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ORDINANCE NO. 189

AN ORDINANCE OF THE CITY OF STANLEY, CUSTER COUNTY, IDAHO AMENDING TITLE 17, CHAPTERS 17.24, 17.26, 17.40, AND 17.47 OF THE STANLEY MUNICIPAL CODE TO ALLOW FOR THE USE OF RUSTIC METAL SIDING AND FENCE MATERIAL, TO EXPAND THE PERMITTED USES IN THE COMMERCIAL AND COMMERCIAL A ZONES, TO ALLOW FOR THE ISSUANCE OF CONDITIONAL USE PERMITS BY THE STANLEY CITY COUNCIL FOR NON-ENUMERATED USES, AND TO CLARIFY MINIMUM LOT DIMENSIONS; PROVIDING FOR A REPEALING AND SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council would like to allow for the use of metal with a rustic finish in siding and fence applications, and

WHEREAS, the City Council would like to allow for the offices, home occupations and short term vacation rentals as permitted uses in the commercial zones, and

WHEREAS, the City Council would like to allow for the issuance of conditional use permits within the commercial zone for uses not expressly permitted;

WHEREAS, the City Council would like to clarify the minimum lot dimensions in the commercial zones;

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

SECTION 1. Stanley Municipal Code, Title 17, Chapter 17.24, Sections 17.24.010, 17.24.020, and 17.24.030 shall be amended by adding home occupations, offices, and short-term vacation rentals to permitted uses, allowing for the issuance of conditional use permits for those uses not listed, adding instructions for interpreting lot or parcel width, and shall be codified as follows:

17.24.010: PERMITTED USES:

Permitted uses in the commercial district are:

Banks.

Beauty shops and barbershops.

Daycare facilities centers.

Doctor or dentist offices.

Emergency services.

Gas stations.

Grocery stores.

Hobby, gift and craft shops.

Hotels, motels, lodges and apartments.

Home occupations.

Medical clinics.

Multi-family dwellings.

Municipal government.

Municipal library.

Offices.

One-family dwellings.

Restaurants, bars and other eating and drinking establishments.

Retail and general mercantile stores. (Ord. 184, 2-10-2011)

Short-term vacation rentals of one-family and multi-family dwellings

17.24.020: EXCEPTIONS:

It is the general intention of this chapter that ~~types of businesses shall be limited to retail business and that industrial uses shall be restricted within this district, and any business not specifically enumerated in section 17.24.010 of this chapter shall only be conducted in this district upon application to and approval of the city council for variance~~ a conditional use permit.

17.24.030: MINIMUM LOT AREA AND WIDTH:

Minimum lot or parcel area for each dwelling erected or maintained shall be seven thousand two hundred (7,200) square feet with a minimum lot or parcel width of forty eight feet (48') per building. 'Lot or parcel width' shall refer to street or highway frontage when it exists, or to the minimum dimension of a lot without frontage. (Ord. 44, 1977)

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SECTION 2. Stanley Municipal Code, Title 17, Chapter 17.26, Section 17.26.010 shall be amended by adding home occupations, offices, and short-term vacation rentals to permitted uses, allowing for the issuance of conditional use permits for those uses not listed, adding instructions for interpreting lot or parcel width, and shall be codified as follows:

17.26.010: PERMITTED USES:

A. Permitted uses in the commercial A district are:

Banks.

Beauty shops and barbershops.

Doctor or dentist offices.

Gas stations.

Grocery stores.

Hobby, gift, and craft shops.

Home occupations.

Hotels, motels, lodges, and apartments.

Medical clinics.

Multi-family dwellings.

Offices.

One-family dwellings.

Restaurants, bars, and other eating and drinking establishments.

Retail and general mercantile stores.

Short-term vacation rentals of one-family dwellings and multi-family dwellings.

It further being the general intention of this chapter that ~~types of businesses shall be limited to retail business and that~~ industrial uses shall be restricted within this district, and any business not specifically enumerated above shall only be conducted in this district upon application to and approval of the city council for a conditional use permit. ~~variance.~~

B. Minimum lot or parcel area for each dwelling erected or maintained shall be five thousand (5,000) square feet, or such lesser square footage as shall be determined on a case by case basis by the city council, with a minimum lot or parcel width of forty eight feet (48'), or such lesser width as shall be determined by the city council on a case by case basis. 'Lot or parcel width'

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shall refer to street or highway frontage when it exists, or to the minimum dimension of a lot without frontage.

- C. Minimum setback of main building, dwelling, and accessory building from front and side streets shall be six feet (6'); minimum setback of main building, dwelling and accessory building from adjoining lot boundaries shall be two feet (2'); and from alley or back boundary of lot shall be two feet (2'). (Ord. 184, 2-10-2011; Ord. 117, 5-2-1995; Ord. 101, 6-2-1992; Ord. 44-A, 1986)

SECTION 3. Stanley Municipal Code, Title 17, Chapter 17.40, Sections 17.40.010 and 17.40.020 shall be amended by adding metal such as cold rolled steel that allows or approximates a natural rusting finish to allowed exterior surfaces, and shall be codified 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. 44, 1977)

17.40.020: 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 the term "rustic nature" with respect to the specific subject matter of this section. Exterior wall surfaces, including siding, 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. Materials not approved include ~~metal~~, stucco, plaster, brick, 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. Provided, however, that accessory buildings, whether permanent or nonpermanent structures, used as greenhouses, can have clear or translucent rigid or nonrigid 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.

SECTION 4. Stanley Municipal Code, Title 17, Chapter 17.47, Section 17.47.010 shall be amended by adding metal such as cold rolled steel that allows or approximates a natural rusting finish to allowed fencing material, and shall be codified as follows:

17.47.010: GENERALLY:

No fence shall be constructed, erected, or structurally altered unless a building permit therefor has been issued. All fences shall be of a rustic nature, ~~constructed of natural materials~~, and shall not exceed six feet (6') in height as measured from natural grade or finished grade, whichever is lower. Rustic materials include wood and and metal such as cold rolled steel that allows or approximates a natural rusting finish. Fences of plastic or synthetic material, chainlink, cyclone wire, chicken wire, barbed wire or any other twisted style metal fencing shall be expressly prohibited except for use in animal runs as expressly

provided herein, with the exception of metal welded wire utility mesh having a diameter of 12- and/or 14-gauge with two inch by four inch (2" x 4") squares between the wire strands and only when it is constructed as an interior component of a wooden frame fence with the following construction requirements:

A. If built with natural materials (post and pole construction), the wooden framework for the fence shall consist of vertical fence posts with a minimum diameter of four inches (4") and a maximum distance apart of twelve feet (12'), with a maximum height above grade of four feet (4'); and it shall have a minimum of two (2) horizontal fence rails having a minimum diameter of four inches (4") and with a maximum distance between rails of twenty eight inches (28").

B. If built with dimensional lumber (milled and/or planed lumber construction), the wooden framework shall consist of vertical fence posts with a minimum size of four inches by four inches (4" x 4") and with a maximum distance apart of twelve feet (12') and a maximum height above grade of four feet (4'); and it shall have a minimum of two (2) horizontal rails with a minimum size of two inches by six inches (2" x 6") and have a maximum distance between rails of twenty eight inches (28").

C. The wire mesh shall be attached to both the vertical posts and the horizontal rails in such a manner as to prevent the mesh from sagging.

D. The wire shall not be a visually significant or dominant part of the fence. ~~Metal fence posts are expressly prohibited except for use in animal runs as expressly provided herein.~~ Manufactured metal "stock gates" shall be allowed. (Ord. 124, 3-5-1997; Ord. 91, 5-7-1991)

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. This Ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

PASSED BY THE CITY COUNCIL and approved by the Mayor of the City of Stanley, Idaho, this _____ day of _____, 2012.

Herbert Mumford, Mayor

ATTEST:

Doug Plass, City Clerk

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