access. (Ord. 162, 3-14-2005)

**17.08.054: MULTI-FAMILY MOBILE HOME:**

"Multi-family mobile home" is a mobile home which is originally manufactured in a manner which creates two (2) or three (3) physically independent living units therein. Each living unit within a multi-family mobile home shall include independent kitchen and bath facilities, independent exterior access and shall conform to all applicable Fire Codes. A multi-family mobile home shall contain a maximum of three (3) living units. (Ord. 109, 8-24-1993)

**17.08.055: MULTIPLEX UNITS:**

"Multiplex units" means duplex, triplex and quadplex buildings, constructed in a manner which creates a maximum of four (4) physically independent living units within a single structure. Each living unit within a multiplex unit shall include independent kitchen and bath facilities, independent exterior access and shall conform to all applicable Fire Codes. (Ord. 129, 3-4-1998)

**17.08.056: OFF STREET PARKING:**

"Off street parking" means a designated space, which space may include front and side street setback areas, which will include parking spaces of a predetermined size

with aisle space of a predetermined size to allow for circulation of traffic; and will provide a specified amount of area for snow storage; and may be paved, graveled, or grassed as long as it remains undeveloped. (Ord. 129, 3-4-1998)

**17.08.058: OFFICE:**

"Office" is a room or group of rooms used for conducting the affairs of a business, profession, service industry or government. (Ord. 109, 8-24-1993)

**17.08.059: ONE-FAMILY DWELLING:**

"One-family dwelling" means a dwelling constructed with a single living unit within a single structure. A single living unit has kitchen and bath facilities and common exterior access. (Ord. 184, 2-10-2011)

**17.08.060: OUTDOOR ADVERTISING SIGNS:**

"Outdoor advertising signs" means a sign of any type or material installed any place for any private, public or commercial outdoor advertising purposes. (Ord. 44, 1977)

**17.08.062: OVERNIGHT UNITS:**

"Overnight units" means each sleeping room or every three (3) beds of sleeping capacity, whichever is greater. (Ord. 129, 3-4-1998)

**17.08.064: PARK MODEL RECREATIONAL VEHICLE:**

The definition of "park model recreational vehicle" contained in Idaho Code section 49-117(2) and any subsequent revisions is hereby adopted. (Ord. 201, 1-11-2018)

**17.08.065: PARKING SPACE:**

"Parking space" means minimum parking spaces and aisles shall be:

Angle	Width	Length	Aisle Width
90°	9'	18'	24'
60°	9'	21'	18'
45°	9'	20'	15'
Parallel		8'	23'

(Ord. 129, 3-4-1998)

17.08.066: **PORCH:** An exterior appendage to a building with a roof and open or screened sides, forming a covered approach to an entrance on the ground level of a building.

**17.08.070: RECREATIONAL VEHICLES:**

"Recreational vehicles" means a unit not exceeding forty feet (40') in length, designed for portability on its own wheels or other trailer or truck, used for human habitation, but not designed for permanent placement. Recreational vehicles shall, for purposes of this title, include camp trailers, campers, motorhomes, tent trailers and boats. (Ord. 79, 9-6-1988)

**17.08.080: RUSTIC NATURE OR CHARACTER:**

"Rustic nature or character" means western in character, harmonizing with the natural scenic, historic and pastoral nature of the environment. (Ord. 44, 1977)

17.08.082: **SHED ROOF:** A roof containing only one sloping plane, with no hips, ridges or valleys, and a slope greater than 10%

**17.08.090: SIGN:**

"Sign" means any object, device, display or structure, or part thereof situated outdoors or indoors but visible outside, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or project images. (Ord. 179, 5-13-2009)

**17.08.100: TINY HOUSE:**

A tiny house is a dwelling that is four hundred (400) or fewer square feet (37 m<sup>2</sup>) in floor area, excluding lofts. This includes park model recreational vehicles, as defined by Idaho Code section 49-117(2) that are permanently placed. (Ord. 201, 1-11-2018)

**17.08.110: TINY HOUSE PARK:**

A tiny house park is a grouping of permanently placed tiny houses on individual spaces leased from an owner(s) of an individual tax parcel or contiguous tax parcels. These spaces may be smaller than that required for dwellings required for each tax parcel. (Ord. 201, 1-11-2018)

**17.08.120: TINY HOUSE PERMANENT PLACEMENT:**

Tiny house permanent placement means placed onto at minimum a pier and beam foundation, with installed power, sewer, and water hookups. (Ord. 201, 1-11-2018)

**17.08.121: VIEWABLE FAÇADE:**

The "viewable facade" of a structure is the total visible portion of a structure from any particular side, from lowest point to rooftop.

Section 2: That Title 17, Chapter 40, of the Stanley Municipal Code is hereby amended as follows:

**17.40.010: GENERAL USE RESTRICTIONS:**

No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located, and except in conformity with regulations of the district in which the building is located. (Ord. 189, 8-9-2012)

**17.040.020: BUILDING APPEARANCE AND MATERIALS:**

All buildings or structures shall be erected, constructed, reconstructed or altered to be of a rustic nature. The specifications contained herein are intended to assist in defining such materials term "rustic nature" with respect to the specific subject matter of this section. Exterior wall surfaces, including siding and trim of all permitted building projects shall be of logs, shakes, rough lumber, rough wood, board and batten, shingles, wood lap siding, native stone, metal such as cold rolled steel that allows or approximates a natural rusting finish, or concrete fabrication that truly resembles wood. All exterior materials shall be non-reflective. All materials not approved include, but are not limited to, stucco, plaster, brick, canvas, and vinyl. Rustic roofing materials include shakes or wooden shingles, earth tone composite shingle, concrete fabrication that truly resembles wood, and nonreflective metal in colors as set forth herein. To prevent modernistic appearance, or adverse visual impacts, flat or shed type roofs may be permitted on a case by case basis by the City Council to protect scenic vistas by reducing ridgeline/skyline visibility issues If scenic visibility is not an issue, the Council also may permit flat or shed roofs if the structure would remain in compliance with the intent of Stanley Comprehensive Plan. Flat or shed type roofs are not normally considered rustic. These flat and shed roof restrictions apply only to main buildings, not to accessory buildings or to shed dormers and porch roofs. Glass roofs are not permitted. Provided, however, that accessory buildings, whether permanent or nonpermanent structures, used as greenhouses, can have clear or translucent rigid or non-rigid exterior wall and roof surfaces not meeting the criteria listed above, or if wall or roof surfaces are colored then they shall conform to the approved color chart. Floor to ceiling windows, commonly called "curtain windows" or "curtain walls" are not permitted.



- A. Semitransparent stains which replicate natural wood colors or which allow natural woodgrain and color to be visible through the stain are allowed.
- B. Paint and solid stain treatments used for wall surfaces, trim, siding, decking and railing or permanently colored metal and other permanently colored materials used for wall surfaces, trim, siding, decking and railing must be in subdued shades of colors which blend with the natural surroundings visible from the building site. Certain specific shades of colors have been approved as satisfying this definition. A chart showing the approved shades of colors is attached to the ordinance codified herein as exhibit A, is incorporated herein by this reference, and shall be kept on file in the office of the city clerk.
- C. Certain colors for nonreflective metal roofs have been approved as satisfying the requirement that buildings be constructed in a "rustic nature". A chart showing the approved colors for nonreflective metal roofs is attached to the ordinance codified herein as exhibit B, is incorporated herein by this reference, and shall be kept on file in the office of the city clerk.
- D. Porch, deck railings, and decorative architectural features shall be constructed of wood, composite materials that appear like wood, stone, or metal such as cold rolled steel that allows or approximates a natural rusting finish. Screening, rods, cables, wires or posts must be of rusted metal or non-reflective colors approved on the Exhibit A color chart.

**17.40.030: BUILDING HEIGHT:** No building within the city limits or area of city impact shall exceed twenty eight feet (28') in height, except as provided in 17.40.032 (E), and except that a building that will skyline above a ridgeline as viewed from a public vantage point entering the city or point within the City of Stanley shall be limited to a single story with a viewable façade no more than 18 feet in height.

**17.40.031: HEIGHT DEFINED:** ~~For the purposes of this chapter, the height of a building shall be the vertical distance between the highest point at which the foundation meets the finished grade and the highest point of any ridgeline of the roof.~~

**17.40.032: HILLSIDE PROVISIONS:**

- A. The provisions of this section shall apply to any building site where the topographic slope of said building site exceeds fifteen percent (15%) grade.
- B. Cut and fill slopes shall comply with the following development standards:
  - 1. Fill areas shall be prepared by removing organic material, such as vegetation and rubbish, and any other material which is determined by the soils engineer to be detrimental to proper compaction or otherwise not conducive to stability; no rock or similar irreducible material with a maximum dimension greater than eight inches (8") shall be used as fill material in fills that are intended to provide structural strength.
  - 2. Fills shall be compacted to at least ninety five percent (95%) of maximum density, as determined by AASHO T99 and ASTM D698.

3. Cut slopes shall be no steeper than two (2) horizontal to one vertical; subsurface drainage shall be provided as necessary for stability.
  4. Fill slopes shall be no steeper than two (2) horizontal to one vertical; fill slopes shall not be located on natural slopes two to one (2:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top of an existing or planned cut slope.
  5. Tops and toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3') plus one-fifth ( $\frac{1}{5}$ ) of the height of the cut or fill, but need not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures a distance of six feet (6') plus one-fifth ( $\frac{1}{5}$ ) the height of the cut or fill, but need not exceed ten feet (10').
  6. The maximum horizontal distance of disturbed soil surface shall not exceed seventy five feet (75').
  7. All cut and fill slopes shall be revegetated and/or rehabilitated with retaining walls to eliminate unsightly hillside scarring and erosion. In those instances when it is necessary to disturb naturally vegetated slopes during construction of dwellings and other associated improvements, the disturbed slope areas shall be repaired and revegetated. Temporary or permanent watering systems shall be installed and maintained during revegetation to ensure adequate growth on revegetated existing or new cut and fill slope areas. Revegetation shall consist of drought tolerant ground cover plantings, dry land grasses, shrubs, and trees combined with rock groupings, retaining walls or other similar designs or methods to prevent soil erosion and unsightly views. Plants and materials used in the revegetation shall not be of a type or variety to cause an environmental threat or concern to the local or forest environment and shall not include any plants listed as noxious weeds by Custer County.
- C. Revegetation as defined in 17.40.032 (B) for all cut and fill slopes shall be completed no later than 12 months from the expiration date of the building permit by the end of the Building Permit term or within 12 months of building completion, whichever is earlier. Within twelve (12) months from the initiation of any cut and fill slope construction activities, revegetation as defined in subsection B of this section shall be completed.
- D. Retaining walls are limited to eight feet (8') in height above finished grade of retaining wall unless otherwise approved by the city council. For areas or slopes exceeding eight feet (8') in height above the finished grade, or as required by engineering or other circumstances, stair stepped or offset retaining walls shall be constructed. Unless approved otherwise by the city council, the horizontal distance between the stepped or offset wall shall not be less than one-half ( $\frac{1}{2}$ ) the retaining wall height. Retaining walls shall be constructed of durable or permanent materials, which are attractive earth tone or natural material, or otherwise screened. Types of approved retaining wall materials include keystone block, large rock, natural rustic wood, railroad ties or other similar natural material. A "retaining wall" shall be defined as a structure built of approved materials, whose purpose shall be to stabilize existing or manufactured slopes for both the prevention of erosion and the creation of a building site. A retaining wall, which is in an integral part of a building's structural design, and is attached to the building shall be considered as part of that building's "viewable facade", with the provision that its total length does not exceed twenty percent (20%) of the length of the main building, and therefore not subject to the eight foot (8') height limitation.

- E. No building shall have a viewable façade that exceeds twenty eight feet (28') in height, unless a daylight basement is approved by the City Council, constructed, in which case the viewable façade as viewed from no more than three sides shall not exceed thirty eight feet (38') feet in height. A "daylight basement" shall exist when be defined as a basement level that has at least one side of the basement level is totally or partially excavated or backfilled into a hillside, and at least two (2) other sides significantly partially excavated or backfilled into a hillside. At least one side must have a viewable façade of no more than twenty-eight (28) feet in height. The "viewable facade" of a structure shall be defined as the total visible portion of that structure from any particular side, from lowest point to rooftop.
- F. Construction of dwellings and associated improvements should take into consideration the need for erosion control facilities and techniques during and after construction. Silt fences, straw bales, berms and ditches are examples of temporary ~~or permanent~~ techniques to control erosion. Under no circumstances shall uncontrolled erosion be allowed to deposit eroded materials on any adjacent lot, roadway, stream or wetland area. Existing or new cut and fill slopes should be protected from erosion potential. Permanent erosion control facilities should be incorporated in the design of the dwelling, lot grading, landscaping and other improvements.
- G. Building permit holders shall be notified by the City at least 30 days prior to a permit expiration date. Any person not completing the work described in a valid building permit by the termination date on the permit and who has not applied for a successor building permit shall be fined fifty dollars (\$50) per month until a successor building permit is approved. In addition, the incomplete construction may be declared a public nuisance. Any person violating any other provision of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to such penalties as provided by law. (Ord. 152, 11-7-2001)

**17.40.040: MOBILE HOMES:** Mobile homes shall not be allowed within the city except as allowed in chapters 17.44 and 17.46 of this title. (Ord. 44, 1977)

**17.40.050: MINIMUM STREET WIDTH AND SIDEWALKS:** Minimum width of any street within the city shall be sixty feet (60'), and free from any obstructions or encroachments. All sidewalks shall commence no more than one (1') foot from the edge of the street right-of-way thirty feet (30') from the center of the street and continue parallel to the centerline along the street at that same distance unless obstructed by utility infrastructure. Sidewalks shall be constructed and erected only upon the consent of the city council after a building permit has been secured, as provided in this title. All sidewalks shall be boardwalks which shall consist of two (2) parallel, ground level support beams of redwood or pressure treated wood which is decay resistant. These support beams shall be placed to support the interior edge and exterior edge of the walking surface. The walking surface shall be a minimum of four feet (4') in width and consist of new wood planking or appropriate wood-like material approved by the City Council. The walking surface shall which measure, at a minimum, one and three-fourths inches by three and one-half inches (1<sup>3</sup>/<sub>4</sub>" x 3<sup>1</sup>/<sub>2</sub>") set perpendicular to the support beams. ~~The walking surface shall be elevated to relate to the adjacent building's finished floor level; most~~ of boardwalks should shall be approximately six (6) to eight inches (8")

above the edge of the dirt street. A sufficient drainage system shall be provided by the applicant. (Ord. 108, 5-10-1993)

**Section 2: SEVERABILITY:** If any section, subsection, clause, or phrase of this ordinance is for any reason held invalid, such decision or decisions shall not affect the remaining portions of this ordinance.

**Section 3:** The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

**Section 4:** That this Ordinance, or summary thereof in compliance with Section 50-901A, Idaho Code, shall be published once in the official newspaper of the City and shall take effect immediately upon its passage, approval and publication.


**PASSED** by the Council of the City of Stanley, Idaho this 8 day of July, 2021

**APPROVED** by the Mayor of the City of Stanley, Idaho this 8 day of July, 2021

**APPROVED**

**ATTEST:**

City of Stanley  
Custer County, Idaho

  
\_\_\_\_\_  
Steve Botti  
MAYOR

  
\_\_\_\_\_  
Cari Tassano  
CITY CLERK

