

**HIGHLIGHTED AREAS OF THE PROPOSED CODE AMENDMENTS. PLEASE SEE COMPLETE 2024 AMENDMENT UNIFIED DEVELOPMENT CODE FILE FOR ENTIRE DOCUMENT**

**CHAPTER 1**

**ADMINISTRATION**

**ARTICLE A. APPLICATION PROCESSING**

**8-1A-5: PROCEDURES FOR HEARINGS ON ADMINISTRATIVE DECISIONS:**

C. Hearing Scheduled: The city clerk shall schedule the hearing before the city council at the next ~~public hearing city council meeting~~ date, following ~~any pertinent the notice requirements~~ provided by ~~sub~~section 8-1A-6E.

**8-1A-6: PUBLIC HEARING PROCESS:**

A. The following applications require public hearings: Annexation and zoning, ~~deannexation~~, comprehensive plan text amendments, comprehensive plan map amendments, conditional use permits, floodplain text amendments, planned unit developments, preliminary plats, unified development code text amendments, ~~vacations~~, variances, and zoning map amendments (rezones).

B. Preapplication Meeting: Applications requiring a public hearing require a preapplication meeting with the administrator prior to holding a neighborhood meeting. The applicant shall provide a concept plan to the administrator detailing the proposed development at the time of scheduling the preapplication meeting. ~~Preapplication meetings shall be good for 6-months prior to submittal of an application. The administrator may waive a preapplication meeting when deemed appropriate.~~

C. Neighborhood Meetings:

1. Required: For public hearings involving annexations, rezones, variances, conditional use permits, preliminary plats, planned unit developments and property owner initiated comprehensive plan map amendments, applicants are required to hold a neighborhood meeting to present the proposed project to the neighbors, answer questions and receive comments prior to the submittal of an application. ~~The administrator may waive the requirement for a neighborhood meeting or require a neighborhood meeting on certain applications and requests when deemed necessary.~~

2. Notice: It shall be the sole duty of the applicant to provide written notice of the neighborhood meeting to all property owners of record within the radius required in subsection 8-1A-4B of this article. The City ~~will~~ shall provide the radius labels to the applicant, by request, for a fee.

3. Advance Notice and Timing of Meeting: Notice of the meeting shall be provided at least seven (7) days prior to the meeting. The meeting shall be held not more than ~~twelve three-(312)~~ months nor less than ~~two one~~ (21) business days prior to the submittal of an application.

4. Hours Stipulated for Holding Meeting: Neighborhood meetings shall start on Saturday

between ten o'clock (10:00) A.M. and ~~four~~ ~~seven~~ o'clock (~~7~~~~4~~:00) P.M., or on a weekday between six o'clock (6:00) P.M. and eight o'clock (8:00) P.M. The meeting shall not be on a Sunday, a holiday, a holiday weekend, or on the day before a holiday or holiday weekend.

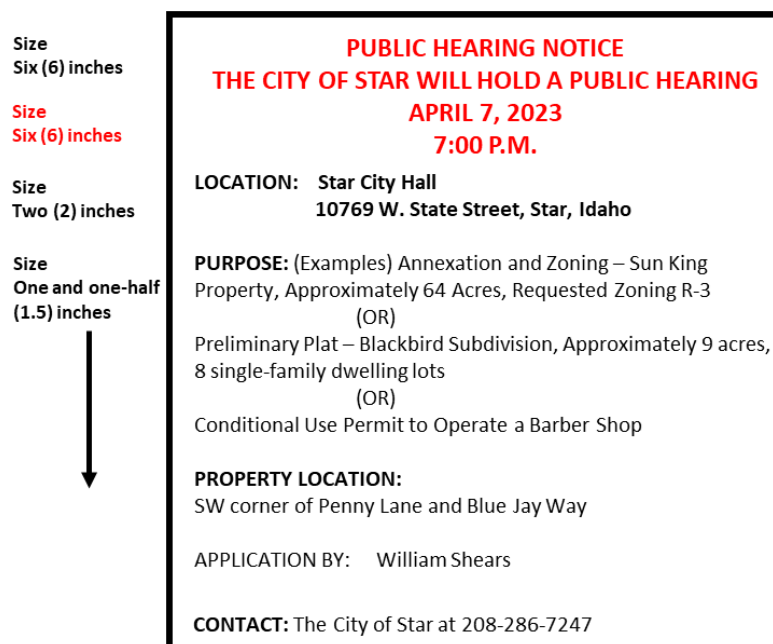
5. Location: Neighborhood meetings shall be held at one of the following locations: on the subject property; at the nearest available public meeting place including, but not limited to, a fire station, library, school, church or community center; or at an office space with suitable meeting facilities if the facilities are within the corporate limits of the City of Star.

#### D. Posting of Public Hearing Notice by Applicants:

##### 3. Notice:

b. Purpose and Contents of Sign: Centered at the top of the four-foot by four-foot (4' x 4') signboard(s) in six-inch (6") letters shall be the words "City of Star Public Hearing Notice" and the date of the hearing.

FIGURE 8-1A-6(a)  
PUBLIC HEARING NOTICE SIGN EXAMPLE



c. Sign Placement: The signs shall be posted on the land being considered along each roadway that is adjacent to the subject property boundaries. The sign(s) shall be located on the property, outside of the public right of way. If the sign cannot be placed on the property and still be clearly visible, the sign may be placed within the right of way if the applicant can obtain the consent of the owner of the right of way (ITD/ACHD/CHD4). The administrator may modify the location of the sign(s) on a case-by-case basis.

e. Sign Removal: The signs shall be removed no later than seven (7) days after the public hearing for which the sign ~~had~~ has been posted. A fine may be initiated for failure to remove sign. Fine amount to be determined by Council.

F. Public Hearing:

3. If the council finds that it does not have sufficient information to make a decision, it may continue the public hearing. The council may also choose to conduct a study workshop session with ~~all parties of record~~ the applicant to address questions and issues related to the application.

6. The council action shall be made within ~~seventy ninety~~ (~~70~~ 90) days after receiving all information to make a decision, acceptance of the application and submittal of any necessary agency correspondence, or ~~seventy ninety~~ (~~70~~ 90) days from the last meeting where the application ~~is was~~ considered and postponed from, if additional information is not needed.

**8-1A-8: INDEFINITE DEFERRAL PROCESS:**

When action on an application has been deferred indefinitely at the applicants' request, the applicant shall pay an additional fee to cover the cost of re-advertising before the application is scheduled for a public hearing. An indefinite deferral does not prevent the administrator and/or Council from initiating updated Code or policy requirements on any pending application.

**ARTICLE B**

**APPLICATION CRITERIA**

**8-1B-1: ANNEXATION, DEANNEXATION, AND ZONING; REZONE:**

**8-1B-1: ANNEXATION AND ZONING; REZONE:**

A. Process:

Annexation, Deannexation, and Zoning or Rezone Initiated By Property Owner: The applicant shall complete a pre-application conference with the administrator prior to submittal of an application for an annexation and zoning and/or rezone. An application and fees shall be submitted to the administrator on forms provided by the city.

B. Standards:

1. The subject property shall meet the minimum dimensional standards and/or density standards of the proper district.

2. The city ~~may~~ shall require a development agreement in conjunction with the annexation and zoning, or rezone, pursuant to Idaho Code section 67-6511A, which may include a concept plan. In addition to other processes permitted by city and state code, exceptions or waivers of standards, other than use, may be permitted through execution of a development agreement. A development agreement, building elevations, including front and rear (when backing up to a collector or arterial street), and concept plan shall be required for any annexation or rezone to a commercial, mixed-use or residential zone or use, or land which includes steep slope (land over 25%) or floodway. An application for annexation or rezone shall not be accepted until any required traffic impact study is submitted and accepted by the appropriate

transportation authority, or a letter from the transportation authority waiving said study is received by the administrator. A hearing date before the Council shall not be scheduled until ~~the~~ any required traffic impact study has been approved and the transportation authority has issued a staff report on the development application. The administrator may waive these requirements in certain circumstances.

6. Applicant may be responsible to participate in reimbursement costs associated with traffic studies, in proportionate share and/or additional mitigation contributions that may be established with transportation authorities, relative to traffic signals, access, or construction improvements associated with State Highways 16, 20/26 & 44, and/or with funding of police and fire protection as it relates to residential growth impacts.

D. Exclusion or deannexation/disannexation of land(s). Applications to exclude or deannex or disannex land from within the incorporated limits of the city shall be processed in the same manner as applications to annex. The council may choose to grant or deny such applications to deannex, in its sole discretion, as provided in Idaho Code section 50-225. Decisions to grant or deny any application for exclusion, deannexation/disannexation do not require that the council articulate or provide findings justifying its decision.

#### **8-1B-2: CERTIFICATE OF ZONING COMPLIANCE:**

A. Purpose: The purpose of the certificate of zoning compliance (CZC) is to ensure that all construction, alterations and/or the establishment of a new use complies with all of the provisions of this title, and any applicable conditions of approval, before any work on the structure is started and/or the use is established. A certificate of zoning compliance may be associated with an Administrative Design Review. Residential and commercial building permits may be subject to review under the CZC process. An associated fee shall be assessed for this review.

D. Zoning Certificate Not Required: No zoning certificate ~~shall~~ may not be required, as may be determined by the administrator, for any of the following specified uses and structures when such uses are permitted in the district:

1. Lawful accessory uses, not requiring any other permit or license;
2. Lawful signs of a type for which no building permit and/or no sign permit are required.
3. Application is for a Conditional Use Permit.

E. Temporary Uses: A zoning certificate shall be required for temporary buildings, temporary display and retail sale of merchandise, model homes, and construction project trailers, activities, and/or uses incidental to the construction of a building or group of buildings on the same or adjacent premises. A zoning certificate shall also be required for seasonal uses (e.g., fireworks stands, Christmas tree lots, fruit and vegetable stands marketing locally grown produce). Other uses which clearly are not associated with a holiday, the growing season, or a construction project may be considered for approval by the administrator. The timeframe for approval shall be determined by the administrator based on the specific use, ~~not to exceed one (1) year.~~

#### **8-1B-4: CONDITIONAL USES:**

B. Applicability: The provisions of this section apply to all uses identified as conditional use within this title. In addition to other processes permitted by city and state code, exceptions or waivers of standards, ~~other than or~~ use, may be permitted through issuance of a conditional use permit, development agreement or PUD, upon approval by Council.

#### **8-1B-7: ADMINISTRATIVE DESIGN REVIEW:**

E. The administrator shall meet with a design review committee, including one (1) member of the City Council and the Mayor to review the application and present proposed findings and conditions prior to issuing approval of the application. The committee may also include members of the professional community, including building architects, civil engineers, builders and landscape architects.

F. The applicant may appeal the decision of the administrator and committee to the City Council per Section 8-1A-5 of this title.

### **ARTICLE C. SURETY AGREEMENTS**

#### **8-1C-1: PROCESS:**

B. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Those improvements include ing, but may not be limited to, water, sewer, power facilities, street paving, emergency services, streetlights, parking lot paving and striping.

C. In the event that an applicant and/or owner cannot complete the nonlife, non-safety and non-health improvements, such as landscaping, pressurized irrigation, streetlights, fencing, and other site amenities, within the time specified in the final plat approval or prior to occupancy, a surety agreement may be approved in accord with the procedures set forth in this chapter.

1. For landscaping, including irrigation pumps and other landscaping related materials, the applicant shall provide the City with copies of paid receipts indicating purchase and order of said equipment and materials, along with a schedule date for delivery and installation. Landscaping and pressurized irrigation ~~must~~ shall be installed as soon as allowed by weather or other relevant conditions, but shall not extend more than 6 months from the date of issuance of the surety agreement. Building permits may be delayed by the building department, or City signatures on future final plat phases may be withheld if improvements are not completed in the timeframe.
2. Streetlights must be installed prior to the first building permit being issued for the development and shall be energized prior to occupancy of the first structure. The administrator may approve the use of temporary streetlights or other acceptable options prior to building permit issuance, provided permanent streetlights are installed and energized prior to occupancy of first structure, on a case-by-case basis.
3. For fencing or other site amenities, the applicant shall provide the City with copies of paid receipts indicating purchase and order of said amenities, along with a schedule date for delivery and installation.
4. For all requests, a detailed schedule of work to be completed shall be provided.

Unless otherwise stated, All work shall be completed and surety release requested within one (1) year of acceptance by the City. A one-time administrative extension of maximum thirty (30) days may be granted by the zoning administrator. Additional extensions may be approved by majority vote of the city council.

5. A private street may be approved for a surety agreement prior to final plat approval provided that the street is constructed and receives inspection approval from the City Engineer and Fire District prior to issuance of any building permit.

6. An applicant may bond for ACHD/HD4/ITD roadway improvements or a private street in order to obtain final plat signature. Building permits shall not be issued until all roadway improvements are completed and signed off by the Agency. One (1) building permit for the original parcel may be issued if approved by the Administrator, provided that 8-4A-6 is complied with.

D. The amount of surety called for shall be equal to not less than one hundred fifty percent (150%) of the cost of completing the required improvements. The estimated cost for all items, including labor, shall be provided by the applicant, and reviewed and approved by the city engineer. The city engineer may require increased costs and/or additional bids as deemed necessary and may reject unbalanced bids.

H. Fees for the surety agreement process shall be set and adopted by resolution of the city council.

## ARTICLE D

### IMPLEMENTATION PROVISIONS

#### 8-1D-8: VIOLATIONS:

C. It is a violation of this unified development code for any person to not comply with specific conditions of approval within any city adopted Findings of Fact and Conclusions of Law as stated in, but not limited to, a conditional use permit, preliminary plat, final plat, or planned development, or within an approved administrative approval including, but not limited to certificate of zoning compliance, temporary use, design review, sign permit or home occupation, as set forth in this title.

## ARTICLE E

### DEFINITIONS

#### 8-1E-1: TERMS DEFINED:

ACCESSORY STRUCTURE: A detached structure that is incidental and subordinate to the principal structure and is located upon the same property. The structure shall not receive a building permit prior to the primary structure being built and will not be permitted without a primary structure. The term accessory structure shall include, but not be limited to, the following: private garage, storage structure, secondary dwelling unit, workshop, pool house,

and/or greenhouse. New accessory structures are not allowed in the CBD district, unless approved by the administrator or council as part of an application. A maximum of two (2) accessory structures shall be allowed on any residential parcel or lot. Allowed accessory structures shall require certificate of zoning compliance, building permit, and shall comply with all requirements of the applicable zoning district. Accessory structures less than 200 sq ft do not need a building permit, but require a certificate of zoning compliance and should have a 5' minimum setback from any property line.

BUILD TO RENT COMMUNITY (BTR): Sometimes called Horizontal Apartments. A community developed as a single-family development with the specific intent to provide rental living rather than owner occupied living. The development is built in a manner that resembles a traditional neighborhood comprised of single-family homes. The dwellings may be located on individually platted lots or on one parcel. In some cases, the dwellings may share a common wall. This use shall be reviewed and approved similarly to a multi-family dwelling development.

COMMON DRIVE: Also referred to as a shared driveway. An access shared by adjacent property owners that is privately owned and maintained. Common or shared driveways shall not be permitted in new residential developments without approval from the Council and Fire District.

EVENTS/~~ENTERTAINMENT CENTER FACILITY~~. PUBLIC & PRIVATE, INDOOR OR OUTDOOR: ~~A~~ The indoor or outdoor use of a property and/or structure for public or private gatherings to include wedding receptions, corporate events, live music events, cultural events, recreation, sporting events, entertainment uses including but not limited to bowling alleys and skating rinks, miniature golf courses or driving ranges (not associated with a Golf Course), movie theaters, or other organized events where food service ~~is~~ may be provided, amplified music or excessive noise may be ~~is~~ present and area for a large amount of parking is ~~required~~ necessary.

LIVE/WORK UNIT: A unit or units consisting of both a commercial/office/light industrial component and a residential components and constructed as a single unit. separate units under a condominium regime or as a single unit. The “work” component is restricted to specific uses within the CBD and MU zoning district. The “live” component may be located on the street level (on the side or behind the work component) or any other level of the building. Live/work units shall have internal access between use components or floors. See Multiple Use Building for other multi-use options.

LOT, FLAG: A property in the shape of a flag on a pole where access to the street is from a narrow right of way. Flag lots are not permitted within residential subdivisions with zoning designations higher than R-2, and/or lot sizes less than half an acre in size. All other flag lots may only be permitted upon approval from the Fire District. Turn-around for emergency services shall be required.

MIXED USE DEVELOPMENT: The development of a tract of land ~~or building or structure~~ which includes uses from two (2) or more of the land use categories such as residential, commercial, office, light industrial, public space or agricultural. See also definition of Multiple



### Use Building and Live/Work Unit.

MULTIPLE USE BUILDING: Also known as mixed use or multi-use structures. The development of a building or structure which includes uses from two (2) or more of the land use categories such as residential, commercial, office, or light industrial. Multi-use structures consisting of both a commercial/office/light industrial and a residential component shall not have internal access between floors and shall be constructed as a separate unit under a condominium regime or as multi-family units. See Live/Work Unit for other multi-use options.

PUBLIC INFRASTRUCTURE: The use of a site for a public infrastructure including, but not limited to a) power substation, electric substation, grid switching site, electric transmission line; b) public well and/or water reservoir; and c) municipal wastewater and treatment facility; d. Fire Station.

SERVICE BUILDING: A permanent building or buildings designed to provide service facilities to the inhabitants or users of any development.

SHOPPING OR COMMERCIAL CENTER: A group of ~~three (3)~~ two (2) or more retail sale, office or service commercial establishments, attached or detached that are planned, developed, owned and/or managed as units related in location, size and type of shops to the trade area the unit serves.

## **CHAPTER 3**

### **ZONING DISTRICT STANDARDS**

#### **ARTICLE A**

#### **DISTRICTS ESTABLISHED**

(CBD) CENTRAL BUSINESS DISTRICT: To provide for commercial, retail, civic, office, and entertainment uses. ~~High density housing is encouraged~~ Residential uses, including higher densities may be allowed on the upper floors of ~~mixed-use~~ multiple use buildings and may also be allowed at the fringes of the land use designation shown on the comprehensive plan. Live/work designed development is also encouraged in this district. Developments in this district are to place an emphasis on pedestrian and bicycle access and compatibility. Special emphasis shall be placed on development in the central downtown area to encourage and create a vibrant, walkable downtown community that incorporates the Boise River as an active amenity.

(C-1) NEIGHBORHOOD ~~BUSINESS~~ COMMERCIAL DISTRICT: To provide for the establishment of convenience business uses which tend to meet the daily needs of the residents of an immediate neighborhood while establishing development standards that prevent adverse effects on residential uses adjoining a C-1 district. Such districts are typically appropriate for small shopping clusters or integrated shopping centers located within residential neighborhoods, where compatible.



(C-2) GENERAL ~~BUSINESS~~ COMMERCIAL DISTRICT: To provide for the establishment of areas for commercial uses allowed in other commercial zones and commercial uses which are more intensive than those permitted in other commercial zones, and typically located adjacent to arterial roadways and not immediately adjacent to residential, including the establishment of areas for travel related services such as hotels, motels, service stations, drive-in restaurants, offices, limited warehousing, commercial services and retail sales.

### **8-3A-3: USES WITHIN ZONING DISTRICTS**

## ZONING DISTRICT USES

USES	A	RR	R	CBD	C-1	C-2	LO	LI	PS	MU	RC
Church or place of religious worship	<u>P C</u>	<u>P C</u>	C	<u>N C</u>	C	C	C	N	<u>C</u>	C	N
Convenience store	N	N	N	<u>P C</u>	C	<u>P C</u>	<u>P C</u>	<u>PC</u>	N	C	C
Event/ <del>Entertainment Center</del> Facility, Public or private (indoor/outdoor) <u>1</u>	C	C	N	C	C	C	N	C	C	C	C
<del>Fireworks Stands</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>N</u>
Gasoline, Fueling & Charging station with or without convenience store <u>1</u>	N	N	N	C	C	<u>P C</u>	C	P	N	C	N
<del>Institution</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>
<del>Lagoon</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>
<u>Multiple Use Building</u> <u>1</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>C</u>	<u>C</u>
Shopping <u>or Commercial</u> center	N	N	N	<u>PC</u>	C	<u>PC</u>	N	N	N	C	N

### 8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS:

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front <sup>(1)</sup>	Rear	Interior Side	Street Side
CBD	35' <u>/60'<sup>5</sup></u>	0'	0'	0' <sup>4</sup>	0'
C-1	35'	20'	5'	0' <sup>4</sup>	20'
C-2	35' <u>/60'<sup>5</sup></u>	20'	5'	0' <sup>4</sup>	20'
LO	35'	20'	10'	0' <sup>4</sup>	20'
IL	35' <u>/60'<sup>5</sup></u>	20'	5'	0' <sup>4</sup>	20'
MU	35' <u>/60'<sup>5</sup></u>	For MU and CBD - Unless otherwise approved by the Council as a part of a PUD or development agreement, all residential buildings shall follow the residential setbacks shown in this table based upon the project density and all other buildings shall follow setbacks for the C-2 zone <sup>(3)</sup> .			

#### Notes:

2. Zero-Lot-Line, reduced street side yard setbacks and reduced front and rear setback waivers may be requested through the Development Agreement process. All other side yard setback requests for detached structures shall not be granted waivers, unless approved by Council as part of a Planned Unit Development.
3. All setbacks in the CBD, C-1, C-2, LO, ~~IL~~ LI, PS, RC and M-U zone shall maintain a minimum 15' when adjacent to a residential use or zone. A waiver may be requested if the adjacent property has the potential to redevelop as a non-residential use in the future.
5. 35' height requirement unless a height exception is approved by Council through the Conditional Use Permit or Planned Unit Development Process.

Note Conditions:

E. All new residential and accessory structures ~~of any size~~ within any zoning district shall comply with residential setbacks. Accessory structures less than 200 s.f. should maintain a minimum 5' setback from all property lines.

## ARTICLE B

### ADDITIONAL RESIDENTIAL DISTRICT STANDARDS

#### 8-3B-3: RESIDENTIAL DISTRICTS:

## ARTICLE C

### ADDITIONAL COMMERCIAL AND OFFICE DISTRICT STANDARDS

#### 8-3C-1: ALL COMMERCIAL AND OFFICE DISTRICTS:

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.
- B. New commercial developments shall incorporate site and architectural design recommendations from the Architectural Overlay Design Guidelines for the Central Business District and Riverfront Center.
- C. Big box retail commercial, generally a single-story single use building over 50,000 square feet, shall not be permitted unless approved by Council.
- D. Commercial buildings and centers, including shopping centers and strip malls immediately adjacent to State Street and Star Road shall front the roadway with parking located to the rear. Single buildings may provide parking on the sides as approved by Council. Direct access to these roadways shall be limited to avoid excessive access points. Existing alleyways shall be utilized when present, or new alleyways as permitted by the transportation authority.
- E. Site Improvements:
  - 3) One (1) full-size copy of the construction drawings, drawn in accordance with the requirements hereinafter stated. The construction Drawings shall be submitted on good quality paper, be professionally drafted, shall have the dimensions of not less than twenty-four inches by thirty-six inches (24" x 36"), and shall be drawn to a scale of not less than one inch to one hundred feet (1"=100') and contain a drafting date and north arrow.
    - b. Construction drawings shall include both above ground and below ground improvements, including the proposed building envelope of

proposed improvements. Said improvements must include proposed finished grades of all impervious surfaces, and shall be in conformance with all Federal, State, and local regulations.

Construction drawings shall include an erosion and sediment control plan.

4) Irrigation and drainage ditches shall not be covered, tiled or re-routed as part of any new commercial development unless specifically approved by the Council and applicable irrigation and/or drainage district.

#### **8-3C-2: ADDITIONAL CENTRAL BUSINESS DISTRICT STANDARDS:**

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.
- B. High density residential may be permitted within the CBD in ~~mixed-use~~ multiple use buildings with commercial or office type uses on the first floor and high density residential on upper floors.
- C. New development on Main Street and Star Road, generally south of State Street, shall include transition consisting of a compatible mix of lower intensity commercial, retail and office type uses mixed with live/work type residential. Existing Single-Family uses are encouraged to convert to or redevelop as non-residential uses.
- D. Big ~~Bbox~~ retail commercial, generally a single-story single use building over 50,000 square feet, shall not be permitted, unless approved by Council. ~~and any single-story single use building which is large in scale, such as approaching the 50,000 square foot size, shall be located to front on Highway 44 or Star Road.~~
- E. Commercial buildings and centers, including shopping centers and strip malls immediately adjacent to State Street and Star Road shall front the roadway with parking located to the rear. Single buildings may provide parking on the sides as approved by Council. Direct access to these roadways shall be limited to avoid excessive access points. Existing alleyways shall be utilized when present.

### **ARTICLE E**

#### **ADDITIONAL MIXED-USE DISTRICT STANDARDS**

##### **8-3E-1: MU MIXED USE DISTRICT:**

- J. Big box commercial, generally a single-story single use building over 50,000 square feet, shall not be permitted unless approved by Council.
- K. Commercial buildings and centers, including shopping centers and strip malls immediately adjacent to State Street and Star Road shall front the roadway with parking located to the rear. Single buildings may provide parking on the sides as approved by Council. Direct access to these roadways shall be limited to avoid excessive access points. Existing alleyways shall be utilized when present.

### **CHAPTER 4**

## ADDITIONAL REGULATIONS APPLICABLE TO ALL DISTRICTS

### ARTICLE A. PERFORMANCE STANDARDS

**8-4A-1: PURPOSE:**

**8-4A-2: APPLICABILITY:**

**8-4A-3: ACCESSORY STRUCTURES:**

**8-4A-4: ADDRESS NUMBERING:**

**8-4A-5: BIKEWAYS:**

**8-4A-6: BUILDING PERMITS:**

**8-4A-~~6~~-7: CLEAR VISION TRIANGLE:**

**8-4A-~~7~~ 8: OBJECTIONAL CONDITIONS:**

**8-4A-~~8~~ 9: DRAINAGE AND STORMWATER MANAGEMENT:**

**8-4A-~~9~~ 10: ENCLOSED TRASH AREA:**

**8-4A-~~10~~ 11: FENCES:**

**8-4A-~~11~~ 12: GRADING:**

**8-4A-~~12~~ 13: PATHWAYS:**

**8-4A-~~13~~ 14: OUTDOOR LIGHTING:**

**8-4A-~~14~~ 15: OUTDOOR SERVICE AND EQUIPMENT AREAS:**

**8-4A-~~15~~ 16: PRESSURIZED IRRIGATION SYSTEM:**

**8-4A-~~16~~ 17: SELF-SERVICE USES:**

**8-4A-~~17~~ 18: SIDEWALKS AND PARKWAYS:**

**8-4A-~~18~~ 19: WATER AND SEWER SUPPLY, PUBLIC:**

**8-4A-20: TRAVELING SLEEPING QUARTERS:**

**8-4A-~~19~~-21: MAILBOXES CLUSTERS:**

**8-4A-6: BUILDING PERMITS:** Building permits shall not be issued on any property that does not have a valid address and assessor's parcel number. A single residential dwelling, model home, clubhouse, multi-family building, or commercial building may be issued a building permit with the existing address and assessor's parcel number prior to recordation of a final plat, provided that all improvements related to public life, safety and health is completed prior to issuance of a building permit for the structure, as determined by the administrator. Those improvements include water, sewer, power facilities, street paving, emergency services including fire hydrants, and streetlights.

**8-4A-~~10~~11: FENCES:**

3. All open vision fencing shall be limited to wrought iron or open rail fencing only.

4. Chain link fencing shall be prohibited in all residential or commercial district unless required by an irrigation district or other jurisdiction for safety reasons, and where wrought iron is not otherwise required.

3 5. Unsightly Materials: The use of boxes, sheet metal, old or decayed wood, broken masonry blocks, pallets or other like unsightly, non-construction materials for fencing shall be prohibited.

**8-4A-~~11~~12: GRADING:**

A. Prior to any ground disturbance over 1,000 cubic yards on any property, or any disturbance of hillside property, as defined in Section 8-4A-12J, including grading, filling, clearing or excavation of any kind excluding activities associated with agricultural use, a grading application shall be submitted to the City for approval by the City Engineer. ~~This shall include any newly approved commercial or residential development, or property where disturbance and/or fill is in excess of 1,000 yards prior to any.~~ This shall not apply when grading is done in association with approval of construction drawings. If grading activities are anticipated to be done in association with other site improvements, the construction drawing review will include the grading plan review and a separate application is not required. Early grading permits may be issued at the request of the applicant and review and approval of City Staff.

An Application for Permit to Develop in an Area of Special Flood Hazard is required for earth moving activities associated with any development activities. Refer to section Title 10 - Flood Control for additional flood zone requirements.

3. Grading of a property shall take into consideration adjacent roadways and properties. With focus on state highways, arterials and collectors. New construction shall not result in sidewalks not matching centerlines of existing roadways. The City Engineer shall approve all grading plans.

G. Provisions to control drainage runoff shall be constructed as part of final grading of any development. Drainage runoff control provisions shall be adequate to prevent any surface or subsurface drainage water from flowing or being conveyed onto an adjacent lot or parcel. Specific improvements shall be considered for all roof drainage. Roof drains shall not be daylight on sidewalks included as main access pathways to building entrances, nor shall they drain across any ADA improvements, including parking.

I. Permit requirements for retaining walls shall comply with IBC section 105. A building permit for retaining walls four feet in height and greater will be required prior to approval of the grading permit. This includes construction drawings for new subdivisions.

J. Hillside Development:

1. Hillside Development Evaluation:

A. All hillside development proposals shall give consideration to desirable land use planning, soil mechanics, engineering geology, hydrology, and civil engineering. The evaluation includes, but is not limited to:

(5) Completion of paving slope stabilization (IE paving, landscaping) as rapidly as possible after after grading-, but no longer than two weeks after work is completed.

C. Areas over 25% slope shall be considered Steep Slope areas and shall be No Development areas. Development shall be limited except for the following:

(1) City approved trails

(2) Short sections of road to transition from one developable area to a another.

(3) small sections required for utility improvements as specifically required by the utility provider.

(4) NO portion of any residential building lot shall be located within a Steep Slope Area.

(5) Exceptions must be approved by the City Council and shall be demonstrate the following:

(i) Area is isolated and not connected to other steep slope areas.

(ii) Grading creates mimium impact to hillside area including non-Steep Slope Areas.

**8-4A-~~17~~18: SIDEWALKS AND PARKWAYS:**

ROADWAY CLASSIFICATION	MINIMUM SIDEWALK AND PARKWAY PLANTER WIDTHS <sup>1</sup>	NOTES
Local	5 Foot (5') Detached Sidewalk with minimum <del>6</del> 8 Foot ( <del>6</del> 8') Parkway Planter Strip Both Sides of Roadway	All roadways not designated as an arterial, collector, or highway, in any form, on ACHD's Major Street Map or Canyon Highway District #4's map, shall be considered Local.

**8-4A-~~18~~19: TRAVELING SLEEPING QUARTERS:**

Recreation vehicles and equipment, including, but not limited to, travel trailers, fifth wheels, recreational vehicles, motor coaches, and tents, shall not be used anywhere in the City as living quarters for longer than ~~two (2) weeks~~ seventy-two hours (72) within a six (6) month period, unless within an approved campground or recreational vehicle park, or as allowed in the temporary use section.

**8-4A-~~20~~ 21: MAILBOXES:**

All mailbox~~es and~~ clusters shall be approved by the postmaster prior to installation. All clusters shall be covered with an architecturally designed cover, to be approved by the Administrator prior to final plat signature. All covers shall be provided with lighting and shall be stained/painted and kept in good condition at all times. The administrator may issue a letter of violation to the HOA when any mailbox cluster or cover falls into disrepair. Maintenance shall be included in the CC&R's. A turnout shall be installed adjacent to the mailbox cluster to



provide community access, in compliance with all transportation authority requirements. The design shall be included as part of the preliminary plat submittal.

### **8-4B-3: REQUIRED NUMBER OF OFF-STREET PARKING SPACES:**

Event/ <del>Center</del> Entertainment Facility	Indoor Facility – 1 per 200 square feet of gross floor area; Outdoor Facility – 1 per 8 seats, <u>As or as otherwise</u> required with conditional use permit
Storage (enclosed building and/or fenced area)	1 per 1,000 square feet of gross storage area; <u>Self-storage facilities: As specified by Conditional Use Permit.</u>

## **ARTICLE C**

### **TEMPORARY USE REQUIREMENTS**

#### **8-4C-3: STANDARDS FOR RETAIL FIREWORKS STANDS AND CHRISTMAS TREE SALES LOTS:**

#### **8-4C-3: STANDARDS FOR RETAIL FIREWORKS STANDS AND CHRISTMAS TREE SALES LOTS:**

- A. Retail fireworks stands and Christmas tree sales lots shall be prohibited in residential districts.
- B. Firework stands and Christmas tree sales lots shall comply with General Standards in 8-4C-2 of this title, unless otherwise stated.
- C. The applicant or owner shall obtain written approval of the ~~Star Joint~~ Fire ~~Protection~~ District prior to issuance of certificate of occupancy.

K. Christmas tree sales lots shall be removed within five (5) days from Christmas.

L. Applicant may stay in an RV during the duration of the use.

## **ARTICLE E. COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS**

### **8-4E-2: STANDARDS:**

c. Ponds or water features where active fishing, paddle boarding or other activities are provided (50% qualifies towards total required usable area open space, must be accessible by all residents to qualify). p Ponds must be aerated. All ponds shall be provided with safety rings located at reasonable distances, as determined by the administrator;

C. Qualified Site Amenities: Qualified site amenities shall include, but not be limited to, the

following:

h. Pond and/or waterway amenities including, but not limited to docks, shade structures, ADA access, and fish stocking.

## Chapter 5

### SPECIFIC USE STANDARDS

#### **8-5-15: EVENTS/ENTERTAINMENT FACILITY:**

#### **8-5-23: MULTIPLE USE BUILDING:**

#### **8-5-13: DRIVE-THROUGH ESTABLISHMENT:**

A. A drive-through establishment shall be an accessory use where the drive-through portion of the facility (including stacking lanes, speaker and/or order area, pick up windows, and exit lanes) is not immediately adjacent to the drive-through portion of another facility, or immediately adjacent to a residential district or an existing residence, unless approved through a planned unit development. All drive-through establishments shall require a conditional use permit unless previously approved through a development agreement.

C. A site plan shall be submitted that demonstrates safe pedestrian and vehicular access and circulation on the site and between adjacent properties. At a minimum the plan shall demonstrate compliance with the following standards:

1. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons at any time;

5. A letter from the transportation authority indicating the site plan is in compliance with the authority's standards and policies shall be required, if applicable.

D. The applicant shall provide a six-foot (6') high sight or noise obscuring fence or wall, and/or additional landscaping where a drive-thru establishments stacking lane, speaker or window location adjoins is intended, in order to mitigate any negative impact on an adjacent a residential use or district or an existing residence. The administrator may require additional noise mitigation after the drive-thru is in operation, should excessive noise be observed.

~~E. Menu boards are considered as signs.~~

~~F E.~~ Approval from the Fire District is required for the location and access of the drive-thru facility.

F. When immediately adjacent to any residential use or district, any portion of a drive-thru restaurant use, including speakers, vehicle stacking and windows, excluding parking, shall be located a minimum of one hundred feet (100'), from any abutting residential use or district. Council may approve a waiver to this when the use is part of a Planned Unit Development or Development Agreement. This shall not apply to a financial institution.

G. All site lighting shall be designed in a manner that eliminates fugitive lighting from illuminating any portion of an adjacent residential use. The administrator may require additional mitigation or modification to the site lighting if it is determined that fugitive light is observed after installation and operation begins.

#### **8-5-15: EVENTS/ENTERTAINMENT FACILITY, PUBLIC OR PRIVATE:**

##### A. General Standards:

1. All structures or outdoor event areas shall maintain a minimum setback from any residential districts as determined by Council.

2. Any outdoor speaker system and amplified sound associated with the event facility shall comply with the noise regulations of this code.

3. All outdoor activities and events shall be scheduled so as to complete all activity by ten o'clock (10:00) P.M. All illumination shall be terminated no later than one hour after conclusion of the event.

4. The site shall have access from a principal or minor arterial, unless otherwise approved by Council.

3. A six foot (6') sight obscuring fence, wall, and/or other screening may be required in the landscape plan for all property lines abutting a residential district.

#### **8-5-~~27~~29: SECONDARY DWELLING UNIT:**

C. Maximum Size: Detached, ~~S-secondary~~ dwelling units shall be limited to a maximum size of 50% of the footprint (including any attached garage) of the primary dwelling. There is no size limit for an attached unit, provided that it is attached with a structure, such as a breezeway, that is no greater than 10 feet total in length.

#### **8-5-~~394~~1: WIRELESS COMMUNICATION FACILITY:**

##### C. Process:

4. Wireless communication facilities shall require a conditional use permit in all districts ~~with the exception of an industrial zone, which will require a certificate of zoning compliance~~, prior to installation.

5. Antennas used for any type of public safety shall require a certificate of zoning compliance.

## **CHAPTER 6**

### **SUBDIVISION REGULATIONS**

#### **ARTICLE A. SUBDIVISION PURPOSE AND PROCESS**

##### **8-6A-3: PRELIMINARY PLAT PROCESS:**

C. Application Requirements: A complete subdivision application form and preliminary plat data as required in this title, together with fees shall be submitted to the administrator. At the

discretion of the administrator or city engineer, appropriate supplementary information may also be required to sufficiently detail the proposed development within any special development area, including, but not limited to, hillside, planned unit development, floodplain, cemetery, manufactured home parks, and/or hazardous or unique areas of development. When possible, Aany unresolved access or traffic generation issues related to ACHD/~~E~~H4 or ITD regulated roadways ~~shall~~ should be resolved by the applicant prior to acceptance of any application. The administrator may require A a letter from the appropriate transportation agency or servient property owner ~~shall~~ to be submitted with the application.

#### **8-6A-5: COMBINED PRELIMINARY AND FINAL PLAT PROCESS:**

A. Applicability: A subdivision application may be processed as both a preliminary and final plat if all ~~of~~ the following exist:

1. The proposed subdivision does not exceed five (5) lots (excluding common and/or landscaping lots); or a previous plat was approved on the subject property; and
2. No new public street dedication, excluding widening of an existing street, is required (private streets are ok); and

#### **8-6A-8: TERM OF APPROVALS:**

A. Failure to Submit Final Plat: Approval of a preliminary plat or combined preliminary and final plat or short plat shall become null and void if the applicant fails to record a final plat within two (2) years of the approval of the preliminary plat (signed findings of fact) or one year of the combined preliminary and final plat or short plat. Minor land divisions shall be recorded within one year of approval.

C. Authorize Extension: Upon written request and filed by the applicant prior to the termination date of the period in accord with subsection A of this section, the administrator may authorize a single extension of time to record the final plat not to exceed twelve (12) months. Additional time extensions up to twelve (12) months as determined and approved by the city council may be granted. Submittal of a Council approved time extension request shall be a minimum of 30 days prior to the expiration date. With all time extensions, the administrator or city council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of this title.

D. Failure to Meet Timetable: If the above timetable is not met and the applicant does not receive a time extension, the property may be required to go through the platting procedure again, as determined by the administrator.

### **ARTICLE B. SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS**

#### **8-6B-2: IMPROVEMENT STANDARDS:**

D. Common/Shared Driveways:

1. ~~Maximum Dwelling Units Served: Common driveways shall serve a maximum of two (2) dwelling units and shall be approved by the Fire District. Common/Shared Driveways shall not~~

be permitted for residential developments unless an approved, emergency turn-around is provided, and the driveway is approved by the Fire District.

F. Blocks: In the residential districts, no block shall be more than seven hundred fifty feet (750') in length without an intersecting street, alley, or other City and ACHD/~~E~~H4 approved remedy. Remedies include traffic calming and/or waiver from City Council for the lengths.

H. Flag Lots: Flag lots are prohibited in all residential zones greater than R-1, unless specifically approved by Council. Any approved flag lot shall also be ~~unless~~ approved by the Fire District.

## **CHAPTER 8**

### **DESIGN AND DEVELOPMENT STANDARDS**

#### **ARTICLE A. SIGN STANDARDS**

##### **8-8A-11: SIGNS REQUIRING PERMITS:**

A. Residential or Miscellaneous Signs:

- c. ~~Such signs shall not exceed twenty (20) square feet in area; and~~ Sign and sign structure shall be sized accordingly, based on the area associated with the sign location, and shall be approved by the administrator. The entire sign structure shall not exceed ten feet (10') in height unless approved by the administrator.
- d. ~~The entire sign structure shall not exceed twenty-five feet (25') in length and eight feet (8') in height.~~