

**CHAPTER 1F**

**ADMINISTRATION**

**ARTICLE A. APPLICATION PROCESSING**

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

The purpose of this chapter is to set forth the roles, responsibilities, and processes in the administration of permits as authorized by this title consistent with Idaho Code section 67-6502 et seq., as amended.

**8-1A-2: DUTIES AND AUTHORITY:**

A. Planning Administrator: The administrator shall be appointed by the mayor and confirmed by a majority of the city council as the administrative official for this unified development code. For the purpose of this Title, Planning Administrator shall also refer to their authorized planning staff. The administrator or his or her authorized staff shall administer and enforce this title and fulfill all the duties imposed by law including, but not limited to:

1. The administrator shall make interpretations in the enforcement and administration of this title including, but not limited to, those in this article and the following:

- a. Conduct investigations of structures and use of property, as are necessary, to determine compliance with the regulations of this title;
- b. Order the abatement of violations of this title and aid in prosecuting such violations;
- c. Withhold any zoning compliance certificates, building permits and/or certificates of occupancy on any property where structures or uses are in violation of this unified development code; and
- d. Enforce penalties for violations in accord with this title.

2. The administrator shall provide information to the public on planning and zoning matters.

3. The administrator shall receive and examine all applications including, but not limited to, with the consent of the owner, enter upon any property to make examinations and surveys; maintain records of all materials and correspondence related to land use applications; transmit to outside agencies and provide written notice to surrounding property owners on all council hearings; maintain land use records of the council hearings and actions thereon. By signing the required

application(s), the owner provides consent for the administrator to enter their property for inspection.

4. The administrator shall transmit to the council all required applications related to this title.

### **8-1A-3: APPLICATION PROCESS:**

#### **A. Application Requirements:**

1. General requirements: Applications shall be on forms provided by the city and be accompanied by a fee as established by the city council.

#### **B. Determination of Completeness:**

1. An application shall contain all information deemed necessary by the administrator and as required by this code.

2. Upon receipt of a complete application, the administrator will issue a notice of application acceptance and completion. Incomplete applications will not be accepted by the City.

3. The administrator shall begin processing the application once the application is deemed complete.

4. Except for applications requiring administrative review, once the application is complete, the City will notify the applicant in writing of the scheduled public hearing date. Scheduling of applications for public hearing shall be at the sole discretion of the administrator.

5. Pre-application meetings are required for all zoning applications.

C. Request for City Council Review: An applicant, an affected person or a city council member may ask the city council to review any decision of the administrator by following the provisions set forth in section 8-1A-5.

### **8-1A-4: ADMINISTRATIVE PROCESS:**

A. The administrator and/or city council may recommend/require conditions of approval that are deemed necessary to protect the public health, safety, and welfare and prevent undue adverse impacts on surrounding properties.

B. Where notice is required, the administrator shall notify all property owners of record (as listed in the current records of the county assessor) of time and place, and a summary of the application, within a minimum of three hundred feet (300') of the external boundaries of subject property. The administrator may determine, or other applications provided for in this title may require, that notice be sent to property owners of record whose properties are farther than the required minimum radius.

1. The following uses shall also require notice within one thousand feet (1,000') of the property being considered:

- Adult business/adult entertainment
- Airport/aircraft landing field (public or private)
- Asphalt plant

- Bar/tavern/lounge/drinking establishment
- Chemical manufacturing plant
- Concrete batch plant
- Feedlot
- Flammable substance storage
- Junkyard
- Manufacturing plant
- Meatpacking plant
- Mine, pit or quarry including accessory pit, requiring administrative or conditional use approval
- Power Plant
- Processing plant
- RV Park
- Salvage yard
- Shooting range (outdoor)
- Vehicle wrecking yard
- Wireless communications facility

C. Where notice is required, the administrator shall notify all pertinent agencies.

D. The administrator shall provide the applicant written findings of fact and conclusions of law (written decision) in accord with Idaho Code section 67-6519 stating the reasons for the decision reached. All conditions of approval shall be attached to the written decision.

E. Written notice of the administrator's decision shall be sent to the applicant. Any affected person(s) aggrieved by the administrator's decision may submit a written request for city council review in accord with section 8-1A-5. The administrator's decision is not final until the end of the fifteen (15) day appeal period.

F. Affected Persons. An affected person is a person having a bona fide interest in real property which may be adversely affected by the approval, denial or failure to act upon an application for a subdivision, variance, special use permit and such other applications required or authorized by this Code. See Idaho Code Section 67-6521.

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

A. Request for an Interpretation of an Ordinance: In the administration of this title, an interpretation of an ordinance may be made by the administrator.

B. Requests for City Council Review of a Decision of the Administrator: All requests for review shall be filed in writing with the city clerk within fifteen (15) days after the written decision is issued. The request shall include the following information:

1. The decision being requested for review;
2. The name and address of the person requesting the review and their interest in the matter; and
3. The specific grounds upon which the request is made.

C. Hearing Scheduled: The city clerk shall schedule the hearing before the city council at the next ~~public hearing~~ city 30.council meeting date, following any pertinent ~~the notice requirements~~ provided by ~~sub~~section 8-1A-6E.

D. City Council: The city council, by majority vote, in reviewing the administrator's decision, may uphold, deny, amend or modify the decision by imposing additional or different conditions and limitations.

1. If the decision of the administrator is upheld, the city council shall issue a written decision stating the decision and the reasons for the decision.

2. If the decision of the administrator is overruled, amended or modified, the council shall issue a written decision and send the matter back to the administrator for action consistent with the council's decision.

E. Notification: Within ten (10) days, after a decision has been rendered by the city council, the administrator shall send a copy of the written decision to the individual requesting the city council review and the applicant, as may be applicable.

#### **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.

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.

6. Written Verification: The application materials shall include a copy of the provided neighborhood meeting notice, a copy of the neighborhood radius list and map, and written verification of the neighborhood meeting, which shall include an attendance roster.

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

1. All applicants shall post the subject property, except that posting is not required for a unified development code text amendment, vacation, comprehensive plan text amendment, or city initiated comprehensive plan text or future land use map amendments.

2. Time: Not less than ten (10) days prior to the hearing, the applicant shall post a copy of the public hearing notice of the application on the property under consideration and provide an affidavit of posting, with dated photos, to the administrator.

3. Notice:

a. Sign Material: The sign(s) shall consist of four foot by four-foot (4' x 4') plywood or other hard surface mounted on two (2) four inch by four inch (4" x 4") posts, or attached to another administrator approved support in such a manner that it is perpendicular to the roadway along which the sign is posted and the bottom of the sign is at least three feet (3') above the ground.

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". In addition, each sign will inform the public of the nature of the hearing, the date, time and address of the hearing location, detailed information of the proposal to be considered, a city contact number, the location of the development and the name of the applicant, and if applicable, the proposed development. Each sign shall be painted white, and the letters shall be painted black and shall appear on both sides. An example of this sign is set forth below:

FIGURE 8-1A-6(a)

PUBLIC HEARING NOTICE SIGN EXAMPLE

Size  
Six (6) inches

Size  
Six (6) inches

Size  
Two (2) inches

Size  
One and one-half  
(1.5) inches



**PUBLIC HEARING NOTICE**  
**THE CITY OF STAR WILL HOLD A PUBLIC HEARING**  
**APRIL 7, 2023**  
**7:00 P.M.**

**LOCATION:** Star City Hall  
10769 W. State Street, Star, Idaho

**PURPOSE:** (Examples) Annexation and Zoning – Sun King Property, Approximately 64 Acres, Requested Zoning R-3  
(OR)  
Preliminary Plat – Blackbird Subdivision, Approximately 9 acres, 8 single-family dwelling lots  
(OR)  
Conditional Use Permit to Operate a Barber Shop

**PROPERTY LOCATION:**  
SW corner of Penny Lane and Blue Jay Way

**APPLICATION BY:** William Shears

**CONTACT:** The City of Star at 208-286-7247

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).

d. Proof of Posting: The applicant shall submit a notarized statement and a photograph of the posting to the city no later than seven (7) days prior to the public hearing attesting to where and when the sign(s) were posted. Unless the certificate is received by such date, the public hearing will be canceled.

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

f. Failure to post the property properly or within the required timeframe will result in postponement of the public hearing and any additional posting and re-noticing fees will be paid for by the applicant.

**E. Mailing and Publishing of The Public Hearing Notice:**

1. Legal Notice: At least fifteen (15) days prior to the public hearing, the city shall publish a notice of the time and place and a summary of the application in the official newspaper of the city or as required by law.

2. Radius:

a. Time Of Notice: At least fifteen (15) days prior to the public hearing, the city shall send a notice by first class mail of the time and place, and a summary of the application to all property owners of record within the radius required in subsection 8-1A-4B of this article.

b. Notice to Other Jurisdictions: The administrator shall send notice of the application to other jurisdictions with interest and/or authority over the application, allowing a minimum thirty (30) days to respond, including, but not limited to, the following:

(1) Other jurisdictions with joint jurisdiction;

- (2) Appropriate utility companies, irrigation companies or districts and drainage districts;
- (3) Health and transportation authorities; and
- (4) School districts.
- (5) See Idaho Code 67-6511(2)(b) for statutory alternate forms of notice
- (6) Staff reports will be available to the public at least five (5) days prior to the public hearing.
- (7) Letters from the public are required to be received by noon one week prior to the public hearing in order to be included in the Council review packets, or on the previous working day prior to the public hearing in order to be considered part of the record.
- (8) Letters from agencies having jurisdiction are required to be received a minimum of seven (7) days prior to the public hearing.

#### F. Public Hearing:

1. Procedures for Legislative public hearings: Public hearings in legislative matters brought pursuant to requirements established by the Local Land Use Planning Act should take place after the City has provided notice as required by law. Prior to publishing notice of a legislative public hearing, a draft of the legislative proposal (Ordinance, Comprehensive Plan Amendment or Unified Development Code Amendment) should be prepared and be available for public inspection no later than the day the notice of public hearing is published.
2. Procedures For Quasi-Judicial Public Hearings: Quasi-judicial hearings involve site-specific decisions (such as rezoning specific property) as opposed to legislative hearings which require decisions that have a broad application (such as a change in the text of a comprehensive plan or zoning ordinance, which does not necessarily affect one (1) specific parcel of land). Quasi-judicial public hearings should follow the order of events set forth below.
  - a. Mayor/Council President or designee announces the item for Council consideration and opens the public hearing. The Council shall not begin deliberations until all testimony and evidence has been presented. No person shall be permitted to speak at a public hearing until such person has been recognized by the Mayor/Council President. If there is a question of "conflict of interest", as defined by Idaho Code section 67-6506, for any Councilmember, it shall be disclosed at the beginning of the hearing and, if the Council finds a conflict of interest exists, the disclosing Councilmember shall step away from the Council and not participate in deliberations or decisions for that item and shall rejoin the Council after action on that item is concluded. Any information received by a Councilmember other than during the public hearing shall be disclosed at the beginning of the hearing. Any late-arriving reports or public input may cause a delay in the proceedings while council reviews the new information.
  - b. Applicant describes the application and reasons it complies or does not comply with plans, ordinances and standards.
  - c. The planning and zoning administrator, or designee reports why the application complies or does not comply with plans, ordinances and standards. They may introduce additional information, including but not limited to agency reports and reviews, or additional staff recommended conditions of approval.

- d. Individuals/spokespersons testify why an application complies or does not comply with plans, ordinances and standards. Speakers shall not be interrupted by the audience. Questions from the decision makers should be asked of the person testifying before that person leaves the podium whenever possible. Public officials, when recognized, shall be allowed to question the speaker and the speaker shall be limited to answer questions asked. The question-and-answer period shall not be included in the speaker's time limit. Any person not conforming to these procedures may be prohibited from speaking during a public meeting. Should any person refuse to comply with such prohibition, he or she may be removed from the room by order of the Hearing Officer. Testimony should be in the following order:
- i. Those testifying the application complies,
  - ii. Those identifying subjects not discussed in the application, applicant's testimony or planning and zoning official report,
  - iii. Those testifying the application does not comply,
  - iv. The Chairperson/Mayor or Decision-makers may ask questions to the administrator and/or other City Staff relating to any previously discussed questions from the record.
  - v. Rebuttal testimony from the applicant. Decision-makers should ask any final questions. Only information from the record can be rebutted. If the applicant testifies about new facts, then others testifying must be given an opportunity to respond to the new facts.
- e. The Chairperson/Mayor closes the public comment portion of the hearing by declaration or Commission/Council motion.
- f. Council deliberates toward a decision. Council may ask the planning and zoning administrator or designee any additional questions during this time.
- g. The Council continues the matter for additional information or makes a verbal decision by majority vote, followed by a signed written decision that is legally considered a "final decision" that can be appealed by an affected person. The final decision should include a reasoned statement that explains the criteria and standards considered relevant, the relevant contested facts relied on, the rationale for the decision based on the applicable criteria and provisions of plans, ordinances or standards, pertinent constitutional principles and factual information contained in the record.
- h. The Council shall decide, an application is approved, approved with conditions, or denied. If denied, the Council shall identify what the applicant can modify in the application in order to be approved.
- i. The administrator shall provide the applicant written findings of fact and conclusions



of law in accord with Idaho Code sections 67-6519 and 67-6535 stating the reasons for the decision reached. Conditions of approval shall be attached to the written decision.

- j When a final decision has been made, as a result of the approved findings of fact/conclusions of law, the City shall send a copy of the final decision promptly by electronic mail, or first-class postage prepaid U.S. mail, to the applicant and to an affected property owner who has requested notice of the final decision.
- k. Applicants, or an affected property owner as defined in Idaho Code 67-6521, shall have fourteen (14) days after a final decision to request reconsideration by the final-decision maker, and must identify specific deficiencies in a final decision. Failure to request reconsideration may invalidate a subsequent judicial appeal. After considering the identified deficiencies, the final decision about the reconsidered request shall be issued and distributed to the applicant and to an affected property owner who has requested notice of the final decision.

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 to address questions and issues related to the application.

4. The council may require or recommend conditions of approval that it deems necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties.

5. After the public hearing is conducted, the council may approve, approve with conditions, deny, table to a date certain, or remand to the administrator, the application request.

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-7: TIME COMPUTATION:**

In computing any period of time prescribed or allowed by this title, the City shall count calendar days. The written decision date shall be the date of the hearing at which written findings are adopted by the city council. If no hearing is held on the matter, the written decision date shall be the date written notice of such decision is mailed to the applicant.

#### **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.

### **8-1A-9: REQUEST FOR RECONSIDERATION:**

A. Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days, as required by Idaho Code 67-6535.

To request reconsideration, an applicant or affected person must meet the following criteria:

1. The requesting party must have been a party in the underlying action in one of the following: the city; the property owner of the subject property; the applicant for the project; or other affected party; and
2. The request must be in writing, accompanied by the appropriate fee, and presented to the City no more than fourteen (14) calendar days after the council action and final decision (findings of fact, conclusions of law) have been rendered; and
3. The request must state a basis for the request and a brief statement of issues and decision that the requesting party is asking to be reconsidered; and
4. The request must include but is not limited to: the party requesting reconsideration has relevant information; and the relevant information was not previously presented and is in response to something brought up at the previous hearing; and the information was not previously available.

B. Consideration: The council will consider the request and provide a written decision to the requesting party within sixty (60) days of receipt of the request for reconsideration.

C. If the City Council Approves the Request: The requesting party must pay the fee for a new public hearing within ten (10) calendar days of council's reconsideration. If the payment is not made to the city clerk within the specified time frame, the city council shall be notified at their next regularly scheduled meeting and the request for reconsideration shall be rescinded.

D. All Noticing Shall Be Done in The Same Manner As All Public Hearings: If the applicant for reconsideration is not the property owner, they may post the notice of hearing sign that is required by ordinance in the right of way, if they have permission of the appropriate authority. The city council may waive this requirement, excepting publication costs. The city council shall consider all relevant facts regarding the reasons the property has not been properly posted and may direct any reasonable measures it wants to assure that the public has appropriate notice. The new hearing shall be conducted in the same manner as all public hearings.

E. Public Hearing: The administrator will schedule a new public hearing for the application as allowed by this code and all noticing requirements shall be mandatory. The public hearing shall be limited to a discussion of the new information and the ultimate decision shall be a final action of the city council. No request for reconsideration may be accepted by the administrator on the decision of the city council from this hearing.

F. Number of Requests: One request for reconsideration by any party as stated in subsection A1 of this section, may be sought on any project.

### **8-1A-10: APPEAL; FORM AND CONTENT:**

Any city council decision may be appealed to a court of appropriate jurisdiction in accordance with the procedures established in Idaho Code.

**8-1A-11: FEES:**

In the application of fees for the review of permit applications, the following rules shall apply:

A. Basis for Calculation: For any application involving more than one classification of a petition or application, the filing fee shall be the sum of the total fee(s) of each individual application(s).

B. Fees Nonrefundable: Once an application has been deemed complete by the administrator and noticing has occurred, fees to be charged for the various procedures stated above are not refundable.

C. Land Use Application Fees: Land use application fees shall be set and adopted by resolution of the city council.

D. The applicant shall be responsible for all other additional review fees associated with the review of the application(s). This includes but is not limited to City engineer, legal and agencies having jurisdiction. The applicant shall also be responsible for any outside agency review fees.

E. Applicant shall be responsible for all costs associated with re-noticing of public hearings when applicants actions result in the meeting being postponed, i.e., failure to properly notice the site or applicants request for postponement of public hearing.

## ARTICLE B

### APPLICATION CRITERIA

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

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

#### 8-1B-3: COMPREHENSIVE PLAN AMENDMENTS:

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

#### 8-1B-5: UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS:

#### 8-1B-6: VARIANCE:

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

#### **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. 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 this requirement in certain circumstances.

3. The termination of a development agreement shall result in the reversal of the official zoning map amendment approval and applicable development approval for any undeveloped portion of property subject to the development agreement. The undeveloped property subject to the development agreement shall be rezoned to the district classification as designated by the development agreement. When no designation is provided, the property shall revert to its original zoning or, if the original designation no longer exists, to the closest current equivalent zoning as determined by the current Comprehensive Plan Land Use Map designation.

4. An amendment or termination of a previously recorded development agreement shall be recorded in the office of the county recorder by the clerk.

5. An approved development agreement must be executed within one hundred eighty (180) days

of the issuance of a final written decision approving the development agreement. 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. Failure to execute the development agreement within the required timeframe will result in the denial of all related applications.

6. Applicant may be responsible to participate in reimbursement costs associated with traffic studies, in proportionate share 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.

C. Required Findings: The council shall review the application at the public hearing. In order to grant an annexation and zoning or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;
2. The map amendment complies with the regulations outlined for the proposed district;
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare; and
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.
5. The annexation (as applicable) is in the best interest of city.

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.

B. Applicability: These provisions apply to all requests for permits that involve construction, interior/exterior alterations and/or the change in or establishment of a new use.

C. Process: A certificate of zoning compliance shall be issued by the administrator when there is a demonstration that the development complies with all provisions of this title, and any applicable conditions of approval.

1. No certificate of zoning compliance shall be issued for any use on a property in violation of this title or on a property that contains structures or uses in violation of this title.

2. The certificate of zoning compliance shall be invalid:
    - a. If the certificate was secured in violation of a state or federal law;
    - b. Upon violation of any regulations of this title on the subject property; or
    - c. If the conditions of the certificate of zoning compliance have been violated. All further work shall cease on a project until the violation has been remedied.
  3. Certificate of zoning compliances issued in conjunction with a proposed use shall expire if said use has not commenced within one year of the date of issuance of the certificate of zoning compliance.
    - a. Certificate of zoning compliances issued in conjunction with construction or alteration of a structure shall expire if said construction or alteration has not commenced within one year of the date of issuance of the certificate of zoning compliance.
    - b. The certificate of zoning compliance may require inspections and approvals specified in the approval of the application.
- D. Zoning Certificate Not Required: No zoning certificate ~~shall~~ may not be required 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~~.

- F. Zoning Certificate Prohibited: No zoning certificate shall be issued, granted or approved for single-family residential use, multi-family residential use, childcare facility, school, manufactured home community or mobile home park unless all irrigation ditches, laterals and canals crossing, intersecting and lying adjacent, or contiguous to, such uses are covered or fenced. Upon application, the e Council may waive this restriction in whole or in part if it is found that covering or fencing will not serve the public purpose in an individual case.
1. The proposed use shall not allow for placement of any structure, vehicle, sign, etc., within a vision triangle, required setback, required parking stall (except as permitted for temporary, outdoor display sale of merchandise), service drive area, dedicated trash dumpster location, sidewalk, or any other position on a lot which may interfere with vehicular or pedestrian circulation, or the normal functions of other uses on the property, or be potentially hazardous to the public.
  2. The proposed use must be in conformance with the zoning district which it is proposed to be located in (e.g., retail sales in a commercial zone).
  3. The approval shall contain language stating that the certificate does not exempt the applicant from having to comply with regulations administered and enforced by other city, state, and federal agencies.
  4. Uses which may not be considered for temporary approval.

5. No permit, except in the case of seasonal uses or uses incidental to construction, shall be issued for structures or uses which are intended to be placed upon unimproved property.
6. Seasonal uses shall:
  - a. Obtain from the property owner a signed and notarized affidavit acknowledging that the applicant has the authority to use the property.
  - b. Require that the property owner will be accountable for any debris or refuse left on the property more than three (3) days after the applicant leaves the premises with the business and shall be responsible to pay any additional cleanup costs to the city.
  - c. Moreover, an applicant who fails to clean the lot when the operation concludes shall be guilty of a misdemeanor as defined by Idaho Code section 18-113 (as amended).
  - d. Revocation: Upon violation of any of the conditions or terms of the zoning certificates issued pursuant to this chapter, the administrator may cause the certification to be revoked. The administrator shall be authorized to revoke any zoning certificates issued by the city.
  - e. Zoning Certificate, Lapse: A zoning certificate shall lapse and become void whenever the building permit or license either lapses or is revoked, or whenever the use of occupancy specified has ceased to exist or has been suspended for one hundred eighty (180) calendar days or longer.
  - f. Time Extension: The administrator may grant a one-time extension not to exceed sixty (60) days.

### **8-1B-3: COMPREHENSIVE PLAN AMENDMENTS:**

#### **A. Process:**

1. Comprehensive Plan Amendment Initiated by The City: The city council may propose amendments to the comprehensive plan following notice and public hearing procedures in section 67-6509 of the Idaho Code.
2. Comprehensive Plan Amendment Initiated by A Property Owner: The applicant shall complete a preapplication conference with the administrator prior to submittal of an application for a comprehensive plan amendment. An application and fees shall be submitted to the administrator on application forms provided by the city.
3. Public Hearing: The city council shall conduct at least one public hearing in accordance with this chapter and in accordance with the procedures in section 67-6509 of the Idaho Code.

**B. Required Findings:** The council shall review the application at the public hearing. In order to adopt a new comprehensive plan or grant an amendment to the existing comprehensive plan, the council shall make the following findings:

1. The proposed amendment is consistent with the other elements of the comprehensive plan.
2. The proposed amendment provides an improved guide to future growth and development of the city.
3. The proposed amendment is internally consistent with the goals, objectives and policies of the comprehensive plan and the comprehensive plan future land use map.
4. The proposed amendment is consistent with this unified development code.
5. The proposed amendment is in the best interest of the city of Star.
6. The proposed amendment includes a justification letter for the amendment addressing the following criteria and the Council finds that the amendment is in compliance with the stated criteria:
  - a. A specific description of the change being requested.

- b. Specific information on any property(s) involved.
- c. A description of the condition or situation which warrants a change being made in the plan.
- e. A detailed list of all applicable comprehensive plan goals, policies, and objectives that the proposed change would help implement or policies that must also be amended as part of the proposed change.
- f. A proposed development plan for any land involved.
- h. An analysis showing the estimated impact that the proposed change is expected to have on existing and planned infrastructure.
- i. If the amendment will impact more individuals than the applicant submitting the application a detailed description of the efforts made to inform other parties potentially impacted by the change of the application is to be provided.
- j. Any other data and information required by the city for their evaluation of the request.

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

A. Purpose: The purpose of this section is to establish procedures that allow for a particular use on a specific property subject to specific terms and conditions of approval.

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 use~~, may be permitted through issuance of a conditional use permit, development agreement or PUD.

C. Process:

1. The applicant shall complete a pre-application conference with the administrator prior to submittal of an application for a conditional use.
2. A neighborhood meeting shall be held by the applicant pursuant to Section 8-1A-6C of this title.
3. An application and appropriate application fees shall be submitted to the City on forms provided by the city.
4. Prior to issuing the conditional use permit, the administrator may require additional information, including studies, concerning the social, economic, fiscal or environmental effects of the proposed conditional use. Traffic studies may be required by the transportation authority prior to acceptance of an application.

D. Standards: In approving any conditional use, the city council may prescribe appropriate conditions, bonds and safeguards in conformity with this title that:

1. Minimize adverse impact of the use on other property.
2. Control the sequence and timing of the use.
3. Control the duration of the use.
4. Assure that the use and the property in which the use is located is maintained properly.
5. Designate the location and nature of the use and the property development.
6. Require the provision for on site or off-site public facilities or services.
7. Require more restrictive standards than those generally required in this title.
8. Require mitigation of adverse impacts of the proposed development upon service delivery by any political subdivision, including school districts, that provides services within the city.



E. Findings: The council shall base its determination on the conditional use permit request upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.
2. That the proposed use shall meet the intent of the Star comprehensive plan and be in compliance with the requirements of this title.
3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity.
4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.
5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.
6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.
7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance as determined by the City.

F. Time Limitations and Extensions:

1. A conditional use permit, upon council approval, shall be valid for a maximum period of twenty-four (24) months unless otherwise approved by the City Council. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. Once all requirements are satisfied, permits are acquired and the use is commenced, the conditional use permit will become permanent unless otherwise revoked by the city council.
2. A conditional use permit that also requires platting: The final plat must be recorded within this twenty-four (24) month period.
  - a. For projects with multiple phases, the twenty-four (24) month deadline shall apply to the first phase. In the event that the development is made in successive contiguous segments or multiple phases, such phases shall be constructed within successive intervals of one year from the original date of approval. If the successive phases are not submitted within the one-year interval, the conditional use approval of the future phases shall be null and void.
3. Time Extension. Upon written request and filed by the applicant prior to the termination of the period in accord with this subsection F, the administrator may authorize a single, administrative time extension to commence the use not to exceed one (1), twelve (12) month period. The administrator may require the conditional use comply with the current provisions of this chapter. Additional requests must be approved by the council.
  - a. Council approval of requests for time extension for an approved conditional use shall be determined by the city council at a public hearing and will not be granted if any of the following conditions exist:
    - (1) Significant amendments to the comprehensive plan or this unified development code have

been adopted that change the basis under which the conditional use permit was granted.

(2) Significant changes in land use have occurred in the area that will impact or be impacted by the project.

(3) Hazardous conditions have developed or have been discovered that will impact the project.

4. Community facilities and/or services are no longer adequate to serve the project.

a. The city council may place additional requirements, modify the previous approval or deny the request for time extension.

b. No more than one-time extension may be granted to a single conditional use.

#### G. Transfers and Modifications:

1. Conditional use permits are an entitlement to the specific property on which the approval was granted and upon property sale the entitlement transfers to the new owner(s) without further application or approval, provided, however, the new owner(s) shall be bound by the same conditions of approval as the original permit holder(s). This is for a specific use and may not be used for other applications.

2. A conditional use permit is not transferable from one property to another.

3. All requested modifications to an approved conditional use shall be considered by the city council at a public hearing. The city council may modify the conditions, limitations and/or scope of the permit.

#### H. Revocation:

1. A conditional use permit may be revoked or modified by the city council, upon notice and public hearing, for breach or violation of any condition of approval or limitation of the permit.

2. If the city council decides to revoke a conditional use permit, either on its own action or upon complaint to the city council, the administrator shall notify the permit holder of its intention to revoke the conditional use permit and provide the permit holder with the opportunity to contest the revocation.

3. Fifteen (15) days' prior notice of the hearing shall be given to the permit holder and all property owners of record (to be obtained from the County Assessor's office) within the radius required in subsection 8-1A-4B of this article-

4. The council shall make findings of fact and conclusions of law supporting its decision to revoke the conditional use permit. If the council decides not to revoke the conditional use permit, no findings of fact and conclusions of law shall be made.

5. An affected person may appeal the decision of the city council under the administrative procedure act of the state of Idaho, Idaho Code title 67, chapter 52.

#### **8-1B-5: UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS:**

A. Unified Development Code Amendment Initiated by A Property Owner: The applicant shall complete a pre-application conference with the administrator prior to submittal of an application for a unified development code text amendment. An application and fees shall be submitted to the administrator on forms provided by the city.

B. Unified Development Code Amendment Initiated by the City: The city may initiate a code amendment with public notice as required herein.

C. Required Findings: In order to grant a text amendment to this unified development code, the council shall review the proposed text amendment at a public hearing and make the following findings:

1. The text amendment complies with the applicable provisions of the comprehensive plan;
2. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and
3. The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including.

### **8-1B-6: VARIANCE:**

A. Authority to Grant Variances: The council may authorize, in specific cases, such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this title would result in unnecessary, non-financial hardship.

B. Process:

1. The applicant shall complete a pre-application conference with the administrator prior to submittal of an application for a variance.
2. A neighborhood meeting shall be held by the applicant pursuant to Section 8-1A-6C of this title.
3. An application and fees shall be submitted to the administrator on forms provided by the city.

C. Standards: The variance shall comply with Idaho Code section 67-6516. A variance may be considered as a waiver of development standards when associated with a conditional use permit, development agreement or planned unit development.

D. Required Findings: In order to grant a variance, the council shall review the application at a public hearing and use its discretion to make the following findings:

1. The variance does not grant a right or special privilege that is not otherwise allowed in the district;
2. The variance relieves an undue hardship because of characteristics of the site, which must be other than financial in nature; and
3. The variance is not detrimental to the public health, safety, and welfare.

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

A. Purpose.

1. To produce attractive developments with unique character and quality architectural design.

2. To minimize the impact of the scale, bulk and color of large structures on surrounding properties.
3. To encourage high quality building design that employs the use of good design principles and features quality, durable materials.
4. To protect the safety and convenience of pedestrian access within developments and to build attractive pedestrian amenities.
5. To provide greater attention to the design and location of structures in relationship to the surrounding street.
6. To locate noise generating activities away from any adjacent residential uses.
7. To create attractive and quality designed structures reflecting the unique character of Star along the city's entryway corridors.
8. To promote quality growth patterns that support economic development and the efficient use of resources.
9. To guide the design of structures, not control the type, intensity or density of the use.

#### B. Applicability.

1. Administrative design review shall only be required for all new commercial, industrial, institutional, public or quasi-public development that is subject to conditional use, certificate of zoning compliance and/or building permit approval, except developments meeting one (1) or more of the following standards shall be exempt:

- a. The structure and/or addition is fully screened from public view from all abutting property lines;
- b. The structure and/or addition is less than one hundred twenty (120) square feet in area and is not visible from a public street, private street, or abutting residence; and/or
- c. No exterior improvements are proposed, including changes in use.

2. Administrative design review shall be required for all new attached residential structures containing two (2) or more dwelling units or multi-family dwellings. Administrative design review shall not apply to the construction, addition, removal, or modification of detached single-family homes and/or secondary dwellings unless required as part of a development agreement.

3. Unless otherwise waived by the Administrator, administrative design review shall be required for all exterior building alterations, including, but not limited to: the addition, removal, or modification of architectural elements, such as doors, windows, awnings, and arcades; building remodels where all or a portion of a structure is modified,

including entrances, facades, rooflines, and building expansions; a change in exterior materials and/or color scheme; or any other alteration that modifies the exterior appearance of the building, approved conditions, and/or the requirements in this title and/or the " Architectural Overlay District Guidelines ".

4. Administrative design review shall be required for all site alterations, including, but not limited to. the addition, removal, or modification of site improvements and/or features, such as access, parking, and landscaping, or any other alteration that modifies the site, approved conditions, and/or the requirements in this title and/or the "Architectural Overlay District Guidelines".

5. Administrative design review shall not apply to interior tenant improvements.

#### C. Process.

1. For projects requiring only certificate of zoning compliance approval, as determined by the administrator and/or further defined in this Title, a design review application shall not be required.

2. An application and fees, in accord with article A, "General Provisions", of this chapter, shall be submitted to the administrator on forms provided by the Planning Department.

3. The administrator shall apply the standards listed in this title and the guidelines as set forth in the " Architectural Overlay District Guidelines " to review the administrative design review request.

4. The administrative design review approval shall be exercised with the approval period of the underlying permit or the approval shall expire. For example, if the underlying permit is a conditional use permit, the design review approval will expire two (2) years after approval.

D. Required findings. In order to grant approval for an administrative design review, the administrator shall determine that the proposed structural and/or site designs conform to the standards and meet or exceed the intent of the " Architectural Overlay District Guidelines ".

E. The administrator shall meet with a 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 world, 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:

### 8-1C-2: PENALTY FOR FAILURE TO COMPLETE CONSTRUCTION:

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

A. The city may withhold building, electrical or plumbing permits, or certificates of occupancy on the lots or land being developed or subdivided, or the structures constructed thereon, if the improvements required under this title have not been constructed or installed, or if such improvements are not functioning properly.

B. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Those improvements include 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 signature ?? 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 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, Aall 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 signature?? 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 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 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.

E. The surety shall be in the form of an irrevocable letter of credit, performance bond, or a cash deposit. In all cases the surety shall be drawn solely in favor of, and payable to, the order of the city of Star, in accord with the regulations contained in the surety agreement by and between the guarantor and the city of Star.

F. Where a surety is accepted by the city and deposited as provided by this article, the city may release temporary occupancy of a structure or structures. The term of the temporary occupancy shall be determined by the city engineer and/or administrator. The term shall not exceed ninety (90) days in length. 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.

G. Where a surety is accepted by the city and deposited as provided by this article, the surety shall be released subject to the following regulations:

1. The owner shall submit a written request to the city to return the surety. The request shall include the following documents:
  - a. A statement from the owner that the required improvements are complete.
  - b. Two (2) complete sets of full-size prints of the as built plans and specifications for all improvements.
2. The city engineer and administrator shall verify and certify that the required improvements, as detailed in the surety agreement, have been installed. The as built plans shall be reviewed and approved by the city engineer.
3. Upon certification of the city engineer and the administrator, the city shall release the sureties

heretofore deposited in the manner and to the extent as provided for in the surety agreement in accord with the regulations of this article.

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

**8-1C-3: PENALTY FOR FAILURE TO COMPLETE CONSTRUCTION:**

In the event an applicant and/or owner shall, in any case, fail to complete the public improvements in the time period required, the city council may proceed to have such work completed and recover the city's costs by any legal means available, including pursuing the remedies provided by the financial guarantees.

**ARTICLE D**

**IMPLEMENTATION PROVISIONS**

**8-1D-1: PURPOSE:**

**8-1D-2: APPLICABILITY:**

**8-1D-3: INTERPRETATION:**

**8-1D-4: ERRORS IN LEGAL DESCRIPTIONS OF PROPERTY:**

**8-1D-5: REFERENCES:**

**8-1D-6: PRESERVATION OF PRIVATE PROPERTY RIGHTS:**

**8-1D-7: SAVING CLAUSE:**

**8-1D-8: VIOLATIONS:**

**8-1D-9: CODE ENFORCEMENT:**



**8-1D-10: CITY ABATEMENT OPTION AND ASSOCIATED CHARGES:**  
**8-1D-11: PENALTIES:**

**8-1D-1: PURPOSE:**

- A. Carry out the policies of the comprehensive plan by classifying and regulating the uses of property and structures within the incorporated areas of the city of Star;
- B. Establish districts within the city of Star in accord with the adopted comprehensive plan in conformance with Idaho Code section 67-6511;
- C. Provide standards for the orderly growth and development of the city of Star. As required by Idaho Code section 67-6511, such standards include, but are not limited to, those regulating:
  - 1. The height, number of stories, size, design, construction, reconstruction, alteration, repair or location of structures.
  - 2. Size, minimum lot dimensions, landscape buffers, size of required yards, and density of residential properties.
  - 3. The use of structures and property;
- D. Ensure the most appropriate use of properties;
- E. Protect property rights and enhance property values;
- F. Provide a method of administration and prescribe penalties for the violations of regulations hereafter described as authorized by the constitution and laws of the state of Idaho; and
- G. Protect and promote health, safety and the general welfare of the public.

**8-1D-2: APPLICABILITY:**

- A. No person, company, or public agency shall construct, alter, move, or change the use of a structure or undertake any development unless:
  - 1. The proposed use, structure, or division of property complies with this title.
  - 2. Any required approval is first obtained as provided by chapter 1, "Administration", of this title, and any applicable conditions of approval are met.
- B. Nothing in this title shall eliminate the need for obtaining any other required permits, including, but not limited to, building permits, plumbing, electrical, or mechanical permits, grading permits, or any permit, approval, or entitlement required by other titles of this code, other political subdivisions of the state of Idaho, agencies of the state of Idaho, or federal agencies.
- C. All properties in the Star city corporate limits shall comply with the regulations of this title unless otherwise preempted by federal, state or municipal law.
- D. The prosecution of violations that occurred under previous land use regulations and that

remain a violation under this title shall continue until resolved.

### **8-1D-3: INTERPRETATION:**

#### **A. Language:**

1. Terminology: When used in this title, all words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular, unless the natural construction of the sentence indicates otherwise. The word "shall" is mandatory, and the word "may" is permissive.
2. Number Of Days: See section 8-1A-7 of this title.
3. Minimum Requirements: When interpreting and applying the regulations of this title, all regulations shall be considered to be minimum requirements, unless stated otherwise. Proposed uses shall comply with all applicable regulations and standards unless specifically exempt elsewhere in this title.
4. Defined Terms: Terms defined within this title shall have their defined meaning when used elsewhere in this title. For the purpose of readability and clarity, such terms are not shown in initial caps.
5. Section Headings: Section headings or captions are for reference purposes only and shall not be used in the interpretation of this title.
6. References: All references to state or federal laws and/or regulations shall refer to such laws and/or regulations as they may be amended over time.

#### **B. Measurements:**

1. Structure height shall be measured in accord with the Star city building code as set forth in title 7 of this code.
2. Linear distance shall be measured in a horizontal line; it shall not be measured along an inclined surface or line. For uses that have a separation standard, the distance shall be measured from the nearest customer entrance of the proposed use to the nearest property line of the specified use. The measurement is to be conducted in a radial fashion by the specified number of feet (e.g., 300 feet, 1,000 feet).

#### **C. District Boundaries: Where uncertainty exists about the location of any district boundary shown on the official zoning map, the following rules shall be used to resolve the uncertainty:**

1. Where a district boundary approximately follows a property line, such property line shall be construed as the district boundary.
2. Where a district boundary approximately follows a street, alley, or railroad line, such street, alley, centerline, or the extension of such line shall be construed as the district boundary.
3. Where a district boundary approximately follows a watercourse, the centerline of the watercourse shall be construed to be such boundary. In the event of a change in the watercourse shoreline, the boundary shall be construed as moving with the actual shoreline.
4. Where a district boundary does not obviously coincide with any of the above lines (property; street, alley, or railroad line; watercourse), or where it is not designated by dimensions, it shall be deemed to be located along the nearest section, quarter section, or sixteenth section line.

#### **D. Conflicting Regulations:**

1. In case of conflict between the text and the maps of this title, the text shall prevail.

2. If conflicts occur between different regulations of this title, or between this title and other regulations of this code, the most restrictive regulation shall apply.
3. It is not intended that this title interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; however, where this title imposes a greater restriction upon the use of structures or premises or upon the height of structures, or requires larger space than is imposed or required by ordinances, rules or regulations, or by easements, covenants, or agreements, the regulations of this title shall govern.

E. Undesignated Uses: If a proposed use of property is not specifically listed in chapter 3, "District Regulations", of this title the use shall be prohibited, except as follows: the administrator may determine that a proposed use not listed in chapter 3, "District Regulations", of this title is equivalent to a principal permitted or conditional use. In making the determination, the administrator shall consider the following:

1. The impacts on public services and activities associated with the proposed use are substantially similar to those of one or more of the uses listed in the applicable base districts as allowed;
2. The proposed use shall not involve a higher level of activity or density than one or more of the uses listed in the applicable base districts as allowed;
3. The proposed use is consistent with the purpose of the district in which the use is proposed to be located; and
4. The proposed use is in substantial conformance with goals and objectives of the comprehensive plan.

#### **8-1D-4: ERRORS IN LEGAL DESCRIPTIONS OF PROPERTY:**

Where a property has not been zoned because of an error in a legal description, the following shall apply:

- A. If the error is caused by the city, the error shall be corrected and duly processed by the city as soon as the error is discovered.
- B. If the error is caused by the applicant and/or owner, the applicant shall provide a new legal description and will be responsible for all additional costs resulting from the error.

#### **8-1D-5: REFERENCES:**

References in this title to other ordinances or codes of the city of Star and statutes of the state of Idaho are provided solely for the coordination of this title with such other ordinances and statutes. Any amendments to cited codes that are adopted subsequent to the adoption of this title shall be applicable to this title.

#### **8-1D-6: PRESERVATION OF PRIVATE PROPERTY RIGHTS:**

- A. This title shall be interpreted to equally protect citizens from the undue encroachment on their private property by their neighbors' use of their private property and equally protect each citizen's right to use of their property without creating undue burden upon their neighbors.

B. In the administration of this title, every person shall be secure in their premises, and no employee of the city shall enter upon, investigate, or search any of the premises of any citizen without the consent of such citizen or order issued by a court of proper jurisdiction. For consent of an applicant with an active application with the City, please refer to Section 8-1A-2A (3).

C. Every citizen of Star city shall have the right to appear in person or be represented by their agent before the council in the proper order of business to appeal a decision pursuant to the procedures contained in chapter 1, "Administration", of this title.

D. In the enforcement of this title, it shall be deemed to apply equally to each citizen and each property in similar circumstances and shall not be enforced to discriminate between one individual and/or another individual or other group as compared to all others.

**8-1D-7: SAVING CLAUSE:**

Should any section, clause, or regulation of this title be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this title as a whole, or any part thereof, other than the part so declared to be invalid, each section, clause, or regulation hereof being declared severable.

**8-1D-8: VIOLATIONS:**

A. It is a violation of this unified development code for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land or real property within the city of Star without first obtaining proper permits or authorizations required for the use by this title.

B. It is a violation of this unified development code for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished any structure, land or property within the city of Star in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this title or previous codes.

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, 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.

D. It is a violation of this unified development code to misrepresent any material fact in any application, plans or other information submitted to obtain any land use authorization as set forth in this title.

E. It is a violation of this unified development code for anyone to fail to comply with the requirements of the development code, as set out in the specific sections of this title.

F. It shall be unlawful and a violation of this unified development code for any person to use, construct, locate, initiate, alter or maintain any structure, land or real property, or cause any structure, land or real property to be used, constructed, located, initiated, altered or maintained in any manner which violates, omits, or fails to conform to any applicable procedure, standard, or requirement established by this title for the zoning district in which such structure, land, or real property is located.

G. See 8-1D-11 Penalties.

### **8-1D-9: CODE ENFORCEMENT:**

A. Duty to Enforce: It shall be the duty of the administrator to interpret this title.

1. It shall be the duty of the administrator and/or designee to enforce the regulations of this title.

The administrator or designee may call upon the services of the police, fire, parks or other appropriate city or other regulatory agencies or service provider including Idaho Transportation Department (ITD), Ada County Highway District (ACHD), Canyon Highway District #4 (CHD4) irrigation districts or sewer and water districts, Central District Health Department, Department of Environmental Quality (DEQ), etc., to assist in enforcement.

2. It is the intent of this title to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of this title.

B. Investigation:

1. The administrator or designee shall investigate any structure or use which he or she reasonably believes does not comply with the standards and requirements of this title.

2. If, after investigation, it is determined that the standards or requirements of this title have been violated, the administrator or designee shall serve a notice of violation upon the owner, tenant or other person responsible for the condition. The notice of violation shall state separately each standard or requirement violated; shall state what corrective action, if any, is necessary to comply with the standards or requirements; and shall set a reasonable time for compliance. The notice shall state that any further violation may result in criminal prosecution and/or civil penalties.

3. The notice shall be served upon the owner, tenant or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested addressed to the last known address of such person. If, after a time and effort is made to serve or mail notice without success, then notice may be made by publication in the newspaper of record for the city of Star. The administrator or designee will record all efforts made to effect service in person or by mail as part of their investigative report.

C. Extension of Compliance Date:

1. The administrator or designee may grant a reasonable extension of time for compliance with any notice or order, whether pending or final, upon finding that substantial progress toward compliance has been made and that the public will not be adversely affected by the extension. Such extension of time shall not exceed ninety (90) days.

2. An extension of time may be revoked by the administrator if it is shown that any of the

following are true:

- a. The conditions at the time the extension was granted have changed.
- b. The administrator or designee determines that a party is not performing corrective actions as agreed.

### **8-1D-10: CITY ABATEMENT OPTION AND ASSOCIATED CHARGES:**

Nuisances which remain unabated after notice, may, at the option of the city, be removed, abated or destroyed by the city or its agents, after the following steps have been taken:

A. Second Notice: If after fifteen (15) calendar days from the date a written notice is personally delivered to the property owner, or mailed to the property owner's address as shown in current official county assessor records, no abatement of the nuisance has occurred, the administrator or designee shall provide a second fifteen (15) day notice to be delivered to the property owner by certified mail or personal service, which shall indicate the following:

1. That if the property owner fails to abate the nuisance, the city shall take steps to abate the same.
2. That if the city abates the nuisance, all costs and expenses of abatement shall be billed and assessed against the property owner, and if unpaid, shall become collectable as a special assessment with property taxes.
3. That the property owner has a right to appear before the city council to show cause as to why he or she should not be forced to abate or pay for abatement of the nuisance; furthermore, that if the property owner desires such a hearing, a request for hearing, in writing, shall be given to the city administrator or designee prior to expiration of the fifteen (15) day notice, and that abatement by the city will proceed if the property owner has not exercised this option to request a hearing.
4. If said certified notice is returned as undeliverable, or is unclaimed by the property owner, nothing shall preclude the city from exercising its abatement option as specified herein.

B. Authorization to Remove: When the fifteen (15) day notice has expired without a request for hearing, the administrator or designee is authorized to remove, abate or destroy the nuisance. The administrator is authorized to utilize city personnel to abate the nuisance or to contact the mayor in regard to contracting for an outside party to abate the nuisance.

C. Statement of Charges Mailed: If the city abates any nuisance under the provisions of this section, a statement of charges billed to the property owner shall be mailed or personally delivered to the property owner.

D. Authority to Employ Labor: The mayor, with approval of the city council, is hereby given the power and authority to employ such labor as is necessary to carry out the provisions of this chapter.

E. Special Assessment: If payment is not received from the property owner within thirty (30) days, the amount billed shall, in accordance with state law, be assessed as a special assessment collectible against the subject property as other state, county and municipal taxes.

F. Hearing: If the property owner requests a hearing to show cause before the city council, the hearing shall, if feasible, be placed on the agenda of the next regularly scheduled city council meeting. The decision of the city council shall be final. A ten (10) day period shall be given to the property owner after the council decision so that the property owner shall have an additional opportunity to abate the nuisance or to pursue any legal remedies or defenses at the district court level.

**8-1D-11: PENALTIES:**

Any person owning or occupying any lots, lands or premises within such incorporated limits of the city who shall fail, refuse or neglect to continuously keep abated, cut down, obliterated or destroyed all such harmful, unsightly and injurious weeds and noxious weeds, grasses and growth above named in the manner prescribed, and according to the provisions of this section of this chapter shall be deemed guilty of a misdemeanor. Each and every day any such person shall fail, refuse or neglect to comply with the provisions of this chapter it shall be deemed a separate and distinct offense against the provisions of this chapter and each such separate offenses shall be punishable as provided in this code.

A. A violation of the provisions of this title is declared a misdemeanor. Any person violating or failing to comply with any of the provisions of this title shall be subject to criminal prosecution and upon conviction shall be fined as defined in section 1-4-1, "General Penalty", of this code. Each day of noncompliance with any of the provisions of this title shall constitute a separate offense.

B. Notwithstanding the provisions of subsection A of this section, the city may civilly prosecute any violation of this code and seek all available remedies that may include, but are not limited to, abatement of the noncompliant conditions, revocation of existing permits for noncompliance, civil damages for enforcement, or any other remedy as allowed by law.

C. The city may file a lien upon any real property owned by convicted person if they fail to comply with the penalty as set forth in this section.

**ARTICLE E**

**DEFINITIONS**

**8-1E-1: TERMS DEFINED:**

**8-1E-2: FIGURES – SETBACKS, REQUIRED YARDS AND PROPERTY TYPE:**

**8-1E-1: TERMS DEFINED:**

As used in this title, each of the terms defined shall have the meaning given in this section unless a different meaning is clearly required by the content. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. The most

current version of the "Merriam-Webster's Unabridged Dictionary of The English Language" shall be considered as providing accepted meanings.

**ABANDONED:** To cease or discontinue a use or activity for twelve (12) months without apparent intent to resume.

**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, 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 shall have a 5' minimum setback from any property line.

**ACCESSORY USE:** A use that is incidental and subordinate to the principal use and is conducted upon the same property.

**ADMINISTRATOR:** The administrator of the Star city planning and zoning department or an authorized representative, including their staff. Also referred to as the zoning administrator.

**ADULT BUSINESS/ADULT ENTERTAINMENT:** Modeling, posing, exhibition, display or exposure of any type whether through book, pictures, electronic media, film, displays, live performance, dance or modeling that has as its dominant theme, or is distinguished or characterized by an emphasis on any one or more of the following: a) any actual or simulated specified sexual activities; b) exposure of male or female anatomical areas; c) the removal of articles of clothing; d) appearing nude or seminude; and/or e) the use of the terms "X", "XX", "XXX" or any series of the letter "X", "erotic", "adult entertainment", "sex" or "nude".

**AGRICULTURE, FORESTRY, FISHING:** Tilling of soil, aquaculture, raising crops, livestock, farming, dairying and animal husbandry including all uses customarily accessory and incidental thereto; but excluding animal slaughterhouses, fertilizer works, bone yards and commercial feedlots. Establishments primarily engaged in growing crops, raising animals, harvesting timber, and harvesting fish and other animals from a farm, ranch, or their natural habitats.

**ALTERATIONS, STRUCTURAL:** Any change, other than incidental repairs, which would prolong the life of the supporting members of a building or structures, such as bearing walls, columns, beams, and girders.

**ALTERNATIVE COMPLIANCE:** An administrative determination that a specific application achieves or exceeds specific requirements as set forth in this title. Consideration of alternative compliance is limited in circumstances as identified in this title.

**ANIMAL CARE FACILITY:** Any parcel of land or lot, structure, or portion thereof, that is



designed or used for the boarding, care, grooming, diagnosis or treatment of animals, including, but not limited to, sick, ailing, infirm or injured animals, and those that are in need of medical or surgical attention. The term animal care shall include, but not be limited to, an animal clinic, animal hospital, or veterinary office or kennel.

**ANTENNA:** A transmitting or receiving device used in telecommunication that radiates or captures radio or other signals, including omnidirectional or whip, directional or panel, parabolic or dish, and ancillary antennas.

**APARTMENT:** A room, or suite of rooms, in a multiple-family structure or dwelling unit, providing living, sleeping, eating, cooking and sanitation to a single family, for rent, lease, let or hire to be used as a single dwelling.

**ARTERIAL:** See definition of Street, Arterial.

**ARTIST STUDIO:** The use of the site for small scale, craftsman operated production of materials, assembly of parts, or the blending of materials, including metal and/or plastics, for the purpose of creating art. This would include frame shops as an accessory use.

**ARTS, ENTERTAINMENT AND RECREATION FACILITIES:** The use of a site or facility for entertainment, spectator sports or recreational activities. The use includes, but is not limited to amusement parks, motion picture and performing arts theaters, racetracks, sports fields, golf courses, fitness clubs, museums, zoos, marinas, bowling, video and other games and amusements. For wedding and corporate events see events center.

**ASPHALT PLANT:** An establishment where asphalt, tar, gravel and other materials are combined to produce pavement and other related products.

**AUCTION FACILITY:** An establishment primarily engaged in retailing a general line of new and used merchandise on an auction basis.

**AUTOMATED TELLER MACHINE (ATM):** A pedestrian oriented banking device operated by a financial institution for use by its customers for conducting transactions. The machines may be located at or within the financial institutions, or in other locations. ATMs for use by customers in vehicles are included in the definition of "drive-through establishment/drive-up window service".

**AUTOMOTIVE HOBBY:** A use involving the restoration, maintenance and/or preservation of motor vehicles for personal enjoyment of owner or occupant.

**AUTOMOTIVE MECHANICAL AND ELECTRICAL REPAIR AND MAINTENANCE:** Establishments primarily engaged in providing mechanical or electrical repair and maintenance services for automotive vehicles, such as passenger cars, trucks and vans, and all trailers. These establishments may specialize in a single service or may provide a wide range of these services.

**AWNING:** A projecting cover extending over a door, window or wall section with support attached to the structures and used as cover, protection, or as decoration.

**BAKERY:** Establishments primarily engaged in making and preparing bakery products.

**BAR/TAVERN/LOUNGE/DRINKING ESTABLISHMENT:** The use of a site primarily for the sale or dispensing of alcohol by the drink or glass. The use includes, but is not limited to, lounge, nightclub, and tavern.

**BARBERSHOP/STYLING SALON:** An establishment where the following services are allowed by licensed professionals: haircutting, shampooing, shaves, perms, hair coloring, manicuring, tanning booths, including cosmetology of hair and makeup.

**BARRIER:** A vertical element including, but not limited to, a fence, wall, structure, or a combination thereof, that completely surrounds an area and controls access to such area.

**BASEMENT:** The bottom floor of a dwelling unit, all or partly underground, having at least one-half ( $1/2$ ) of its height below the average level of the adjoining grade.

**BED AND BREAKFAST:** A professionally run facility providing up to six (6) rooms for temporary overnight accommodations, and where the owner/innkeeper is resident on the property. A bed and breakfast provides breakfast for overnight guests but does not provide a restaurant and/or bar. For accommodations similar but not limited to an Airbnb or VRBO, see short-term rental.

**BERM:** An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

**BEVERAGE BOTTLING PLANT:** An establishment that produces consumable liquids (alcoholic or nonalcoholic) in bottles and/or cans.

**BLOCK:** Land containing a lot or lots in a subdivision completely surrounded by public rights of way or boundaries of the subdivision.

**BOARDING HOUSE:** An establishment other than a hotel, motel or short-term rental, where meals and/or lodging are provided with or without compensation, to more than two (2) but less than twelve (12) unrelated persons. A boarding house shall include, but not be limited to, a rooming house, shelter, convent, monastery, dormitory, fraternity, sorority, etc. A boarding house does not provide a restaurant or a bar.

**BREWERY:** The use of a site that brews/manufactures/distributes such beverages as beer, ale and cider. The use may include the ancillary sale or dispensing of said beverages by the drink, glass or growler.

**BREW PUB:** An establishment, restaurant or bar that usually serves food and brews and sells beer or similar alcoholic drink that is made on the premises. Typically, they do not bottle and sell other than in very small take home quantities. They do not distribute their beer.

**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.

**BUILDABLE AREA:** The space remaining on a lot after the minimum open space requirements have been complied with.

**BUILDING HEIGHT:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the midpoint between the top of the peak and the fascia line for gable, hip and gambrel roofs.

**BUILDING ENVELOPE:** The area on a property exclusive of the required yards, setbacks, buffers, and unbuildable areas.

**BUILDING MATERIAL, GARDEN EQUIPMENT, AND SUPPLIES:** The use of a site for the retail sale and service of merchandise used in home and garden improvements. The use includes home and garden centers; hardware stores; lawn and garden equipment supply stores; paint and wallpaper stores; lumberyards; nursery, garden and farm supply stores. See also nursery, garden center and farm supplies.

**BUILDING OFFICIAL:** The officer or other designated authority charged with the administration and enforcement of the building code as established by title 7 of this code or the building official's duly authorized representative.

**CALIPER:** A measurement of the diameter of the trunk of a deciduous tree. The caliper of the trunk shall be measured six inches (6") above the ground for all trees up to and including four-inch (4") caliper size, and twelve inches (12") above the ground for larger sizes.

**CAMPGROUND:** An area or ground on which tents/yrurts, buildings, cabins or spaces, RVs, campers, are provided for temporary shelter, lodging or accommodation.

**CANOPY:** A roof-like structure projecting from the exterior surface of a building, may be attached to the building or freestanding, constructed of a supporting framework and covered with nonrigid materials.

**CARETAKER UNIT:** A dwelling unit for a person or persons hired to look after or take charge of goods, property or a person; or, a recreational vehicle or motor vehicle equipped as living quarters parked at a construction site, on a non-permanent basis, for the purpose of providing security during nonworking hours. This definition shall not include tents/yrurts.

**CEMENT OR CLAY PRODUCTS MANUFACTURING:** An establishment where pottery, decorative shapes or other similar products are made.

**CEMETERY:** The use of a site for the interment of human and/or animal remains or cremated

remains. The use includes burial parks, mausoleum for vault or crypt interments, columbarium for cinerary interments or a combination thereof.

**CERTIFICATE OF OCCUPANCY (CO):** Official certification that a building and site conform to the provisions of building and city codes.

**CERTIFICATE OF ZONING COMPLIANCE (CZC):** An approval issued by the administrator that certifies that a structure or use, including accessory uses, meets the requirements of this title.

**CHEMICAL MANUFACTURING PLANT:** A factory where chemicals are produced and/or stored.

**CHILD CARE FACILITY:** Any structure or place where nonmedical care, protection or supervision is regularly provided to children under twelve (12) years of age, for periods of less than twenty-four (24) hours per day, while the parents or guardians are not on the premises. For the purpose of persons with disabilities of any age, this section shall also apply. There are four (4) types of childcare facilities distinguished by the number of individuals served:

- A. Child Care center: More than twelve (12).
- B. Child Care, group: More than six (6) but no greater than twelve (12).
- C. Child Care, family: Six (6) or fewer.
- D. Preschool/Early Learning – Maximum of twenty-five (25) children.

**CHURCH OR PLACE OF RELIGIOUS WORSHIP:** An establishment that by design and construction is primarily intended for conducting organized religious services, meetings, and associated activities and that is recognized as a religious corporation or society of the state of Idaho with a state tax exempt status in accord with Idaho Code section 63-602B.

**CIVIC, SOCIAL AND FRATERNAL ORGANIZATIONS:** A facility owned or operated by an organized association of persons for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests; and not primarily operated for profit nor to render a service that is customarily carried on as a business.

**COLD STORAGE:** An establishment that provides storage of perishable foods, furs, and like items in a frozen or refrigerated state.

**COLLOCATION:** The use of a single tower to support more than one wireless telecommunication service provider's equipment, or the mounting of an antenna to a preexisting structure.

**COMMERCIAL USE:** An occupancy of a building, structure or other property which involves any retail sale, wholesale distribution, office, entertainment service, recreational area, restaurant, room for rent, manufacturing, hybrid production facility or other nonresidential use. However, this definition shall not include home occupations, churches, public schools, hospitals, public

civic centers or public recreation facilities, or other facilities owned by, or operated strictly for the benefit of the public.

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.

CONCRETE BATCH PLANT: An establishment that combines cement, sand and gravel to produce concrete.

CONDITIONAL USE: A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, hours of operation, or noise), is allowed in a district subject to approval by the council and subject to special requirements in conformance with this title and as enabled by Idaho Code section 67-6512.

CONDOMINIUM: An apartment house, office building or other multiple-unit complex, the units of which are individually owned, each owner receiving a recordable deed to the individual unit purchased, including the right to sell, mortgage, etc., that unit and sharing in joint ownership of any common grounds, passageways, etc.

CONFERENCE/CONVENTION CENTER: A facility that is designed, constructed, and devoted to hosting conferences, exhibitions, large meetings, seminars, and training sessions.

CONTRACTOR'S YARD: Any area of land used by a contractor for storage, maintenance, or processing incidental to the business of building, hauling, excavation, demolition, or similar activity and including any area of land used for minor preinstallation work or repair of machinery used for any of the above listed activities.

CONVENIENCE STORE: Establishments known as convenience stores or food marts primarily engaged in retailing a limited line of goods that generally includes milk, bread, beverages, and snacks. The establishment may include fuel pumps.

DAIRY FARM: An operation whose principal function is the production of milk.

DEDICATION: The setting apart of land or interests in land for public use, charitable, religious, or educational purposes.

DENSITY, GROSS: The ratio of the total number of dwelling units within a development divided by the total area, including streets; alleys; easements; waterways; and common spaces.

DENSITY, NET: The ratio of the total number of dwelling units within a development divided by the total area, excluding streets; alleys; easements; waterways; and common spaces, and any other area not devoted to the residential use.

DEVELOPMENT: Any construction or installation of a structure, or any change in use of a structure, or any subdivision of property, or any change in the use of the land that creates

additional demand and/or need for public facilities.

**DEVELOPMENT AGREEMENT:** A written agreement as a condition of annexation or rezone between the council and an owner or applicant concerning the use or development of a property in accord with Idaho Code section 67-6511A and chapter 1, "Administration", of this title.

**DISTILLERY:** The use of a site that distills/manufactures distilled beverages. The use may include the ancillary sale or dispensing of liquor by the drink or glass.

**DISTRICT OR ZONE:** The zoning district classification, listed in chapter 3 of this title, in effect on any given property.

**DRIVE-THROUGH ESTABLISHMENT/DRIVE-UP WINDOW SERVICE:** The use of a portion of a structure where business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle. The term drive-through establishment shall include, but not be limited to, providing food or beverage service, bank services, and/or prescription processing. The term drive-through establishment shall not include fuel sales facility or "vehicle washing facility" as herein defined.

**DUSTLESS MATERIALS:** Hard surfaces used for driveways, loading and parking including, but not limited to, concrete, asphalt, grasscrete, pavers, grass, specifically treated gravel, and bricks. Treated gravel shall include an acceptable application treatment as determined by the administrator.

**DWELLING, MULTI-FAMILY:** A structure, or portion thereof, that contains three (3) or more dwelling units or apartments, where all such units are located on the same property. For the purposes of this title, a multi-family dwelling shall be deemed multi-family development.

**DWELLING OR DWELLING UNIT:** Any structure, or portion thereof, providing independent living facilities for one "family" as herein defined, including provisions for living, sleeping, eating, cooking, and sanitation.

**DWELLING, SECONDARY:** A habitable dwelling unit established in conjunction with and subordinate to a single-family dwelling unit. The term shall include guesthouse and granny flat. See also guesthouse/granny flat/mother-in-law quarters.

**DWELLING, SINGLE-FAMILY ATTACHED:** A structure containing two (2) or more dwelling units attached by a common wall or walls, where each dwelling unit is located on a separate property. May be referred as townhomes.

**DWELLING, SINGLE-FAMILY DETACHED:** A detached structure that accommodates a single dwelling.

**DWELLING, TWO-FAMILY DUPLEX:** A structure containing two (2) dwelling units attached by a common wall, where both dwelling units are located on the same property.

**EDUCATION INSTITUTION, PRIVATE:** The use of a site for education purposes not

financially supported by the state of Idaho. The use includes, but is not limited to, elementary and secondary schools; institutions of higher learning; professional, technical and trade schools; driving schools; fine arts schools and studios. For pre-elementary schools, see childcare facility.

**EDUCATION INSTITUTION, PUBLIC:** The use of a site for education financially supported by the state of Idaho. The use includes, but is not limited to, elementary and secondary schools; institutions of higher learning; and vocational schools.

**EQUIPMENT SALES, RENTAL AND SERVICES:** The use of a site for the sale, rental or servicing of tools, trucks, tractors, construction equipment, agricultural implements, or similar industrial equipment.

**EVENTS CENTER. PUBLIC & PRIVATE, INDOOR OR OUTDOOR:** A use of a property and/or structure for public or private gatherings to include wedding receptions, corporate events or other organized events where food service is provided, amplified music is present and area for a large amount of parking is required.

**FABRICATION SHOP:** An establishment in which welding work, machining to size, assembling of materials and converting one form of metal or other materials such as plastic, into another to produce products and structures. See also definition of Manufacturing Plant.

**FACADE:** The front or face of a building or structure.

**FAMILY: A.** A person living alone or two (2) or more persons related by blood or marriage;

**B.** Eight (8) or fewer unrelated mentally and/or physically handicapped or elderly persons residing in a dwelling under staff supervision, provided that no more than two (2) staff members reside in the dwelling at any one time.

**FARM:** Buildings and premises used for the raising and processing of agricultural products.

**FARMERS' MARKET:** Typically found outdoors, where multiple vendors sell directly to the consumer. Vendors may sell a variety of items not limited to fruits and vegetables; plants and trees; handmade items including crafts, jewelry, baked goods, etc. The sale of animals is not a part of this definition. Also referred to as a Saturday or outdoor market. All vendors are subject to city permits. See Temporary Uses.

**FEEDLOT:** A concentrated animal feeding operation (CAFO).

**FENCE:** An enclosure or barrier constructed of wood, masonry, stone, wire, metal or other materials manufactured specifically to be used to enclose, screen or separate areas. Walls, latticework, and screens are considered fences. Items such as wooden pallets, firewood logs, or manufactured items such as skis, are not considered fencing material.

**FINANCIAL INSTITUTION:** The use of a site for lending, exchanging and handling money or currency for customers. The use includes, but is not limited to, credit unions, savings and loan,

commercial banks, cash machines, insurance agents, and loan establishments.

**FIREWORKS STAND:** A temporary structure used for retail business of selling fireworks. (See also definition of Temporary Use.)

**FLAG:** Any fabric or bunting containing distinctive colors, patterns, or emblems used as a symbol of a government, political subdivision, or other such entity. Any fabric or bunting containing distinctive colors, patterns, or symbols used to communicate business identification and/or attract, distract, hold, direct or focus public attention.

**FLAGPOLE:** A pole, usually made of metal, on which a flag is hoisted and displayed. See sign ordinance for regulations related to flag poles.

**FLAMMABLE SUBSTANCE STORAGE:** An establishment, or portion thereof, wherein combustible substances (as defined by the fire code) are stored.

**FLEX SPACE:** Allows for uses that generally require substantial amounts of storage and working area as well as office and/or showroom space. This use is not intended to permit warehousing or manufacturing that has high levels of truck activity. Loading docks shall be at the rear of the structure, shall be screened from view from street and neighboring uses, and loading ramps shall be a maximum of two feet (2') high to discourage tractor trailer use. Examples of uses include, but are not limited to, lighting/plumbing fixture showrooms, small merchandise assembly, and low intensity sales and distribution facilities. Gross floor area of each building used as "flex space" shall be a maximum of thirty thousand (30,000) square feet. Hours of operation shall be based on specific districts.

**FLOODPLAIN:** The relatively flat area or low land adjoining the channel of a river, stream, lake or other body of water which has been, or may be, covered by water of a flood of one percent (1%) chance in any given year. The floodplain includes the channel, floodway or floodway fringes, as established by Federal Emergency Management Agency (FEMA). Refer to Flood Control Code Chapter 10, Title 1.

**FLOOR AREA, GROSS:** The measure of total square footage of habitable space of a structure.

**FOOD PRODUCTS, PROCESSING:** The use of a site for producing, manufacturing, processing or storage of food products. The use includes, but is not limited to, bakery, beverages, coffee roasting, ice, snacks, fruits, vegetables, spices, confectionery, and dairy products. Excluded uses are animal products, seafood, milling and refining.

**FOOD STAND:** A temporary, immobile structure, booth, stall, counter or the like operated by a vendor standing on or within the frame of the structure, booth, stall, counter or the like. Goods sold from a stand may include, but are not limited to, perishable and nonperishable food items, merchandise, and sundries. (See also definition of Temporary Use.)

**FOOTPRINT:** Area of the ground covered by a structure, including the foundation and all areas enclosed by exterior walls and/or footings.

**FULL CUTOFF SHIELD:** In its installed position, a light fixture with a full cutoff shield will not



allow any direct light above a horizontal plane and no more than five percent (5%) of the total light output may come from the zone from fifteen degrees (15°) below the horizontal to the horizontal plane.

**GARAGE:** An enclosed accessory building designed for private storage or parking of noncommercial vehicles. A private garage attached to, or part of, the main building is considered to be part of the main use but may not be built prior to the primary structure.

**GASOLINE, FUELING AND CHARGING STATION:** An establishment known as a gasoline or fueling station primarily engaged in one of the following: a) retailing automotive fuels (e.g., diesel fuel, gasohol, gasoline) b) electric charging stations; or c) retailing these fuels in combination with activities, such as providing repair services. May also include convenience stores.

**GLARE:** Light emitted from a fixture with intensity great enough to cause visual discomfort, eye fatigue, reduction in a viewer's ability to see, and in extreme cases, momentary blindness.

**GOLF COURSE:** An area of land laid out for the game of golf with a series of nine (9) or eighteen (18) holes, each including tee, fairway and putting green, and often one or more natural or artificial hazards, and which may include a driving range and clubhouse with restaurant and bar.

**GOVERNMENT OFFICE:** An enterprise or office authorized by a federal, state, local or foreign government to conduct public business and assistance as provided in applicable federal, state, or local code or constitution. (See definition of Public Or Quasi-Public Use.)

**GRADE:** The elevation of the natural or finished surface of the ground adjacent to the midpoint of any exterior wall of a building or structure.

**GRAND OPENING:** A promotional activity used by newly established businesses, within two (2) months after occupancy, to inform the public of their location and service available to the community. Grand opening does not mean an annual or occasional promotion of retail sales by a business.

**GREENHOUSE:** A building whose roof and sides are made largely of transparent or translucent materials and in which the temperature and humidity can be regulated for the cultivation of plants. This use is accessory to a residential or principally permitted use.

**GREENHOUSE, COMMERCIAL:** Any greenhouse used for the purpose of growing goods for wholesale or retail sales.

**GROSS LAND AREA:** The total area of the land being developed, exclusive of required street buffers and buffers between incompatible land uses. The calculation for required open space in residential subdivisions and multi-family residential development is based on the gross land area of the land being developed.

**GUESTHOUSE/GRANNY FLAT/MOTHER-IN-LAW QUARTERS:** An additional site-built house on a lot or parcel of land that: is owned by the owner of the lot or parcel containing the

owner's residence; does not have its own separate house number (address); has inhabitable space not greater than 50% of the footprint of the primary dwelling; and is located within or attached to the primary dwelling, as a detached structure, or above a detached structure, such as a garage. (See Secondary Dwelling Unit Specific Standards).

**HARDSHIP:** An unusual situation on an individual property that will not permit the property owner to enjoy the full utilization of their property as is enjoyed by others in the same district. A hardship can exist only when it is not self-created and is not financially based. Examples of hardship include unusual shape of the property, natural features, or other exceptional physical conditions on the property.

**HEALTHCARE AND SOCIAL SERVICES:** The use of a site for ambulatory healthcare services. Included in this use are offices of dentists; physicians; chiropractors; optometrists; mental health practitioners; physical, occupational and speech therapists; audiologists; outpatient care centers; family planning centers, medical and diagnostic laboratories, imaging centers, kidney dialysis centers; blood and organ banks.

**HEIGHT:** The vertical distance measured from finished grade to the top of the pole, structure, or tower, including the antenna. See also Building Height.

**HELIPORT:** A publicly or privately-owned area of land that is used or intended for the landing and takeoff of helicopters, including the necessary accessory structures of facilities for storing and maintenance of helicopters.

**HILLSIDE DEVELOPMENT:** Parcel, lot, tract, or other defined area of land that has a ground slope of ten percent (10%) or more.

**HISTORIC PRESERVATION:** The research, documentation, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas and site significance in the history, architecture, archaeology or culture of this community, the state or the nation.

**HISTORIC PROPERTY:** Any building, structure, area or site that is significant in the history, architecture, archaeology or culture of this community, the state or the nation.

**HOME OCCUPATION:** An occupation, profession, activity, or use that is clearly an incidental and secondary use of a residential dwelling unit and that does not alter the exterior of the property or affect the residential character of the neighborhood. Must be approved by the HOA if applicable.

**HOSPITAL:** A medical institution licensed by the state that is devoted to the maintenance and operation of facilities for the medical or surgical care of patients twenty-four (24) hours a day and may include air transport facilities. The term hospital does not include healthcare and social services, nursing and residential care facility, or establishments that forcibly confine patients.

**HOTEL/MOTEL:** An establishment that provides lodging to the public for a fee as defined by Idaho Code 67-4711, excluding boarding houses, bed and breakfast establishments or short-term

rentals as herein defined. This classification may include incidental eating or drinking services.  
**IMPACT AREA:** The land established and adopted by ordinance by the city council, within the unincorporated area of the county, shown on the comprehensive plan future land use map and as defined in Idaho state code section 67-6509.

**IMPERVIOUS SURFACE:** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration or absorption by water. It includes surfaces such as compacted sand or clay as well as most conventionally surfaced streets, roofs, sidewalks and parking lots.

**INDUSTRIAL UNIT:** Any structure or land use which is used for the manufacture, processing, fabrication and testing of goods and materials and includes the production of power. It does not refer to the growing of agricultural products or the raising of livestock.

**INDUSTRY, HEAVY:** A. A use engaged in the basic processing and manufacturing of materials or products, predominately from extracted or raw materials;

B. A use engaged in storage or manufacturing processes using flammable or explosive materials;

C. Storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**INDUSTRY, INFORMATION:** The use of a site for processing data. The use includes, but is not limited to, publishing industries such as newspapers, books, music, internet and software; recording and broadcasting studios; data processing centers, call centers, internet providers and other information systems.

**INDUSTRY, LIGHT:** A use engaged in the manufacture, processing, fabrication, assembly, treatment, and/or packaging of finished products or parts, predominantly from previously prepared materials.

**INSTITUTION:** An establishment which aids individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.

**JUNK:** Discarded, used, or secondhand materials, including, but not limited to, used machinery, scrap copper, brass, iron, steel, other ferrous and nonferrous metals, tools, appliances, implements, vehicles or portions thereof, furniture, beds and bedding, rags, glass, plastic, cordage, rubber, building materials (excluding lumber), or other waste that has been abandoned from its original use and may be used again in its present or in a new form.

**JUNKYARD:** See definition of Vehicle Wrecking Yard/Junkyard.

**KENNEL:** Any lot or premises or portion, indoors or outdoors, on which more than four (4) dogs or cats are maintained, harbored, possessed, boarded, bred or cared for or kept for sale. See specific uses.

**LABORATORY:** A place for scientific research: Where research and testing is carried out.

**LABORATORY, MEDICAL:** An establishment where medical, dental, and optical equipment and supplies, or drugs and related chemicals are manufactured.

**LAGOON:** An open structure or containment area designed to treat liquid manure or sewage through biodegradation by bacteria.

**LANDSCAPE MAINTENANCE:** Watering, weeding, pruning, mowing, litter removal, pest control, and removal/repair of vandalism as needed to maintain a neat and orderly appearance.

**LAUNDROMAT:** A. An establishment that provides washing, drying, and/or ironing machines for hire;

B. An establishment that provides washing, drying and/or ironing services to walk-in retail customers.

**LAUNDRY AND DRY CLEANING:** An establishment that washes large quantities of laundry or dry cleaning for patrons, may also be combined with a laundromat.

**LIGHT INDUSTRY:** See definition of Industry, Light.

**LIGHTING, DIRECT:** Lighting, the source of which is visible to a viewer and/or which is reflected from the surface of a sign or building. This definition shall include exposed neon lights and tubing.

**LIGHTING, INDIRECT OR INTERNAL:** Lighting for which the source of light is located in such a manner that the light must travel through a translucent material other than the bulb or tube necessary to enclose the light source, which material has the effect of dispersing the light before it strikes the eye of the viewer.

**LIVE/WORK UNIT:** A unit or units consisting of both commercial/office and residential components and constructed as 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.

**LIVING AREA:** The area of a residential dwelling as measured in square feet, excluding the garage.

**LIVING SPACE: RV's**

**LOADING SPACE:** Space, logically and conveniently located for pick-ups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles. Required off street loading space is not to be included as required off street parking space. All off street loading spaces shall be located totally outside of any street or alley right of way. Lighting associated with the use shall be directed away from any residential use or district.

LOT: A parcel of land and/or a portion of a subdivision, of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or on an approved private street and may consist of:

A. A single lot of record;

B. A portion of a recorded subdivision or a property intended as a unit for transfer of ownership or for development.

LOT, COMMON: A lot held in common ownership among all owners of the subdivision and separate from individual building lots.

LOT, CORNER: A lot located at the intersection of two (2) or more streets.

LOT FRONTAGE: The front of the property, measured along the street from side property line to side property line. On corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

LOT, INTERIOR: A lot which abuts only one street.

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.

LOT LINE, FRONT: The line separating the lot or parcel from the street on which it takes access, excluding alleys.

LOT LINE, REAR: The property line opposite and most distant from the front property line. Where the lot or parcel is irregular and the property lines converge, the rear property line shall be deemed to be a line at a point where the side property lines are not less than twenty feet (20') apart.

LOT LINE, SIDE: Any property line other than a front or rear property line. A property line adjoining a street is called a street side property line. A property line adjoining another property is called an interior side property line.

LOT, NONCONFORMING: A parcel of land which was created prior to the provisions of the city of Star's Unified Development Code but was in compliance with the zoning and subdivision ordinance(s) that were in effect at the time such parcel was created.

LOT-LINE OR PARCEL BOUNDARY ADJUSTMENT: The adjustment of the boundary between properties where: a) the dimensions of the properties are not reduced below the

minimum dimensional standards for the applicable district; b) there is no increase in the original number of properties; and c) no easements, public streets, private roads or publicly dedicated areas are affected.

**MANAGEMENT COMPANY:** A company conducting the operation, control, maintenance, and oversight of a residential or commercial development or subdivision, apartment or condominium community.

**MANUFACTURED HOME:** A. A dwelling constructed according to HUD/FHA construction and safety standards and as defined by Idaho Code section 39-4105.

B. A rehabilitated dwelling certified by the state of Idaho department of labor and industry, building safety division.

**MANUFACTURED HOME PARK:** A multi-family residential development developed exclusively for siting manufactured homes on individual spaces that are rented or leased.

**MANUFACTURING PLANT:** Shall include the processing, packaging, or assembly of products, and incidental storage, sales, and distribution of such products, but excluding those uses as defined in heavy industry.

**MEATPACKING PLANT:** An establishment maintained for canning, curing, smoking, salting, packing, freezing, storing or other similar uses in which meat products are processed for commercial sale.

**MEDICAL CLINIC:** A building used for the care, diagnosis, and treatment of persons who seek medical/surgical attention. This does not include medical care facilities which provide board, room or regular hospital services.

**MINING, Pit or Quarry and Accessory Pits:** Establishments that extract naturally occurring mineral solids, such as coal, gravel and ores; liquid minerals, such as crude petroleum; and gases, such as natural gas. The term mining is used in the broad sense to include quarrying, well operations, beneficiating (e.g., crushing, screening, washing, and flotation), and other preparation customarily performed at the mine site, or as a part of mining activity. Water amenities, such as ponds, created as a part of an approved subdivision, shall be reviewed as an accessory pit, but shall not be considered mining, unless materials are removed from the project site.

**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, or light industrial. ~~public space or agricultural.~~

**MOBILE HOME:** A transportable structure suitable for year-round single-family occupancy and having water, electrical and sewage connections similar to those of conventional dwellings. This definition applies only to units constructed prior to June 15, 1976.

**MONOPOLE:** A cylindrical shaped pole, usually made of steel, that has no visible break in

shape or appearance, other than tapering, which is secured to the ground in a manner to stand vertically upright.

**MORTUARY:** An establishment in which deceased human bodies are kept and prepared for burial or cremation.

**MOTEL:** See definition of Hotel/Motel.

**MULTI-FAMILY DEVELOPMENT:** Development where there are three (3) or more dwelling units or apartments located on the same property and held in single ownership. A multi-family dwelling may or may not be present on the property.

**MULTI-FAMILY DWELLING:** See definition of Dwelling, Multi-Family.

**NEIGHBORING PROPERTIES:** Abutting properties and any properties separated from the subject property solely by a roadway or dedicated easement. (See Transitional Lot.)

**NONCONFORMING PROPERTY:** A property that lawfully existed prior to the effective date of this title, but that does not now conform to the standards for the district in which it is located.

**NONCONFORMING STRUCTURE:** A structure that was lawfully constructed and/or existing prior to the effective date of this title but that does not conform to the standards for the district in which it is located.

**NONCONFORMING USE:** A use that lawfully existed prior to the effective date of this title but that does not now conform to the allowed uses for the district in which it is located. For the purposes of this title, nonconforming parking lot design and landscaping shall be deemed a nonconforming use.

**NURSERY, GARDEN CENTER AND FARM SUPPLY:** An establishment that primarily engages in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod. Also included are establishments primarily engaged in retailing farm supplies, such as animal feed. See also Building Materials.

**NURSING AND RESIDENTIAL CARE FACILITY:** The use of a site for providing assistance to individuals needed to perform the routines of daily life. The use includes, but is not limited to, children's treatment facility, assisted care, skilled nursing facility, residential care facility, and drug and alcohol treatment facility. The number of rooms within such a facility are not to be calculated as residential density.

**OFFICE SECURITY FACILITY:** An establishment utilized by security personnel in the fulfillment of their job to protect local properties, businesses, individuals, and/or the community at large.

**OPEN SPACE, DEVELOPED:** An area of open land used for recreational opportunities and that provides either active or passive recreational facilities. The term shall not include streets, parking areas, unusable drainage areas as determined by the administrator, or structures for habitation.

**OPEN SPACE, NATURAL:** An area of open land, with little or no land disturbance, preserved, enhanced and/or restored in order to maintain the natural, scenic, ecological, cultural, hydrological, geological, or agricultural values of the land. Natural open space may include trails and park bench style seating; interpretive signage and kiosks for educational purposes; and agricultural activities.

**OPEN SPACE, USABLE AREA:** Among other useable open space areas as may be determined by the Council, the following areas shall be included into the calculation for “Usable Area of Open Space”. Active recreational facilities, trails, pathways, park bench style seating, interpretive signage and kiosks for educational purposes, picnic areas, community gardens, courses or courts, children's play areas, dog play areas, and portions of irrigation ditches when incorporated with a pathway. Landscape buffer areas, not required pursuant to other sections of this title, may be considered, in part, as useable open space provided a pathway or other usable amenity is located within and incorporated into the buffer area.

This shall include detached sidewalk buffers. Up to fifty percent (50%) of the total area of water bodies (i.e., ponds) within a development may be considered usable area provided only if there is a finding that the ponds employ active recreation capabilities such as fishing, rafting, canoeing, and the like and is available to all residents of the subdivision. All ponds shall be aerated.

Irrigation ditches, drainage ditches and the like, shall not be considered water bodies and therefore shall not be a part of the usable open space area calculations, unless left as natural open space, as herein defined, and provided with either open style fencing, pathways, or both.

**PARKING LOT/PARKING GARAGE:** A site/building for parking vehicles for a fee.

**PARKING SPACE, OFF STREET:** An area adequate for parking an automobile with dimensions conforming to the requirements of this title.

**PARKS, PUBLIC AND PRIVATE:** A public or private open space that is primarily used for active recreation.

**PAWNSHOP:** An enclosed building where all business is conducted for the loaning of money, purchase, sale or exchange of used items. (See Specific Use Standards)

**PENNANT:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind. The display of a single pennant, unattached to another, may be regarded as a type of decorative flag.

**PERSONAL AND PROFESSIONAL SERVICES:** The use of a site for the provision of individualized services generally related to personal needs. Personal service uses include, but are not limited to, beauty and healthcare services such as salons, hair, nail and skin care, spa, and barbers; locksmiths; and repairs such as footwear and leather goods, and watches. Professional service uses include, but are not limited to architects, landscape architects and other design services; computer designers; consultants; accountants; lawyers; media advisors; photography studios; realtors and title companies.



**PHARMACY:** An establishment where medical prescriptions are filled and sold. An establishment where medical supplies, over the counter drugs, and a variety of other merchandise is sold.

**PHOTOGRAPHIC STUDIO:** An establishment or building utilized for the creation and/or production of pictures on photographic, reproduction or electronic media.

**PLANNED UNIT DEVELOPMENT (PUD):** Property planned as a unit that demonstrates innovation and creativity in site design to protect natural features, preserve open space and create public amenities. A well-designed urban type development characterized by a wide mix of uses, on site amenities, trip capture, and connectivity within the community; conservation of open space and preservation of environmental attributes; an emphasis on community character and forming a sense of community. A PUD may contain a specific use exception for uses not allowed in the zoning district and may allow for a density bonus.

**PORTABLE CLASSROOMS/MODULAR BUILDING:** A building or building component, other than a manufactured home, which is constructed according to standards contained in the international building code, as adopted, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site, used for private/public education facilities.

**POWER PLANT:** An electricity generating facility regulated by the federal energy regulatory commission including, but not limited to, fossil fuel, geothermal, hydroelectric, biomass, solar and wind energy conversion facilities.

**PRINCIPAL USE:** The use of land or a structure allowed outright in a specific district as distinguished from an accessory or conditional use. Principal uses shall be subject to review through the CZC process.

**PROCESSING PLANT:** A building where the act of converting material from one form to another occurs.

**PROFESSIONAL OFFICES:** Offices and related spaces maintained and used as a place of business, such as doctors, dentists, engineers, attorneys, architects, accountants and other persons providing professional services.

**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.

**PUBLIC UTILITY YARD:** A yard where facilities such as utility shops, garages, or storage areas are located that are owned and operated by a public utility.

**RECREATIONAL VEHICLE:** A portable structure primarily designed as temporary living accommodation for recreational, camping, and travel use and as defined in Idaho Code section

49-119.

**RECREATIONAL VEHICLE PARK:** A premises upon which two (2) or more parking sites are located, established, or maintained for occupancy by recreational vehicles for temporary use for recreation or vacation purposes. Density allowances of the specific zoning district shall not be used to calculate the number of parking sites for the park.

**RECYCLING CENTER:** An establishment that is not a junkyard and in which recoverable resource materials, such as paper products, glassware, and metal cans, are collected, sorted, flattened, crushed, or bundled within a completely enclosed structure prior to shipment to others who use such resource materials to manufacture new products.

**RESEARCH ACTIVITIES:** A use that has facilities or laboratories for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the facility.

**RESTAURANT:** A. The use of a site for the primary purpose of food preparation, having kitchen and cooking facilities, and where meals are regularly served to the public for compensation.

B. Establishments with a liquor and/or beer and wine license that includes a restaurant certificate and that meet the definition of restaurant as set forth in Idaho administrative code.

**RETAIL STORE/RETAIL SALES AND SERVICES:** The use of a site that offers merchandise to the public for monetary compensation. The use includes, but is not limited to, convenience stores; food stores; apparel and accessories stores; book, computer, and music stores; electronics and appliances; florists; furniture and home furnishings; general merchandise stores; health and personal care stores; hobby, office supplies, stationery and gift stores; specialty stores; sporting goods; and used merchandise stores.

**RETIREMENT HOME:** A residential establishment shared by eight (8) or more persons, fifty-five (55) years or older, or their immediate family, where care and supervision are not provided.

**SAND AND/OR GRAVEL YARD:** A commercial establishment where sand and gravel, soil and soil blends, decorative rock and aggregate are produced, and/or washed and/or sold. See also Mining.

**SELF-SERVICE USES:** Any commercial use in which there is not an attendant on the site during all hours of operation, including, but not limited to, automated teller machines, laundromats, vehicle washing, fuel sales facilities, and storage facilities.

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

**SETBACK LINE:** The minimum required distance between the property line and the nearest structure. See figure 8-1E-2.

**SHOOTING RANGE:** Any facility designed and operated for the safe practice of shooting rifles, shotguns, pistols, black powder devices, archery or any other similar device, which may include any accessory uses and structures normally associated with this activity.

**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.

**SHORT-TERM RENTAL:** A short-term rental refers to the rental of part or all of any legally permitted dwelling unit for fewer than 30 consecutive days. Also referred to as an Airbnb, VRBO or a hostel.

**SITE PLAN:** A plan, to scale, showing existing and proposed uses, structures and improvements proposed for a property as required by the regulations involved. Such plans include property lines, streets, driveways, parking, building sites, landscaping, open space, and utility easements.

**SOIL STABILIZATION:** The state of having sufficient vegetation and gradual slopes to prevent soil erosion and sedimentation onto adjacent features such as streets, sidewalks, driveways, parking areas, lawns, or water bodies.

**SOLID WASTE TRANSFER STATION:** The use of a site for the collection and temporary storage of solid waste for subsequent transport to a permanent disposal location.

**STABLE:** An equine boarding facility in which horses, and sometimes other large types of livestock, are kept. The facility may include, but is not limited to, a barn, riding arena(s) and/or pasture facilities.

**STORAGE FACILITIES, OUTDOOR:** The commercial use of a site where equipment, registered vehicles, inventory, supplies, or other similar items are stored, including a building with a roof but without walls completely enclosing the building.

**STORAGE FACILITY, SELF-SERVICE:** A structure or group of structures with a controlled access and fenced compound that contains individual, compartmentalized, or controlled units that are leased or sold to store material (including, but not limited to, goods, wares, merchandise, or vehicles) and may include an area of outdoor storage for vehicles and equipment. As a part of this use, a dwelling unit caretaker's unit, which may include an office, shall be permitted for a person or persons hired to manage the property.

**STREET FRONTAGE:** The distance measured along the property line, which fronts upon a street or alley or other principal thoroughfare that provides vehicular access to a property.

**STROBE LIGHT:** An attention getting device that emits a repetitive light; independent of, or as part of a sign. For the purposes of this code, strobe light shall not be considered an animated sign.

**SUBDIVISION:** A. The division of a lot or parcel of land, into two (2) or more lots for the

purpose of conveyance of ownership or for building development; and the recorded plat thereof;  
or

B. The platting of one lot or parcel for the purposes of remedying a prior illegal division of property or as deemed appropriate by the administrator and/or city engineer.

**SWIMMING POOL COMMERCIAL/PUBLIC:** An artificial pool of water intended for recreation by human beings, including all pertinent equipment. This includes a public or private facility that charges a fee to use the pool and the pool meets all health requirements.

**TELEVISION STATION:** A facility that broadcasts audio and video over the airwaves, which is properly licensed. This does not include the transmission tower.

**TEMPORARY LIVING QUARTERS:** A "manufactured home" as herein defined, permitted as a temporary dwelling for a member of the immediate family on the same property as the principal permitted use. May also be considered as a temporary living use in an existing dwelling while a new dwelling is being constructed on the same property, provided that once a new dwelling is completed and prior to an occupancy permit, the temporary livings quarters is removed.

**TEMPORARY USE:** The use of a site on a seasonal basis and for a short period of time. The use includes, but is not limited to, Christmas tree lots, construction buildings, firework stands, food service vehicles, model homes, produce stands, snow cone stands, and pumpkin stands.

**TERMINAL, FREIGHT OR TRUCK:** The use of a site where freight brought by truck or rail is transferred. The use may include the storage or repair of trucks or railcars. The use excludes the long term or permanent storage of freight.

**TRANSITIONAL LOT OR PROPERTY:** The size of a new residential lot when being proposed adjacent to an established residential use. The ratio for lots adjacent to properties shall be determined on a case-by-case basis, when considering the size of the development potential for the existing use. This shall not be required if separated by an existing roadway or large canal where the distance between new structures and existing structures equal or exceed 100 feet.

**TOWER, LATTICE:** A tower made of an open metal framework consisting of strips of metal overlapped in a pattern to achieve strength and height.

**TRAILER:** A vehicle without motor power designed for carrying persons or property on its own structure and to be drawn by a vehicle with motor power. The term "trailer" shall include coach, boat trailer, semitrailer, travel trailer, or utility trailer.

**TREES, CLASS I, II, III:** The classes of trees are defined for the purposes of this title by the "Tree Guide" as provided by Boise City and the 2018 Treasure Valley Tree Selection Guide (or most recent version). In general, class I trees are smaller ornamental trees, class II trees are medium/large trees appropriate for street tree planting, and class III trees are very large trees.

**TRUCK:** A motor vehicle exceeding eight thousand (8,000) pounds' gross weight designed, used or maintained primarily for the transportation of commercial property.

**TRUCK STOP:** An establishment that sells and supplies motor fuel, lubricating oils, tires, and/or grease to on premises trade, primarily to trucking industry. This use may also include accessory vehicle repair shops, vehicle washing facilities, convenience store and/or restaurant.

**TURF FARM:** A property for agricultural use that is five (5) acres in size or greater and is used for the purpose of growing turf.

**UPLIGHTING:** Lighting that is directed in such a manner as to shine light rays onto a solid surface, including a building or sign

**USE, CHANGE OF:** A change of use shall include, but not be limited to, an expansion, alteration, or change in occupancy.

**UTILITY:** Electrical, natural gas, water, wastewater, sewer, telephone, satellite and cable services and facilities.

**VARIANCE:** A relief from development standards as allowed by this title and as enabled by Idaho Code section 67-6516.

**VEHICLE:** Shall include, but not limited to, automobile, truck, motorcycle, recreational vehicle, or as otherwise defined in Idaho Code section 49-123 which includes every device in, upon, or by which any person or property is or may be transported or drawn (e.g., travel trailers) upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks. This shall include electric scooters.

**VEHICLE, COMMERCIAL:** Any currently licensed and operable motor vehicle, as defined by Idaho Code section 49-123.

**VEHICLE EMISSION TESTING:** A mobile or stationary area where vehicle emissions testing is performed as required by the state of Idaho (see also definition of Temporary Use).

**VEHICLE IMPOUND YARD:** The use of a site for the temporary storage of vehicles to be claimed by the owners. Shall not be used as a vehicle repair or wrecking yard.

**VEHICLE, INOPERABLE:** A vehicle that cannot move under its own power or does not meet the minimum legal requirements necessary for the motor vehicle to be operated in a safe and lawful manner upon the roadways and highways in the state of Idaho, as set forth in Idaho Code title 49.

**VEHICLE REPAIR, MAJOR:** The use of a site for major vehicle rebuilding or reconditioning. The use includes engine rebuilding; major reconditioning of worn or damaged motor vehicles; and collision service, including body, frame, or fender straightening or repair.

**VEHICLE REPAIR, MINOR:** The use of a site for minor vehicle maintenance and repair. The use includes vehicle repair garages, muffler shops, tire sales and installations, transmission shops, and wheel and brake shops.

**VEHICLE SALES OR RENTAL AND SERVICE:** The sale, trade, or lease of new or used vehicles in operating condition and any repair work or minor service. Repair work or minor service shall include, but not be limited to, replacement of parts (e.g., tires, shocks, brakes, mufflers, windshields, radiators, upholstery), oil change, minor engine repair, tune up, and accessory sales of replacement parts. Any operation specified under the definition of "vehicle repair, major" is excluded.

**VEHICLE WASHING FACILITY:** The use of a site where a vehicle may be washed, waxed, detailed, or vacuumed by the owner of the vehicle or employees on the site.

**VEHICLE WRECKING YARD/JUNKYARD/SALVAGE YARD:** Any area, lot, land, or parcel where two (2) or more vehicles without current registration or two (2) or more inoperable or dismantled vehicles that are not in operating condition (or parts thereof) are stored, dumped, dismantled, partially dismantled or wrecked; or as defined by Idaho Code section 40-111, the use of a site that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, garbage dumps and sanitary fills. The following uses are excluded from this definition: agricultural equipment on a "farm" as herein defined and vehicles stored or dismantled within a completely enclosed structure.

Property whereupon junk, waste, vehicles, discarded or salvaged materials/parts are primarily stripped of parts in preparation for future storage, destruction, or rebuilding. This connotes that vehicles within such areas are inoperable either physically and/or legally (i.e., licensed and registered). While, expectedly, storage of items will occur by nature of this kind of use, this use classification/definition does not expect that such will become the primary activity conducted from the site. Specific examples of such uses include, but are not limited to, the following: automobile wrecking yards.

**VETERINARY OFFICE:** See definition of Animal Care Facility.

**VICINITY MAP:** A drawing which sets forth by dimensions or other means the relationship of the proposed developments to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the subject property.

**VINEYARD:** A property in agriculture that is five (5) acres in size or greater, used for the purpose of growing and cultivating grapevines. See also wineries.

**VISION TRIANGLE:** The boundaries of an area at the intersection of: a) two (2) public streets; b) the intersection of a public street and driveway; c) the intersection of a public street and alley; or d) at the crossing of a railroad over a street, where visual observations are limited and specified by this title for the purpose of protecting public health and safety. This shall be defined by the highway authority having jurisdiction.

**WALKWAY:** A public way for nonvehicular use only, whether or not along the side of a road.

**WALL AREA:** The total square footage of an exterior wall and determined by multiplying the total linear elevation of the building (or the leased portion thereof) by the distance from the roofline to pedestrian grade.

**WAREHOUSE AND STORAGE:** A structure used primarily for storing materials and/or freight, including, but not limited to, goods, wares, merchandise, or vehicles.

**WATER AMENITY:** Any body of water either natural or manmade, which either exists or is proposed to be improved as a part of the development, in which its banks in all places adjacent to and located on said development are no steeper than one foot (1') vertical per every four feet (4') horizontally (1:4) and which has a depth and velocity in all places adjacent to and located on said development such that the product of the maximum depth (feet) multiplied by the peak velocity (feet per second) does not exceed four (4).

**WHOLESALE SALES:** The use of a site for selling, distributing, or brokering merchandise to retailers, business users, or other wholesalers. This use can include incidental retail sales to the general public.

**WINERY:** The use of a site that manufactures alcoholic beverages from the fermented juice of grapes, fruits or other liquid bearing plants. The use may include the ancillary sale or dispensing of beverages by the drink or glass and including retail sales to the general public. See also vineyard.

**WIRELESS COMMUNICATION FACILITY:** A steel monopole, guywire tower, lattice tower or other similar structure designed to support directional antennas, parabolic dishes or antennas, microwave dishes, in addition to associated ground equipment and other similar equipment used in the wireless communications industry.

**WOODWORKING SHOP:** An establishment where wood is modified into finished product to be sold.

**YARD, FRONT:** A yard extending between the side lot lines across the front of a lot and from the front lot line to the front of the principal building.

**YARD, REAR:** An area extending across the full width of the property and lying between the rear property line and the nearest line of the principal structure. See figure 8-1E-2.

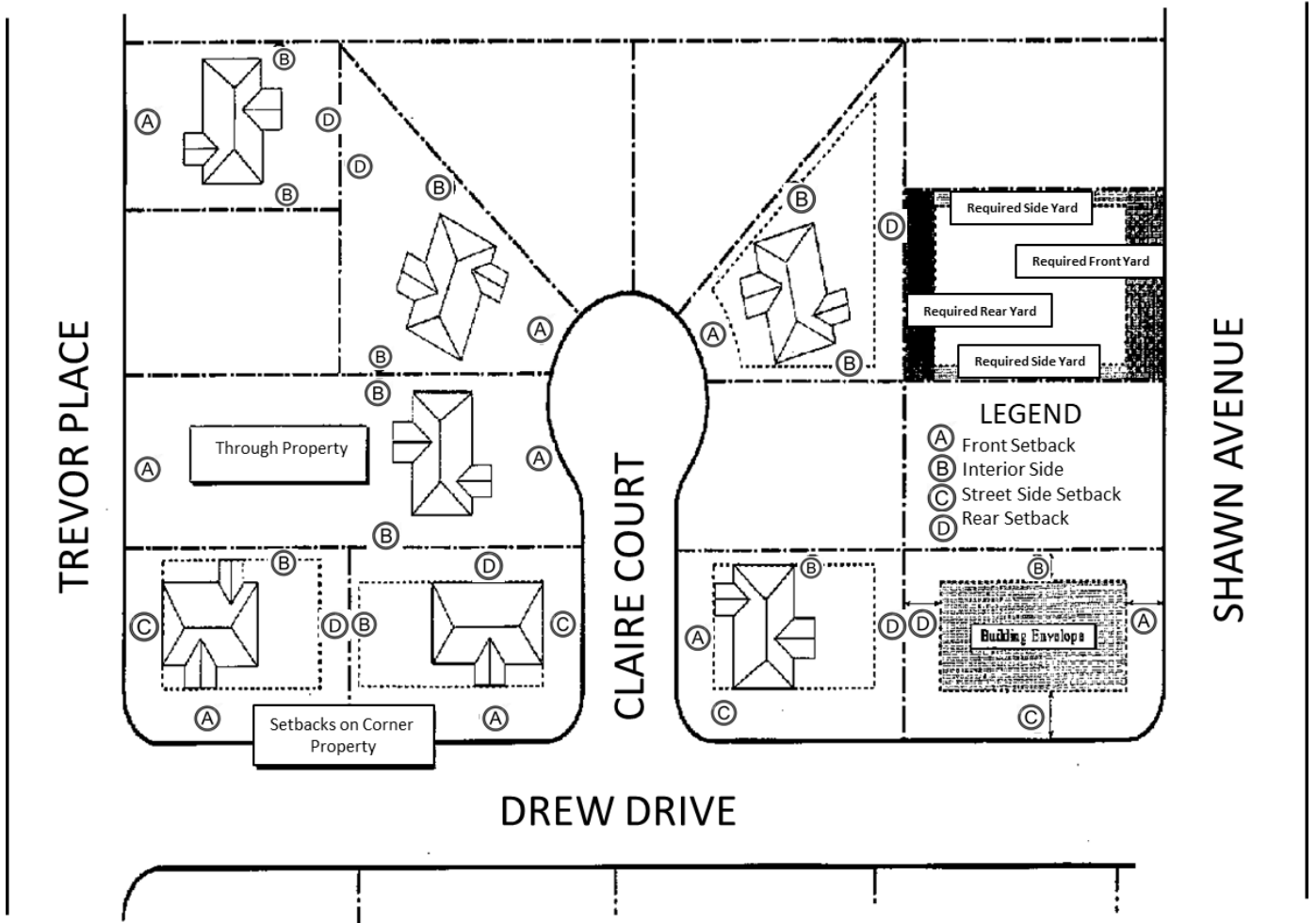
**YARD, REQUIRED:** An area that extends along a property line to a depth or width specified in the setback regulations for the district in which the property is located. See figure 8-1E-2.

**YARD, SIDE:** An area extending from the front yard to the rear yard between the side property line and the nearest line of the principal structure. See figure 8-1E-2.

**YARD, STREET:** An area extending across the full width of the property and lying between the front property line and the nearest line of a principal structure. See figure 8-1E-2.

**YARD SALE:** The sale of household or personal articles (as furniture, tools, or clothing) held on the seller's own premises. Yard sales are limited to one sale per month, lasting no longer than three (3) days. Yard sales are not commercial activities.

8-1E-2: FIGURE - SETBACKS, REQUIRED YARDS AND PROPERTY TYPE





## CHAPTER 2

### NONCONFORMING PROPERTY, USE OR STRUCTURE

#### 8-2-1: PURPOSE:

#### 8-2-2: APPLICABILITY:

#### 8-2-3: NONCONFORMING PROPERTY:

#### 8-2-4: NONCONFORMING USE:

#### 8-2-5: NONCONFORMING STRUCTURE:

#### 8-2-6: VIOLATIONS:

#### **8-2-1: PURPOSE:**

The purpose of this article is to allow any nonconforming property, use, or structure that lawfully existed prior to the effective date (December 12, 1997) to continue until they are removed, but not to encourage their continuation. It is further the intent of this article that nonconforming uses or structures shall not expand or extend the nonconforming aspect of the property, use, or structure, unless approved subject to a conditional use permit as set forth in this title.

#### **8-2-2: APPLICABILITY:**

These regulations shall apply to any lawfully existing nonconforming property, use, or structure in any district, except: in the event that a property, use, or structure that was deemed nonconforming under past regulations now complies with the standards of this title, such property, use, or structure shall be deemed conforming.

#### **8-2-3: NONCONFORMING PROPERTY:**

A. The nonconforming property shall not be diminished in size.

B. Any property reduced by governmental action that reduces an existing conforming parcel below the required property size shall be deemed as a conforming property for the purpose of development. To be deemed a conforming property, the owner or applicant shall submit documents to the administrator proving the following:

1. The property was in compliance with the minimum property size requirement of the applicable district prior to the decrease in property size; and

2. The decrease in property was caused by acquisition through prescription, purchase, or other means by the transportation authority, a utility company or corporation under the jurisdiction of the Idaho public utilities commission, or other local, state, or federal agency.

#### **8-2-4: NONCONFORMING USE:**

A. The nonconforming use may continue as long as the use remains lawful and is not expanded or extended, subject to the following provisions:

1. Alteration: No existing structure containing a nonconforming use may be enlarged, extended, constructed, reconstructed, moved or structurally altered except: a) through the approval of a conditional use permit in accord with the procedures set forth in this title; or b) where the use of the structure is changed to a conforming use.

2. Extension: A nonconforming use may be extended to occupy additional land area only through the approval of a conditional use permit in accord with the procedures set forth in this title.

B. If a nonconforming use has ceased for twelve (12) consecutive months or has been replaced with a conforming use, the nonconforming use shall be deemed abandoned and shall not be reestablished.

C. A nonconforming use or structure housing a nonconforming use that is damaged more than fifty percent (50%) of its current assessed taxable value by fire, flood, explosion, wind, earthquake, war, riot, calamity, or other catastrophic event, shall comply with this title upon reconstruction. If the damage to the nonconforming use or structure housing the nonconforming use is fifty percent (50%) or less of its current assessed taxable value, the nonconforming use may continue, provided that the nonconforming use commences within twelve (12) months of the event.

#### **8-2-5: NONCONFORMING STRUCTURE:**

A. Nonconforming structures may be enlarged, repaired or modified, with approval of a conditional use permit, provided that the additions or modifications to the structure conform to the requirements of this title.

B. A nonconforming structure that is damaged more than fifty percent (50%) of its current assessed taxable value by fire, flood, explosion, wind, earthquake, war, riot, calamity, or other catastrophic event, shall comply with this title upon restoration or reconstruction. If the damage to the nonconforming structure is fifty percent (50%) or less of its current assessed taxable value, the structure may be restored or reconstructed, provided that restoration or reconstruction commences within twelve (12) months of the event.

C. Structures listed on the national register of historic places shall be exempt from the regulations of this section.

#### **8-2-6: VIOLATIONS:**

Properties, uses, or structures that were in violation of previous land use regulations and that

remain a violation under this title shall be considered continuing violations.

## CHAPTER 3

### ZONING DISTRICT STANDARDS

#### ARTICLE A

##### DISTRICTS ESTABLISHED

##### 8-3A-1: ZONING DISTRICTS AND PURPOSES ESTABLISHED:

##### 8-3A-2: OFFICIAL ZONING MAP:

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

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

##### **8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED:**

The following zoning districts are hereby established. For the interpretation of this title, the zoning districts have been formulated to realize the general purposes as set forth in this title. In addition, the specific purpose of each zoning district shall be as follows:

(A) AGRICULTURAL DISTRICT: To provide for agricultural use with parcels that are 5 acres or larger in size. May include active agriculture, viticulture, equestrian, and residential. Uses include native open space and active farmland. The agricultural land use is not amenity based (sewer, water, schools) and will usually be located away from goods and services. These areas encourage the keeping and raising of crops and/or animals and do not necessarily include manicured yards, sidewalks, bike paths, streetlights or planned park and recreation facilities. Density may be limited due to the limited availability of infrastructure. Wells and septic systems should be permitted for lots in this land use designation if approved by the applicable Health Department. Easements of at least 20-feet in width shall be provided where determined necessary for the future extension of water and sewer mains. Modified street sections and a reduction in light pollution (by reducing or eliminating lighting standards) may be offered for a more rural feel. Private streets may be permitted in this district for access to newly subdivided or split property. This district does allow for some commercial uses as specified in 8-3A-3.

(RR) RURAL-RESIDENTIAL DISTRICT: To provide for rural single-family residential use adjacent to agricultural uses, adjacent to other Rural Residential type uses, and adjacent to BLM land areas. Parcels are to be two acres minimum. It is the intent of this land use designation to

help to preserve Star's rural feel. Huge manicured "Rural Residential" lots are discouraged and therefore manicured home site areas on these properties should not exceed 1/2 acre. Uses may include active agriculture, viticulture, equestrian, and residential. Uses include native open space and small-scale active farmland. The Rural Residential land use is not amenity based (sewer, water, schools) and will usually be located away from goods and services. These areas encourage the keeping and raising of small-scale crops and/or animals and do not necessarily include manicured yards, sidewalks, bike paths, streetlights or planned park and recreation facilities. Density may be further limited due to the limited availability of infrastructure. Modified street sections and a reduction in light pollution (by reducing or eliminating lighting standards) may be offered for a more rural feel. Private streets may be permitted in this district for access to newly subdivided or split property. This land use designation is to be located such that it does not block extension of urban services at reasonable costs. Wells and septic systems should be permitted for lots in this land use designation if approved by the applicable Health Department. Easements of at least 20-feet in width shall be provided where determined necessary for the future extension of water and sewer mains. This district does allow for some commercial uses as specified in 8-3A-3.

(R) RESIDENTIAL DISTRICT: To provide regulations and districts for various residential neighborhoods. Gross density in a Residential (R) district shall be determined according to the numeral following the R. The numeral designates the maximum number of dwelling units per acre. In zoning designations of R-1, R-2, R-3, R-4 and R-5, housing shall be single family detached unless approved with a PUD or development agreement. Connection to municipal water and sewer facilities are required for all subdivision and lot split applications submitted after the effective date hereof in all districts exceeding one dwelling unit per acre. Wells and septic systems may be permitted for larger lots in this land use designation that are not adjacent to municipal services, as determined by the Sewer District, and if approved by the applicable Health Department. Private streets may be approved in this district for access to newly subdivided or split property. This district does allow for some non-residential uses as specified in 8-3A-3.

(RC) RIVERFRONT CENTER: To provide for a mixture of uses which may, at the sole discretion of the Council, include office, small-scale retail, restaurants, offices, entertainment, and high-density residential within the comprehensive plan area designated as Riverfront Center. The Riverfront Center is planned to be a vibrant mixed-use center for the community that builds off River access and connection north to Main Street, the Riverwalk Park, and the River House. High density housing is encouraged on the upper floors of buildings and at the fringes of the land use designation. The focus of the Riverfront Center is a large-scale community civic space and gathering area at the Boise River edge. Development within this zone is to proceed through the PUD process unless a development agreement has already been executed for the particular property. This zone may allow the development community to be more innovative in design and placement of structures subject to Council review and approval. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Riverfront Center is not being used simply to justify high density residential use. High-density residential uses should be part of the Riverfront Center though may not exceed thirty percent (30%) of the overall size of the development.

(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.

(LO) LIMITED OFFICE DISTRICT: To provide for the establishment of groupings of professional, research, executive, administrative, accounting, clerical, limited commercial and similar uses. Development shall not be traffic intensive and research facilities shall not involve heavy testing operations of any kind. The L-O district is designed to act as a buffer between other more intense nonresidential uses and residential uses and is thus a transitional use.

(LI) LIGHT INDUSTRIAL DISTRICT: To provide for manufacturing, warehousing, mini-storage and open storage, multi-tenant industrial park, contractors yards, and similar uses. Limited office and commercial uses may be permitted as ancillary uses. All development within this land use shall be free of hazardous or objectionable elements such as excessive noise, odor, dust, smoke, or glare.

(PS) PUBLIC/SEMIPUBLIC: To provide for the development of such uses as golf courses, parks, recreation facilities, greenways, schools, cemeteries, and public service facilities such as government offices and utilities. All development within this land use is encouraged to be designed to accommodate the different needs, interests, and age levels of residents in matters concerning both recreation and civil activities.

(MU) MIXED USE DISTRICT: To provide for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, and/or residential depending upon the specific comprehensive plan area designated as Mixed Use. Development within this zone is to proceed through the PUD process unless a development agreement has already been executed for the particular property. Identifying areas for mixed-use development has two objectives. The first

objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this zone may allow the development community to be more innovative in design and placement of structures subject to Council review and approval. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use. Residential uses may be part of an overall mixed-use development that includes a non-residential component and may not exceed 30% of the overall size of the development.

(PUD) PLANNED UNIT DEVELOPMENT: This designation, following any zoning designation noted on the official zoning map of the city (i.e., R-4-P), indicates that the development was approved by the city as a planned unit development, with specific allowances and design approved by Council.

(DA) DEVELOPMENT AGREEMENT: This designation, following any zoning designation noted on the official zoning map of the city (i.e., C-2-DA), indicates that the zoning was approved by the city with a development agreement, with specific conditions of zoning.

### **8-3A-2: OFFICIAL ZONING MAP:**

The boundaries of the districts are shown on the official zoning map of the city of Star. The official zoning map is made a part of this title, as well as such other map or maps that are duly adopted. Said official zoning maps properly attested, shall be placed and remain on file in the office of the Star city clerk.

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

The following table lists principal permitted (P), accessory uses (A), conditional (C), or prohibited (N) uses.

A. Permitted uses and accessory uses shall be reviewed in accord with this title. It shall be unlawful and a violation of this title for any person to conduct any permitted use in any district, unless such person first obtains each applicable permit from the city.

B. Uses that are listed as C shall be subject to a conditional use permit approval through the public hearing process. Conditional uses shall be approved in accord with the procedures and regulations for conditional uses set forth in this title. It shall be unlawful and a violation of this title for any person to conduct any conditional use in any district, unless such person shall first obtain a conditional use permit approval through the public hearing process from the city.

C. The administrator shall interpret the appropriate district for land uses not specifically mentioned by determining the district in which similar uses are permitted. If the administrator determines that a proposed use is not specifically mentioned and is not similar to any specifically mentioned use the administrator shall determine that the use is prohibited.

D. When submitting a CUP, PUD or development agreement for a mixed-use zone, or for

multiple conditional uses on one site, all uses that are contemplated for the development shall be identified with the application and shall be reviewed by the council to determine which may be permitted, which should remain as conditional uses and which should be prohibited. A development agreement may be used in lieu of a conditional use permit application or a PUD application if the council makes the findings as otherwise required.

E. In zoning designations of R-1, R-2, R-3, R-4 and R-5, housing shall be single family detached unless approved with a PUD or development agreement in lieu of a PUD.

F. As of the adoption of this ordinance the Rural transitional district zone (RT) has been eliminated for new zoning. Properties with a Rural transitional zoning designation (RT) on the effective date of this ordinance shall be considered nonconforming use properties subject to the nonconforming use regulations herein and shall automatically revert to Rural Residential (RR) for the purpose of zoning until a time that they are rezoned to a district that meets the adopted Comprehensive Plan Land Use Map.

## ZONING DISTRICT USES

<b>USES</b>	<b>A</b>	<b>RR</b>	<b>R</b>	<b>CBD</b>	<b>C-1</b>	<b>C-2</b>	<b>LO</b>	<b>LI</b>	<b>PS</b>	<b>MU</b>	<b>RC</b>
Accessory structure - Residential or Commercial	A	A	A	N/C	A	A	A	A	A	C/P	A
Adult business/adult entertainment	N	N	N	N	N	N	N	C	N	N	N
Agriculture, forestry, fishing	P	P	N	N	N	N	N	N	N	N	N
Airport	C	N	N	N	N	N	N	C	N	N	N
Animal care facility <sub>1</sub>	P	C	N	C	P	P	P	P	N	C	N
Artist studio <sub>1</sub>	P	P	N	P	P	P	P	P	P	P	P
Arts, entertainment, recreation facility <sub>1</sub>	C	N	N	P	C	P	P	C	P	C	P
Asphalt plant <sub>1</sub>	N	N	N	N	N	N	N	C	N	N	N
Auction facility	N	N	N	N	N	C	N	C	N	C	N
Automated Teller Machine (ATM) <sub>1</sub>	N	N	N	A	A	A	A	A	A	A	A
Automotive hobby <sub>1</sub>	A	A	A	N	N	N	N	A	N	A	N
Automotive mechanical/electrical repair and maintenance	N	N	N	C	C	P	N	P	N	C	N
Bakery- Retail or Manufacturing	N	N	N	P	P	P	P	P	N	P/C	P
Bar/tavern/lounge/drinking establishment	N	N	N	P	C	P	C	C	N	C	P
Barbershop/styling salon	N	N	N	P	P	P	P	N	N	P	P
Bed and breakfast	P	P	N	P	P	P	N	N	N	C	C
Beverage bottling plant	N	N	N	N	N	N	N	P	N	N	N
Boarding house	C	C	C	N	N	N	N	N	N	C	C
Brewery/Distillery	N	N	N	P	C	P	N	P	N	C	P
Brewpub/Wine Tasting	A	A	N	P	C	P	C	C	N	C	P
Building material, garden equipment and supplies	N	N	N	P	C	P	C	P	N	C	C
Campground/RV park <sub>1</sub>	C	N	N	N	N	N	N	N	N	C	N
Caretaker Unit <sub>1</sub>	A	A	A	N	A	A	N	N	A	A	A
Cement or clay products manufacturing	N	N	N	N	N	N	N	P	N	N	N
Cemetery <sub>1</sub>	C	C	N	N	N	N	N	N	P	N	N
Chemical manufacturing plant <sub>1</sub>	N	N	N	N	N	N	N	C	N	N	N
Child Care center (more than 12) <sub>1</sub>	N	C	N	C	C	C	C	N	N	C	N
Child Care family (6 or fewer) <sub>1</sub>	A	A	A	A	A	A	A	N	N	A	C
Child Care group (7-12) <sub>1</sub>	C	C	C	C	C	C	C	N	N	C	C
Child Care-Preschool/Early Learning <sub>1</sub>	N	C	C	C	C	C	C	N	N	C	C
Church or place of religious worship <sub>1</sub>	P	P	C	N	C	C	C	N	C	C	N
Civic, social or fraternal organizations	C	N	N	P	P	P	P	N	N	C	C



	A	RR	R	CBD	C-1	C-2	LO	LI	PS	MU	RC
Concrete batch plant <sub>1</sub>	N	N	N	N	N	N	N	C	N	N	N
Conference/convention center	N	N	N	P	P	P	P	C	C	C	C
Contractor's yard or shop <sub>1</sub>	C	C	N	N	N	N	N	C	N	N	N
Convenience store	N	N	N	P	C	<del>P-C</del>	<del>P-C</del>	P	N	C	C
Dairy farm	C	N	N	N	N	N	N	N	N	N	N
Drive-through establishment/drive-up service window <sub>1</sub>	N	N	N	C	C	C	C	C	N	C	N
Dwelling:											
Multi-family <sub>1</sub>	N	N	C	N	N	N	N	N	N	C	C
Secondary <sub>1</sub>	A	A	A	N	N	N	N	N	N	C	C
Single-family attached	N	N	P	N	N	N	N	N	N	C	N
Single-family detached	P	P	P	N	N	N	N	N	N	C	N
Two-family duplex <sup>1</sup>	N	N	P	N	N	N	N	N	N	C	N
Live/Work Multi-Use <sub>1</sub>	N	N	N	C	N	N	N	N	N	C	C
<u>Single-Family Build-to-Rent<sub>1</sub></u>	<del>N</del>	<del>N</del>	<del>C</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>C</del>	<del>N</del>
Educational institution, private	C	C	C	C	C	C	C	N	N	C	C
Educational institution, public	C	C	C	C	C	C	C	N	C	C	C
Equipment rental, sales, and services	N	N	N	C	C	P	N	P	N	C	N
Events Center, public or private (indoor/outdoor) <sub>1</sub>	C	C	N	C	C	C	N	C	C	C	C
Fabrication shop	N	N	N	N	N	P	N	P	N	N	N
Farm	P	P	N	N	N	N	N	N	N	N	N
Farmers' or Saturday market	C	C	N	C	C	C	C	C	C	C	P
Feedlot	N	N	N	N	N	N	N	N	N	N	N
Financial institution	N	N	N	P	P	P	P	P	N	C	C
<del>Fireworks Stands</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>N</del>	<del>P</del>	<del>N</del>
Flammable substance storage	N	N	N	N	N	N	N	C	N	N	N
Flex Space	N	N	N	N	C	P	C	P	N	C	N
Food products processing	C	N	N	N	C	C	N	P	N	N	N
Fracking	N	N	N	N	N	N	N	N	N	N	N
Gasoline, Fueling & Charging station with or without convenience store <sub>1</sub>	N	N	N	C	C	<del>P-C</del>	C	P	N	C	N
Golf course/Driving Range	C	C	C	N	C	C	C	C	C	C	N
Government office	N	N	N	P	P	P	P	P	P	C	P
Greenhouse, private	A	A	A	N	N	N	N	N	N	A	N
Greenhouse, commercial	P	C	N	N	C	P	N	P	N	C	N
Guesthouse/granny flat	P	P	C	N	N	N	N	N	N	C	C

	A	RR	R	CBD	C-1	C-2	LO	LI	PS	MU	RC
Healthcare and social services	N	N	N	P	P	P	P	P	N	C	C
Heliport	C	N	N	N	N	N	N	C	N	N	N
Home occupation 1	A	A	A	A	N	N	N	N	N	A	P
Hospital	N	N	N	P	C	P	P	C	N	C	N
Hotel/motel	N	N	N	C	C	P	N	C	N	C	C
Ice manufacturing plant	N	N	N	N	N	N	N	P	N	N	N
<del>Institution</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>C</del>	<del>C</del>	<del>P</del>	<del>N</del>	<del>N</del>	<del>C</del>	<del>C</del>	<del>C</del>
Junkyard	N	N	N	N	N	N	N	C	N	N	N
Kennel	C	C	N	N	N	C	N	C	N	C	N
Laboratory	N	N	N	P	P	P	P	P	N	C	N
Laboratory, medical	N	N	N	P	P	P	P	P	N	C	N
Lagoon	N	N	N	N	N	N	N	C	C	N	N
Laundromat	N	N	N	P	P	P	P	P	N	P	C
Laundry and dry cleaning	N	N	N	P	P	P	P	P	N	C	C
Library	N	N	N	P	P	P	P	N	P	N	C
Manufactured home 1	P	P	P	N	N	N	N	N	N	C	N
Manufactured home park 1	N	N	C	N	N	N	N	N	N	N	N
Manufacturing plant	N	N	N	N	N	C	N	C	N	N	N
Meatpacking plant	C	N	N	N	N	N	N	C	N	N	N
Medical clinic	N	N	N	P	P	P	P	N	N	P	P
Mining, Pit or Quarry (excluding accessory pit) 1	C	N	N	N	N	N	N	C	N	N	N
Mining, Pit or Quarry (for accessory pit) 1	A	A	A	A	A	A	A	A	A	A	N
<u>Mixed Use Development 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>N</u>
Mortuary	N	N	N	N	C	P	N	P	N	C	N
Museum	C	N	N	P	P	P	P	N	P	P	P
Nursery, garden center and farm supply	N	N	N	C	P	P	P	P	N	C	N
Nursing or residential care facility 1	N	N	C	C	P	P	P	N	N	C	C
Office security facility	N	N	N	P	P	P	P	P	N	C	N
Parking lot/parking garage (commercial)	N	N	N	C	C	C	C	C	C	C	P
Parks, public and private	P	P	P	P	P	P	P	P	P	P	P
Pawnshop	N	N	N	P	P	P	P	P	N	P	N
Personal and professional services	N	N	N	P	P	P	P	P	N	P	P

Pharmacy	N	N	N	P	P	P	P	P	N	P	P
	<b>A</b>	<b>RR</b>	<b>R</b>	<b>CBD</b>	<b>C-1</b>	<b>C-2</b>	<b>LO</b>	<b>LI</b>	<b>PS</b>	<b>MU</b>	<b>RC</b>
Photographic studio	N	N	N	P	P	P	P	P	Nd	P	P
Portable classroom/modular building (for private & public Educational Institutions) <sup>1</sup>	P	P	P	P	P	P	P	N	P	P	N
Power plant	N	N	N	N	N	N	N	C	N	N	N
Processing plant	C	N	N	N	N	N	N	C	N	N	N
Professional offices	N	N	N	P	P	P	P	P	N	C	P
Public infrastructure; Public utility major, minor and yard <sup>1</sup>	C	C	C	C	C	C	C	C	C	C	N
Public utility yard <b>ADD Quasi-Public?</b>	C	N	N	N	C	C	N	P	C	N	N
Recreational vehicle dump station	N	N	N	N	C	C	N	C	N	A	N
Recycling center	N	N	N	N	C	C	N	P	N	N	N
Research activities	A	N	N	P	P	P	P	P	N	C	C
Restaurant	N	N	N	P	C	P	P	C	N	C	P
Retail store/retail services	N	N	N	P	C	P	P	P	N	C	P
Retirement home	N	N	C	C	C	N	C	N	N	C	C
Riding Arena or Stable, Private/ Commercial	P/C	P/C	C/N	N	N	N	N	N	N	N	N
Salvage yard	N	N	N	N	N	N	N	C	N	N	N
Sand and gravel yard	C	N	N	N	N	N	N	P	N	N	N
Service building	C	N	N	P	P	P	N	P	N	C	N
Shooting range (Indoor/Outdoor)	C	N	N	C/N	C/N	C/N	N	C	N	C/N	N
Shopping <b>or Commercial</b> center	N	N	N	<b>PC</b>	C	<b>PC</b>	N	N	N	C	N
Short Term Rentals <sup>1</sup>	A	A	A	A	N	N	N	N	N	A	A
Solid waste transfer station	N	N	N	N	N	N	N	C	N	N	N
Storage facility, outdoor (commercial) <sup>1</sup>	C	N	N	N	C	C	N	C	N	C	N
Storage facility, self-service (commercial) <sup>1</sup>	C	N	N	N	C	C	N	C	N	C	N
Swimming pool, commercial/public	N	N	N	P	P	P	P	P	P	P	C
Television station	N	N	N	N	N	C	N	C	N	C	C
Temporary living quarters <sup>1</sup>	P	P	C	N	N	N	N	N	N	N	N
Terminal, freight or truck <sup>1</sup>	N	N	N	N	N	C	N	P	N	N	N
Truck stop	N	N	N	N	N	C	N	P	N	C	N
Turf farm	P	P	N	N	N	N	N	N	C	N	N
Vehicle emission testing <sup>1</sup>	N	N	N	P	P	P	P	P	N	C	N

Vehicle impound yard <sup>1</sup>	N	N	N	N	N	N	N	P	N	N	N
	<b>A</b>	<b>RR</b>	<b>R</b>	<b>CBD</b>	<b>C-1</b>	<b>C-2</b>	<b>LO</b>	<b>LI</b>	<b>PS</b>	<b>MU</b>	<b>RC</b>
Vehicle repair, major <sup>1</sup>	N	N	N	N	C	P	N	P	N	C	N
Vehicle repair, minor <sup>1</sup>	N	N	N	C	C	P	N	P	N	C	N
Vehicle sales or rental and service <sup>1</sup>	N	N	N	C	C	P	N	P	N	C	N
Vehicle washing facility <sup>1</sup>	N	N	N	C	C	P	N	P	N	C	N
Vehicle wrecking, junk or salvage yard <sup>1</sup>	N	N	N	N	N	N	N	C	N	N	N
Veterinarian office	P	C	N	C	P	P	P	P	N	C	P
Vineyard	P	P	N	N	N	N	N	C	N	C	N
Warehouse and storage	N	N	N	N	N	P	C	P	N	C	N
Wholesale sales	N	N	N	C	P	P	C	P	N	C	N
Winery	P	C	N	N	N	C	N	P	N	C	P
Wireless communication facility <sup>1</sup>	C	C	C	C	C	C	C	C	C	C	N
Woodworking shop	N	N	N	N	N	P	N	P	N	N	P

**Notes:**

- 1. Indicates uses that are subject to specific use standards in accord with chapter 5 of this title.**

**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
A	50'	30'	30'	30'	20'
R-R	35'	30'	30'	20'	20'
R-1	35'	30'	30'	10'	20'
R-2	35'	20'	20'	10'	20'
R-3	35'	15' to living area/side load garage 20' to garage face	15'	7.5' <sup>(2)</sup>	20'
R-4	35'	15' to living area 20' to garage face	15'	7.5' <sup>(2)</sup>	20'

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front <sup>(1)</sup>	Rear	Interior Side	Street Side
R-5	35'	15' to living area/side load garage 20' to garage face	15'	7.5' <sup>(2)</sup>	20'
R-6 to R-11 detached housing	35'	15' to living area 20' to garage 10' if alley load	15' 4' if alley load	7.5' <sup>(2)</sup>	20'
R-6 to R-11 attached housing	35'	15' to living area 20' to garage 10' if alley load	15' 4' if alley load	0' for common walls 7.5' at end of building	20'
R-12 and higher	35'	15' to living area 20' to garage	15' 4' if alley load	0' for common walls 7.5' for single story 10' feet for multi-story	20'
CBD	35' / <u>45'<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>45'<sup>5</sup></u>	20'	5'	0' <sup>4</sup>	20'
LO	35'	20'	10'	0' <sup>4</sup>	20'
IL	35' / <u>45'<sup>5</sup></u>	20'	5'	0' <sup>4</sup>	20'
PS	35'	20'	10'	0' <sup>4</sup>	20'
RC	35'	0'	0'	0' <sup>4</sup>	0'
MU	35' / <u>45'<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:

1. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhang~~ing~~ onto the sidewalk.
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, 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 will redevelop as a non-residential use in the future.
4. As approved by the Fire District.
5. 35' height requirement unless approved by Council through the Conditional Use Permit or Planned Unit Development Process.

Note Conditions:

A. Minimum Property Size:

1. Each property shall be of sufficient size to meet the minimum setbacks as established in this section.
2. Minimum property size shall be determined exclusive of land that is used for the conveyance of irrigation water, drainage, creek or river flows unless: a) the water is conveyed through pipe or tile; and b) included as part of a utility easement that generally runs along the property lines.
3. When two (2) or more parcels of land, each of which is of inadequate area and dimension to qualify for a permitted use under the requirements of the district in which the parcels are located, are held in one ownership, they shall be used as one property for such use.

B. Minimum Street Frontage:

1. Properties with street frontages on cul-de-sacs or at approximately a ninety-degree (90°) angle shall be a minimum of twenty feet (20') measured as a chord measurement.
2. Street knuckles shall be separated from through traffic by a landscape island. Properties with frontages on such knuckles shall be a minimum of twenty feet (20') measured as a chord measurement.
3. All other properties with street frontage shall have a minimum of thirty feet (35').

C. Additional Setback Criteria:

1. Chimneys, pop out windows, direct vent gas fireplaces, entertainment centers, window seats and other projections which do not increase the usable floor area and do not exceed eight feet (8') in width may project up to two feet (2') into any required setback, provided that projections that are at finished grade, including, but not limited to, chimneys and fireplaces, do not encroach within a side yard utility easement.
2. One detached accessory building that is less than two hundred (200) square feet in area and nine feet (9') or less in height shall be allowed in the required rear yard. In no case shall an accessory building be allowed in the street yard or the required side yard.
3. Accessory structures, such as decks and patios, which are one foot (1') or less in height, as measured from the property's finished grade, may occupy any yard area.

4. In all residential zones garages and carports opening onto a side street must have a minimum distance between the opening of such garage or carport and the side street lot line of not less than twenty feet (20').
5. Front yard setback from arterial and collector streets (as identified on the highway district functional classification map) is 30 feet in all residential zoning districts.
6. Street side setback on arterial and collector streets (as identified on the highway district functional classification map) is 20 feet in all residential zoning districts.
7. Setback areas are subject to drainage compliance or otherwise specified within this title.
8. If a Planned Unit Development is approved, waivers to setbacks may be permitted if determined by the council to be appropriate for the development and that such waivers will be compatible with the area and shall meet emergency service requirements.
9. Building eaves may project up to two feet (2') into any required setback.
10. Patio covers may project to within 10' of the rear yard setback provided that posts or foundations are not located within the required setback, and utility easements are not encroached upon.

#### D. Maximum Height Limit:

1. Height exceptions shall not be permitted except by discretion of the council with the submittal of a conditional use permit or development agreement application.
2. The maximum height limitations shall not apply to the following architectural features, not intended for human occupation: spire or steeple, belfry, cupola, chimney. Such architectural features shall have a maximum height limit of twenty feet (20'), as measured from the roofline.
3. The maximum height limitations shall not apply to the following: amateur radio antenna; bridge tower; fire and hose tower; observation tower; power line tower; smokestack; water tank or tower; ventilator; windmill; wireless communication facility, or other commercial or personal tower and/or antenna structure; or other appurtenances usually required to be placed above the level of the ground and not intended for human occupancy.
4. No exception shall be allowed to the height limit where the height of any structures will constitute a hazard to the safe landing and takeoff of aircraft in an established airport.

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. shall maintain a minimum 5' setback from all property lines.

F. Spite strips, common lots, unreasonable development phasing, or other means of any type purposely or unintentional that may result in the blocking of services or development, including but not limited to sewer, water, streets, or utilities are prohibited in any zoning district within the City of Star.

## ARTICLE B

### ADDITIONAL RESIDENTIAL DISTRICT STANDARDS

#### **8-3B-1: ALL AGRICULTURAL AND RESIDENTIAL DISTRICTS:**

#### **8-3B-2: RURAL RESIDENTIAL DISTRICT:**

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

#### **8-3B-1: ALL AGRICULTURAL AND RESIDENTIAL DISTRICTS:**

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.
- B. Lighting shall comply with dark sky lighting requirements.

#### **8-3B-2: RURAL RESIDENTIAL DISTRICT:**

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.
- B. Manicured homesite areas shall be minimal and subordinate to open rural ground for pastures, farming, and other rural uses.
- C. Rural style street sections shall be provided if approved by the applicable roadway authority.
- D. Rural Residential developments are to be located so that they do not block extension of urban services at reasonable costs and will require utility easements where necessary to assure urban service extensions.

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

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.
- B. When development is planned with lots that directly abut existing lots within a Rural Residential area, or “Special Transition Overlay Area” as shown on the Comprehensive Plan Land Use map, an appropriate transition shall be provided for the two abutting residential lot types. A transition shall take into consideration site constraints that may exist and may include clustering of the urban lots in order to provide an open space area avoiding urban lots directly abutting rural residential lots, or may include the provision of a buffer strip avoiding urban lots directly abutting rural residential lots, or may include setbacks within the urban lots similar to the rural residential lots directly abutting, or may include the provision of one half to one acre size lots directly abutting the rural residential lots.
- C. Urban style development, as guided by provisions within the compressive plan and



this Title, is required to limit urban sprawl, however, densities of no more than 1 to 2 dwelling units per acre are to be designed within the floodplain, ridgeline developable areas and hillside developable areas (both as defined within the comprehensive plan).

- D. Housing developments with densities of R-11 and higher shall be designed to limit height, increase setbacks and/or provide additional landscaping along the perimeter of the development, if determined by the council, where abutting areas are planned for lower densities.
- E. Rezoning to R-11 and higher shall not be allowed unless adequate ingress/egress to major transportation corridors is assured.
- F. All new residential, accessory uses or additions/remodels within the residential zones shall pave all unpaved driveways to the home.
- G. Spite strips, common lots, unreasonable development phasing, or other means of any type purposely or unintentional that may result in the blocking of services or development, including but not limited to sewer, water, streets, or utilities are prohibited in any zoning district within the City of Star.
- H. In any development that requires a traffic signal as part of the approval process, the developer shall be responsible for providing an Emergency Opticom System to the intersection.
- I. Transitional Lots. For proposed residential developments located adjacent to a Special Transition Area only, as determined on the current Comprehensive Plan Land Use Map, transitional standards listed below shall be required if reasonable evidence is presented that adjacent properties will not be further subdivided in the future. This shall be through a legal encumbrance that prevents the adjacent land from being further subdivided. These encumbrances shall include:
  1. Property with a Future Comprehensive Plan Land Use Map designation that does not allow future redevelopment to densities lower than one dwelling unit per acre.
  2. Subdivision CC&R's preventing further redevelopment;
  3. Easements granted to municipal or other political entities, voluntary development easements granted to conservation land trusts, or other, legal encumbrances conserving the property in perpetuity, such as deed restrictions.

This specifically excludes statements from landowners regarding future intent without proof of legal encumbrance.

The allowed Transitional Density for new development adjacent to Special Transition Areas, shall be as follows:

Existing Transitional Lot Sizes	Allowed Immediately Adjacent Minimum Lot Size	Allowed Immediately Across the Road from Transitional Lot
Lots larger than 1.1-acre	1 acre lots	½ acre lots
Lots of 1 to 1.1-acre	½ acre lots	1/3 acre lots
Lots smaller than 1-acre	1/3 acre lots	R-3 density Maximum

**J. Residential Elevations:**

1. Single-Family Residential Building Front and Side Elevation Minimum Standards. These standards shall be reviewed for compliance with all submitted

residential building permits under the Zoning Certificate process. Council may adopt these standards as part of a development agreement or preliminary plat approval. The following minimum standards shall be applied to all new residential structures in all residential zones:

- i. A minimum of three (3) architectural elements shall be provided for all single-family residential structures.



- ii. Two-story structures shall provide a minimum of one, second story side window per side elevation.
- iii. A minimum one (1) foot overhang shall be provided on all roof overhangs.

2. Single-Family Residential Building Rear Elevation Minimum Standards. These standards shall be reviewed for compliance with all submitted residential building permits under the Zoning Certificate process. Council may adopt these standards as part of a development agreement or preliminary plat approval. The following minimum standards shall be applied to all new residential structures in all residential zones:

- i. Dwellings backing up to collector or arterial streets shall have rear elevations and/or architectural designs that provide depth and dimension, avoiding the flat-wall appearance. These elements must be functional and may not be minimalized or created solely for the purpose of compliance to this provision.
- ii. Additional landscaping buffers may also be required.

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

## ARTICLE C

### ADDITIONAL COMMERCIAL AND OFFICE DISTRICT STANDARDS

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

#### 8-3C-2: CBD CENTRAL BUSINESS DISTRICT:

#### 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 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.
- E. Site Improvements:
  - 1) Prior to any ground disturbance for any commercial, industrial or other non-residential buildings, a Commercial Site Improvements application shall be submitted to the City for approval by the City Engineer. This shall include any new site development initiated prior to a City Building permit.
  - 2) In any development that requires a traffic signal as part of the approval process, the applicant shall be responsible for providing an Emergency Opticom System to the intersection.
  - 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.
    - a. Application shall include compliance with Section 8-4A-8 and 8-4A-11 of this ordinance.
    - 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.
    - c. Electronic file of all application materials in original .pdf format shall be submitted with the application on a thumb drive.
  - 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 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 ~~B~~box 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.
- F. The Council may place requirements on a mixed-use development, including a ratio of uses and/or timing of phases, to ensure that the overall development maintains its commercial intent.
- G. New development shall incorporate site and architectural design recommendations from the Architectural Overlay Design Guidelines for the Central Business District and Riverfront Center.
- H. Any new development shall comply with Section 8-3C-1C of this title regarding site improvements.

## **ARTICLE D**

### **ADDITIONAL LIGHT INDUSTRIAL DISTRICT STANDARDS**

#### **8-3D-1: LI LIGHT INDUSTRIAL DISTRICT:**

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED
- B. Specific Standards for Light Industry:
  - 1. All mechanical equipment emissions; shipping and/or delivery; or other outdoor activity areas shall be located a minimum of three hundred feet (300') from any abutting residential districts, or

the use is subject to a conditional use permit.

2. The application shall identify how the proposed use will address the impacts of noise and other emissions on adjoining residential districts. More specifically, the following adverse effects shall be mitigated through setbacks, buffers, sound attenuation and/or hours of operation:

a. Noise, odor, or vibrations; or direct or reflected glare detectable by the human senses without the aid of instruments.

b. Radioactivity and electric or electromagnetic disturbances that unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties.

c. Any other emission or radiation that endangers human health, results in damages to vegetation or property or which exceeds health and safety standards.

d. In the event that the administrator determines that the applicant cannot adequately address such impacts, the use shall be subject to conditional use approval.

C. New development shall incorporate site and architectural design recommendations from the Architectural Overlay Design Guidelines for the Central Business District and Riverfront Center.

D. Any new development shall comply with Section 8-3C-1C of this title regarding site improvements.

## **ARTICLE E**

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

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

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED
- B. All development applications within a mixed-use district shall be accompanied by a conditional use permit, planned unit development, or development agreement

- application, which shall include a concept plan of the development.
- C. The administrator shall make a recommendation to the applicant regarding what mix of uses are appropriate for any mixed-use development and shall then make a recommendation to the Council.
  - D. The development shall include uses from two (2) or more of the land use categories such as residential, commercial, office, light industrial, public space or agricultural.
  - E. Mixed-use areas along state highways, where adequate access can be provided for commercial use, shall be predominantly commercial with a very minor component of residential unless the residential is placed on upper floors as part of a mixed-use building.
  - F. For any mixed-use development which includes a residential component, a minimum of two (2) housing types, including but not limited to, single-family detached dwellings, single family attached dwellings and multi-family dwellings, shall be required. This excludes multi-family that is proposed to be placed solely on upper floors as part of a mixed-use building.
  - G. The Council may place requirements on a mixed-use development, including a ratio of uses and/or timing of phases, to ensure that the overall development maintains its mixed-use intent.
  - H. New development shall incorporate site and architectural design recommendations from the Architectural Overlay Design Guidelines for the Central Business District and Riverfront Center.
  - I. Any new development shall comply with Section 8-3C-1C of this title regarding site improvements.
  - 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.

## ARTICLE F

### ADDITIONAL RIVERFRONT CENTER DISTRICT STANDARDS:

### **8-3F-1: RC RIVERFRONT CENTER DISTRICT:**

- A. Comply with Section 8-3A-1: Zoning Districts And Purpose Established.
- B. All development applications within the Riverfront Center shall be accompanied by a conditional use permit, planned unit development, or development agreement application, which shall include a concept plan of the development.
- C. The administrator shall make a recommendation to the applicant regarding what mix of uses are appropriate for the Riverfront Center and shall then make a recommendation to the Council.
- D. The Riverfront Center shall include uses from two (2) or more of the land use categories such as residential, commercial, office, or public space.
- E. The Riverfront Center shall include outdoor gathering space as a central focus along the Boise Riverfront and accommodate connections to the Boise Greenbelt system from the mixed-use area.
- F. Single-family detached dwellings, and single family attached dwellings are prohibited within the Riverfront Center. A range of multi-family dwellings are encouraged are encouraged, though not required to be accommodated on upper floors as part of a vertical, mixed-use building.
- G. The Council may place requirements on development within the Riverfront Center, including a ratio of uses and/or timing of phases, to ensure that the overall development maintains its mixed-use intent. (Ord. 303, 2-11-2020; amd. Ord. 310, 7-21-2020)
- H. New development shall incorporate site and architectural design recommendations from the Architectural Overlay Design Guidelines for the Central Business District and Riverfront Center.
- I. Any new development shall comply with Section 8-3C-1C of this title regarding site improvements.

## **ARTICLE G**

## **ARCHITECTURAL OVERLAY DISTRICT:**

### **8-3G-1:**

- A. An Architectural Overlay District boundary is all of the existing CBD north of the Boise River, and approximately 750' on either side of SH-44 from city limit to city limit, including future annexations. This shall also include all other non-residential zoned uses and properties throughout the City. Single-family dwellings that are part of an approved PUD or Conditional Use Permit shall comply with this section.
- B. Architectural Overlay District includes the entirety of the South of the River Area Plan.
- C. The "STAR DESIGN GUIDELINES, CENTRAL BUSINESS DISTRICT AND RIVERFRONT CENTER" (the Guidelines), is adopted through this ordinance. It may be amended from time to time by a Resolution of the Star City Council and shall be used within the Architectural Overlay District.
- D. If the Architectural Overlay District Guidelines conflict with other parts of the City of Star code, the Architectural Overlay District Guidelines shall be used.

## **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: CLEAR VISION TRIANGLE:**

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

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

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

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

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

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

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

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

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

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

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

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

**8-4A-19: MAILBOXES:**

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

This article provides standard regulations for the location, design, and development of new land uses and the alteration of existing land uses. This article supplements the regulations for development as otherwise stated within this title.

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

This article shall apply to the development of all principal permitted, accessory and conditional uses. The following regulations are the minimum standards of development. Additional standards may be applied in accord with specific use standards, or other regulations of this title.

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

A. No detached accessory building or structure shall occupy any area in front of the main building, unless approved as a conditional use, ~~or~~ with a development agreement, or as part of an administrator approved certificate of zoning compliance.

B. Regardless of their size, detached accessory buildings shall not encroach into required street side or front yard areas.

C. A principal permitted structure with a valid building permit and being at least fifty percent (50%) constructed shall be present on the subject property.

D. The accessory structure shall not be used as an additional dwelling. See secondary dwelling for allowance as a dwelling.

E. The accessory structure shall not be used for commercial or industrial purposes.

F. The accessory structure shall not be used to store commercial vehicles.

G. An accessory structure shall not be located in any required yard or on any publicly dedicated easement, unless specifically allowed under this title.

H. An accessory structure ~~located in the rear yard~~ shall not exceed a height of twenty-four feet (24').

I. An accessory structure located in the side yard, or portion thereof, shall be similar in appearance and color to the principal permitted dwelling.

J. Accessory structures shall not be allowed in the central business district.

**8-4A-4: ADDRESS NUMBERING:** All residential, commercial and industrial buildings within the City shall be numbered with an address assigned by the City. Numbers on residential buildings shall be a minimum of four inches (4") in height. Numbers on commercial, industrial and apartment buildings shall be a minimum of twelve inches (12") in height. Numbers shall be a minimum of ½ inch in width. Number colors should contrast with the building color so that they are plainly visible. Where possible, address numbers should be illuminated. All addressing shall be in compliance with the International Fire Code 505.1.

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

A. Bikeways shall be encouraged within all developments, within the public right of way or separate easement, consistent with the city's comprehensive plan.

B. The roadways to bikeways plan as adopted by the county highway district, shall be considered when reviewing bikeway designs.

C. Standards: For bicycle and parking standards, see Chapter 8, Design Review.

D. New bikeways shall provide adequate easements to the City to provide connectivity.

**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

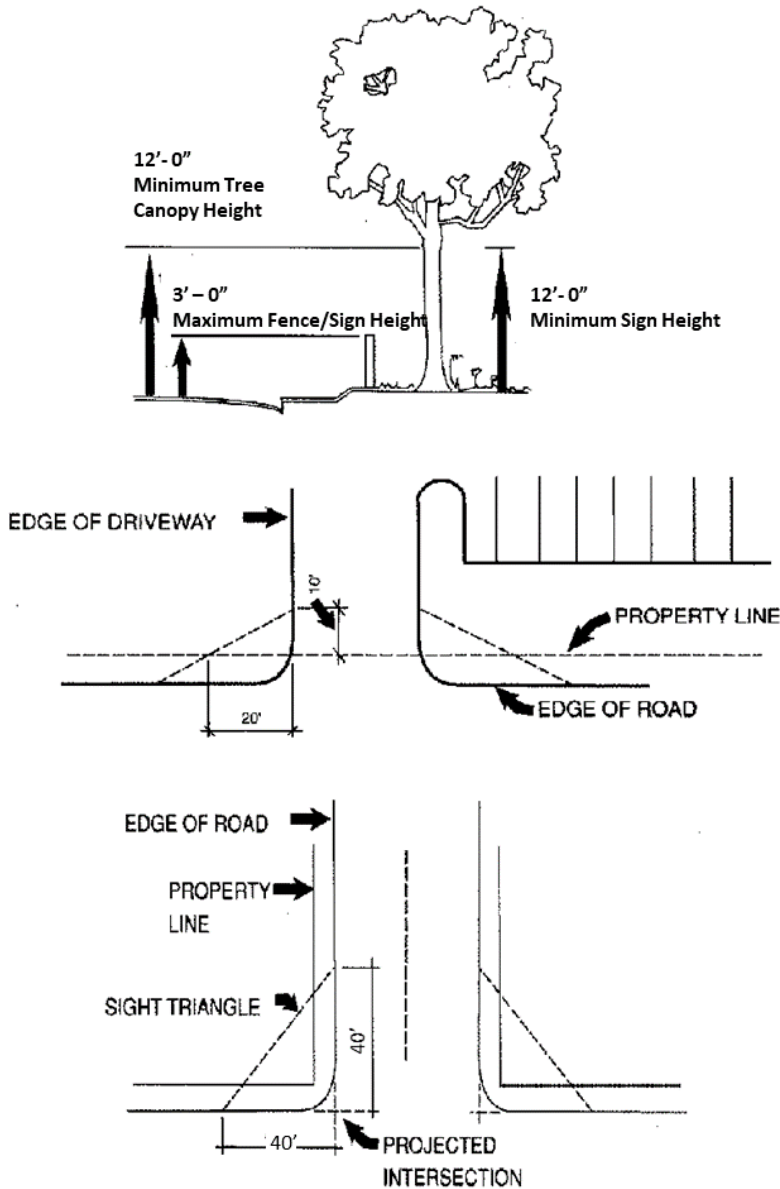
issuance of a building permit for the structure, as determined by the administrator. Those improvements include water, sewer, power facilities, street paving, emergency services including fire hydrants, and streetlights.

#### **8-4A-6: CLEAR VISION TRIANGLE:**

##### **A. Measurement of the Clear Vision Triangle:**

1. For two (2) public streets, the area is defined by measuring from the intersection of the edge of the travel lane (excluding parking and sidewalk) a distance of forty feet (40') along each road. (See figure 8-4A-7(a) of this section.)
2. For a public street and driveway or alley, the area is defined by measuring from the intersection of the edge of travel lane and the corner of the driveway or alley twenty feet (20') along the roadway and ten feet (10') along the driveway or alley. See figure 8-4A-7(a) of this section.

FIGURE 8-4A-7(a)  
CLEAR VISION TRIANGLE DRAWING



**B. Standards, Both at Controlled and Uncontrolled Intersections:**

**1. Planting and Development Standards:**

- a. Any class I or class II trees planted within a clear vision triangle shall be pruned to a minimum height of eight feet (8') above the adjacent ground (less the height of berm, if applicable) or sidewalk surface and fourteen feet (14') above the adjacent street surface. See figure 8-4A-7(a) of this section.
- b. No evergreen trees shall be planted within any clear vision triangle.
- c. No class III trees shall be planted within any clear vision triangle.
- d. The maximum height of any berm or vegetative ground cover at maturity within the clear vision triangle shall be three feet (3') from the lowest adjacent street grade.
- e. No fences higher than three feet (3') from the lowest adjacent street grade are permitted within four feet (4') from the corner of a lot that abuts two (2) streets to provide a safe clear

vision triangle for vehicular traffic.

f. No signs taller than three feet (3') are permitted in the clear vision triangle, except for street/stop signs approved by the transportation authority.

g. Street signs must be visible and clear of vegetation of any kind.

2. Other Agency Standards: In all cases, the transportation authority standards shall apply in addition to city of Star standards.

#### **8-4A-7: OBJECTIONAL CONDITIONS RESTRICTED:**

A. Performance Requirements: No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises; except, that any use permitted by this title may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements:

1. Fire Hazards: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be removed from adjacent activities to a distance which is compatible with the potential danger involved as specified in the uniform fire code.

2. Radioactivity Or Electrical Disturbances: No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

3. Noise: Objectionable noise which is due to the volume, frequency or beat shall be muffled or otherwise controlled.

4. Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

5. Air Pollution: Air pollution shall be subject to the requirements and regulations established by the Idaho division of environmental quality.

6. Glare: No direct or reflected glare shall be permitted which is visible from any property outside a manufacturing district or from any street.

7. Erosion: No erosion by person, wind or water shall be permitted which carries objectionable substances onto neighboring properties.

8. Water Pollution: Water pollution shall be subject to the requirements and regulations established by the health authority.

9. Service, Storage and Loading Areas: Service, storage and loading areas located at the rear or side of structures.

10. Landscaping and Signage: Landscaping and signage must meet the criteria outlined in this title.

B. Enforcement: The administrator may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

#### **8-4A-8: DRAINAGE AND STORMWATER MANAGEMENT:**

- A. Storm Drainage from Right of Way Under The Jurisdiction Of Local Highway District (Public): An adequate storm drainage system shall be required in all developments in accordance with the local highway district standards, specifications, and ordinances. Drainage plans and storm water calculations shall be submitted to the City for review and approval. City will review based on Local Highway District adopted codes and ordinances, along with other State regulations.
- B. The City of Star reviews and approves stormwater management plans and erosion and sediment control plans not covered under item 8-4A-8-A above. The City has adopted in general the standards and requirements of Section 8000, Drainage and Stormwater Management and section 8200 of the most recent addition of the Ada County Highway District Development Manual; and the most recent addition of the Catalog of Stormwater Best Management Practices as prepared by the State of Idaho Department of Environmental Quality. Development shall comply with the above referenced standards and requirements. Additionally:
1. All drainage, irrigation and stormwater from private property shall be retained on said private property unless otherwise approved in writing by the administrator and/or city engineer and the jurisdiction receiving the stormwater.
  2. Storm water from Public Right of Way shall not be disposed of or conveyed across private property without written agreement and easement between property owner and owner of Public Right of Way.
  3. All private above-ground infiltration facilities shall have a percolation/infiltration test completed that demonstrates facility performs in accordance with approved design criteria. Passing test results shall be approved by administrator and/or city engineer prior to issuance of a certificate of occupancy.
  4. A plan for operation, maintenance and repair of stormwater facilities owned by private property shall be prepared and submitted to the administrator and/or city engineer for review and approval. The approved plan shall be provided to the parties responsible for maintenance and operation of the facility. Engineer of Record may certify that results meet or exceed infiltration rates used in the approved stormwater calculations.
  5. Privately owned stormwater facilities shall be designed to allow access for maintenance and operation. This includes heavy equipment access, if required. Maintenance access roads must be a minimum of twelve feet (12') in width, must have an HS-25 load capacity and a minimum turning radius of thirty feet (30').
  6. Safety ledges in accordance with Idaho BMP's shall be constructed on the side slopes of all wet detention basins having a permanent pool of water and deeper than five feet (5').
  7. Discharge of stormwater to irrigation and/or drainage facilities is prohibited without written permission from irrigation and/or drainage facility owner.

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

All trash and/or garbage and recycle collection areas for commercial, industrial and multi-family residential uses shall be enclosed on at least three (3) sides by a solid wall or site obscuring fence of at least six feet (6') in height or within an enclosed building or structure. Adequate vehicular

access to and from such area or areas for collection of trash and/or garbage, as determined by the administrator, shall be provided.

#### **8-4A-10: FENCES:**

The following regulations shall govern the type, location, and construction of all fences:

##### A. General Standards:

1. Fences Taller Than Six Feet: All fences taller than six feet (6') require a Certificate of Zoning Compliance and building permit in the city of Star.

2. Barbwire Fencing: Barbwire fencing shall be prohibited, except through a conditional use permit in the A, RR, MU, C-1, C-2, LI. district, when: a) used as the top section for security fencing; and b) located a minimum of six feet (6') above grade to the bottom wire. Barbwire fencing may be used in the Agricultural district for livestock only.

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

4. Chainlink 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.

4-6. Obstruction: No fence shall obstruct access to public utility boxes, meters or other infrastructure.

5 7. Maintenance: Fences shall be kept free from advertising and graffiti and maintained in good repair. Wood fences along collectors and arterials that are within an approved subdivision shall be required to be stained/painted and kept in good condition at all times. The administrator may issue a letter of violation to the HOA when any fencing falls into disrepair. Maintenance shall be included in the CC&R's.

6 8. Front Yard Fences: Front yard fences shall not exceed three feet (3') height for closed vision and four feet (4') open vision within any front yard setback, as indicated in Figure 1. At no point shall a fence be any closer than 5' from a sidewalk.

7 9. Side Yard Fences on Corner Lots: Side yard fences on corner lots less than or equal to ten (10) feet from the street shall not exceed three feet (3') height for closed vision and four feet (4') for open vision, as indicated in Figure 2. At no point shall a fence be any closer than 5' from a sidewalk. Fences greater than 4' in height must be minimum of 5' from a sidewalk.

8 10. Compliance with Clear Vision Triangle Requirements: All fences shall comply with the clear vision triangle requirements as stated within this article.

9 11. Fencing provided by a developer in any subdivision, or by any future resident, shall not have a gap along the bottom of the fence exceeding 2-inches to finished grade. This shall be included within the approved CC&R's for all new fencing.

10 12. A fencing plan for fences adjacent to common areas shall be submitted and approved with all subdivision applications.

FIGURES 8-4A-10(a)

Figure 1 - Fence Regulations

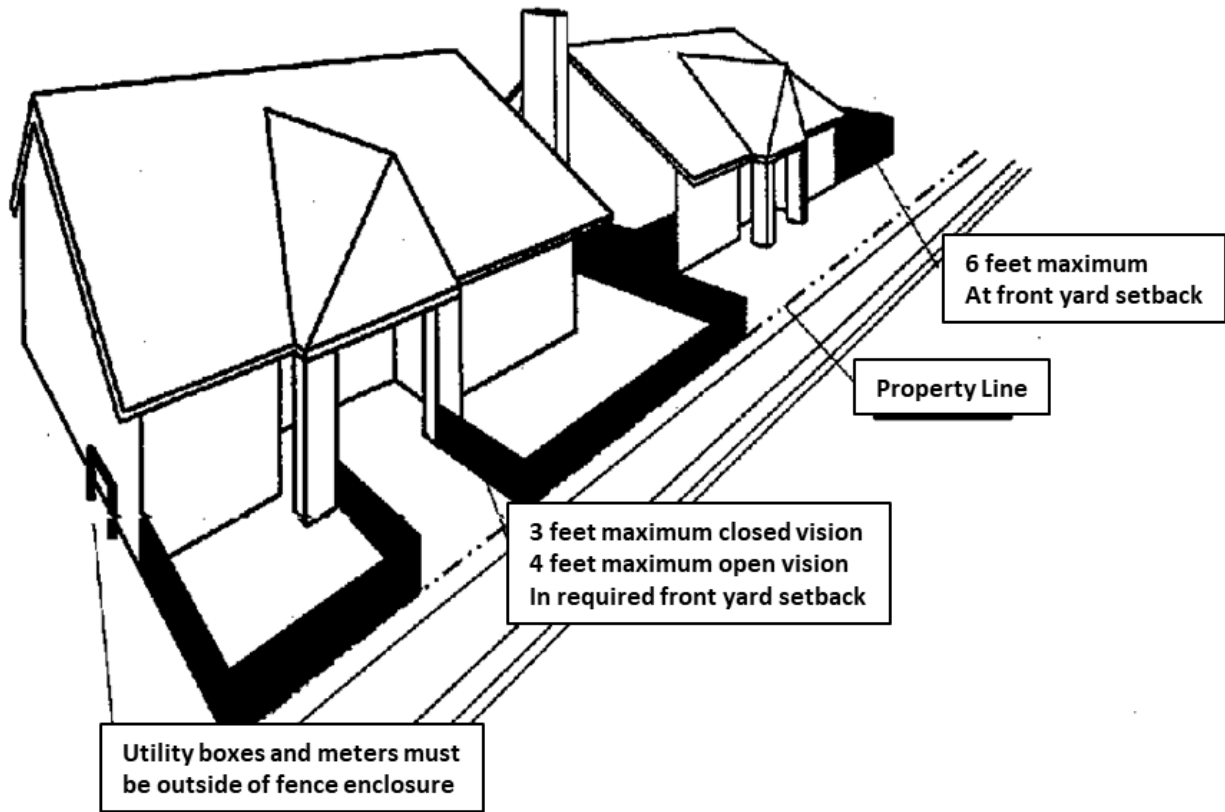
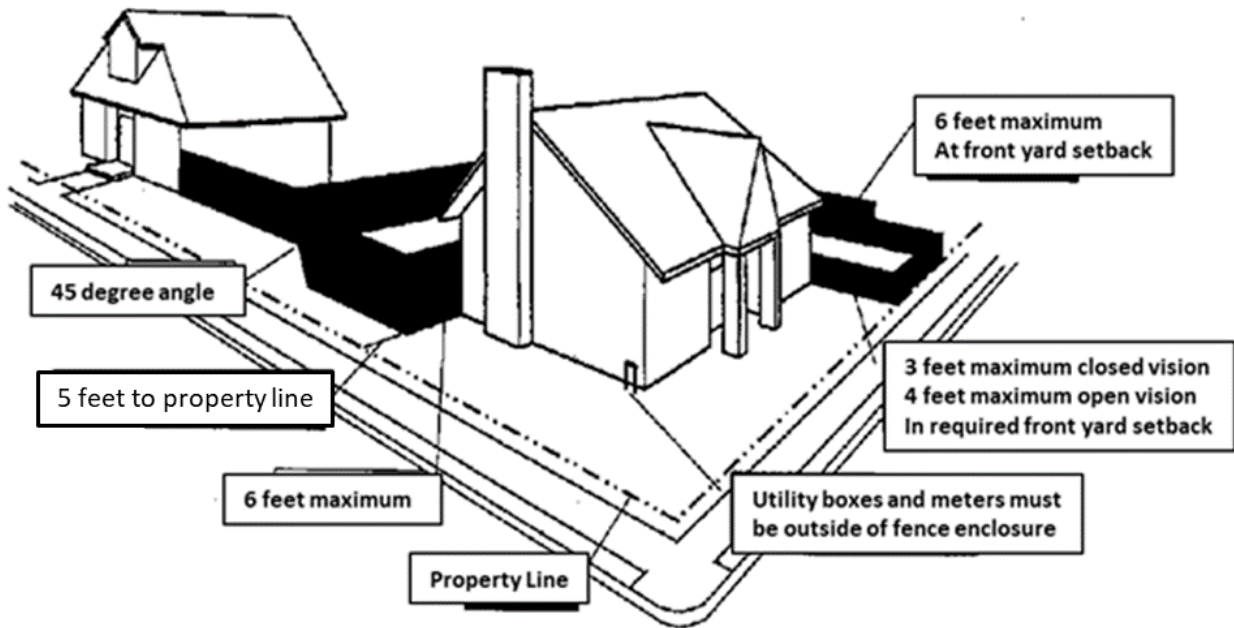


Figure 2 - Fence Regulations on Corner Properties





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

A. Prior to any ground disturbance on any property, 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.

B. Grading shall give consideration to desirable land use planning including impacts on adjacent properties and future land uses. Grading plans shall consider natural terrain and special land hazards, including but not limited to hillside and floodplain development.

1. Grading permit applications shall include hillside and/or Special Hazard Area Development applications if said properties are located with areas impacted by those applications.

2. Grading activities shall meet the requirements of other federal, state and local jurisdictions, including FEMA, the Army Corps of Engineers, the Idaho Department of Lands, The Idaho Department of Water Resources, The Idaho Department of Environmental Quality (including ground water discharge rules) and the local highway district.

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.

C. Grading Permit Application shall include a preliminary stormwater analysis for all earthwork activities.

D. Grading plans shall include existing and proposed contours as 1-foot intervals. If existing slopes exceed 10 percent contours intervals may be reduced with approval from the City Engineer. Where applicable Base Flood Elevations shall be shown on the grading plans.

E. Grading permit applications shall include erosion and sediment control plans prepared by a certified plan designer. Certification must be through the City of Boise or another comparable program.

F. Final grading of any type of development to be used for construction of any structure shall conform to the requirements of IBC section 1805.

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.

H. Any subdivision lot or parcel in the city to be used for construction of any building shall be graded in such a manner that the finish grade within three feet (3') of any lot line, subdivision boundary and parcel boundary comply with the following requirements:

1. Match the grade of the ground of the adjacent lot or parcel at the lot line or parcel boundary; and
2. Finished grade of the ground sloped no steeper than two horizontal to one vertical (2:1); or
3. Construct a permanent retaining wall so the ground within three feet (3') of the lot line, subdivision boundary and parcel boundary comply with subsections C1 and C2 of this section.

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.

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:

- (1) Planning of development to fit the topography, soils, geology, hydrology and other conditions existing on the proposed site;

- (2) Orienting development to the site so that grading and other site preparation is kept to a minimum; i.e., use of building or road envelopes, and no build areas;
- (3) Shaping of essential grading to complement the natural landforms and to minimize padding and terracing of building sites;
- (4) Division of land tracts into smaller workable units on which construction can be completed within one construction season so that large areas are not left bare and exposed during the winter- spring runoff period; and
- (5) Completion of paving slope stabilization (IE paving, landscaping) as rapidly as possible after grading.

B. Areas having soil, geology or hydrology hazards shall not be developed unless it is shown that their limitations can be overcome; that hazard to life or property will not exist; and that the safety, use or stability of a public way or drainage channel is not jeopardized.

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 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 minimum impact to hillside area including non-Steep Slope Areas.

2. Required Data: The developer shall retain professional expertise to obtain the following information which is required by the commission:

A. Soil Reports: For any proposed hillside development, a soils report shall be submitted with the preliminary plat. This report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, and opinions and recommendations covering the adequacy of sites to be developed.

B. Hydrology Report:

- (1) For any proposed hillside development, a hydrology report shall be submitted with the preliminary plat. This report shall include an adequate description of the hydrology, conclusions and recommendations regarding

the effect of hydrologic conditions on the proposed development and opinions and recommendations covering the adequacy of sites to be developed. Hydrology Report shall include preliminary stormwater calculations and must include the intent for the entire project, including all residential lot areas.

(2) Flood frequency information shall be provided for the area proposed for the development, if applicable.

### 3. Grading And Drainage Plan:

A. A preliminary grading and drainage plan shall be submitted with each hillside preliminary plat proposal and shall include the following information:

(1) Approximate limiting dimensions, elevations or finish contours to be achieved by the grading, including all cut and fill slopes, proposed drainage channels and related construction;

(2) Preliminary plans and approximate locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed; and

B. A final grading plan shall be submitted with each final plat and include the following information:

(1) Limiting dimensions, elevations or finish contours to be achieved by the grading, including all proposed cut and fill slopes and proposed drainage channels and related construction. Final grading plan shall not deviate significantly from the preliminary grading plan. Significant deviations include cut or fills greater than 4 feet in difference, road alignment changes greater than 50 feet from preliminary plat, or overall changes in overall earthwork greater than 10% (Cut or Fill);

(2) Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed; and

### 4. Development Standards:

#### A. Soils:

(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.

(2) Cuts and fills shall be designed to provide safety, stability and adequate setback from property lines in accordance with City standards, including building codes,

#### B. Roadways:

(1) Road alignments shall reasonably follow natural terrain and no unnecessary cuts or fills shall be allowed.

(2) The width of the graded section shall extend 2 feet beyond the outside edge of the sidewalk. If sidewalks are not installed the grading shall be extended to 3 feet beyond the curb on both the cut and fill sides of the roadway.

(3) If sidewalks are not proposed for the development a pedestrian walkway plan will be required.

5. Vegetation And Revegetation:

A. The developer shall submit a slope stabilization and revegetation plan as part of the landscape plan which shall include a complete description of the existing vegetation, including the vegetation to be removed, the vegetation to be planted, and slope stabilization measures to be installed. The plan shall include an analysis of the environmental effects of such operations, including the effects it may have on slope stability, soil erosion, water quality and fish and wildlife.

B. Vegetation sufficient to stabilize the soils shall be established on all disturbed areas as each stage of grading is completed. Areas not contained within lot boundaries shall be protected with perennial vegetal cover after all construction is completed. Efforts shall be made to plant those species that tend to recover from fire damage and do not contribute to a rapid rate of fire spread.

C. The developer shall be fully responsible for any destruction of native vegetation proposed and approved for retention. He shall carry the responsibility both for his own employees and for all subcontractors from the first day of construction until the notice of completion is filed. The developer shall be responsible for replacing such destroyed vegetation in kind or its equivalent.

D. Site left unattended for more than 14 days shall be temporally stabilized with landscape or other measures.

K. Maintenance: The owner of any private property on which grading or other work has been performed, pursuant to a grading plan approved or a building permit granted under the provisions of this chapter, shall continuously maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures or means, and other protective devices, plantings and ground cover installed or completed.

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

A. Pathways are required consistent with the city of Star comprehensive plan and adopted pathway plan within all new residential and commercial developments as part of the public right of way or as separate public easements dedicated to the City so that an alternate transportation system (which is distinct and separate from the automobiles) can be provided.

B. Pathways in the middle of long blocks may be required where necessary to obtain convenient pedestrian circulation to schools, parks, other residential areas, and/or shopping areas.

C. Pathways within subdivision shall have a walking surface of at least five feet (5') in width. The pathway surface shall either be in pavement or concrete unless an alternative surface is

approved by Council.

D. Pathway easements shall be open to the public. All new pathways shall dedicate an easement to the City for public use.

E. Pathway easements, dedicated to the City, shall be required along the Boise river as shown within the comprehensive plan and shall be open to the public. Pathway widths along the Boise river shall be determined by the Council.

#### **8-4A-13: OUTDOOR LIGHTING:**

A. The following types of lighting are exempt from the regulations of this section:

1. Light fixtures that have a maximum output of less than twenty (20) watts.
2. All outdoor lighting produced by the direct combustion of natural gas or other fossil fuels such as kerosene lanterns or gas lamps.
3. Temporary holiday lighting used for seventy-five (75) days or less per year.
4. Vehicular lights and all temporary emergency lighting needed for fire protection, police protection, and/or other emergency services.
5. All hazard warning lights required by federal or state regulatory agencies.

B. The installation of any of the following types of lighting is prohibited:

1. Mercury vapor lamp fixture and/or lamp.
2. Laser source light or any similar high intensity light when projected above the horizontal.
3. Changing colors, strobe or moving lights, or searchlights (for advertising purposes) are prohibited in all districts.
4. Lighting, including holiday lighting, on commercial or private tower structures that exceed the district height limit is prohibited, except as required by regulations of the federal aviation administration (FAA).

C. Standards:

1. Light fixtures that have a maximum output of two hundred sixty (260) lumens twenty (20) watts or more shall have an opaque top and side to prevent upward and outward lighting.
2. Light fixtures that have a maximum output of one thousand (1,000) lumens or more per fixture shall have an opaque top to prevent up lighting, and the bulb shall not be visible.
3. Light fixtures that have a maximum output of one thousand eight hundred (1,800) lumens or more shall have an opaque top to prevent up lighting; the bulb shall not be visible and shall have a full cutoff shield. See figure 8-4A-18, figure 2 of this section.
4. Light fixtures with a maximum output of one thousand eight hundred (1,800) lumens or more shall be placed such that the effective zone of light (as documented by the photometric test report) shall not trespass on abutting residential properties. See figure 8-4A-18, figure 2 of this section.
5. Down style lighting shall be required to preserve dark sky objectives, except where impractical as may be determined by the administrator and Council.
6. See Chapter 8 for additional streetlight and dark sky lighting standards.
7. Floodlight fixtures shall be located in such a manner as to prevent direct glare into a street and to minimize impact on abutting properties.

- a. Floodlight fixtures shall be installed so that they do not tilt up more than forty-five degrees (45°) down from vertical.
- 8. Up lighting shall only be allowed in cases where the fixture and any light it emits are shielded from the sky by a roof overhang or similar structural shield.
- 9. In residential districts, the height of a freestanding light fixture on private property shall not exceed six feet (6'). Streetlamps are exempt from this height restriction.
- 10. Light fixtures mounted on a wall may extend to the full height of the structure, but no farther.
- 11. Electrical feeds to outdoor light fixtures shall be underground, not overhead.
- 12. Lighting used to illuminate off street parking areas shall be downward facing and shielded from neighboring properties.

FIGURES 8-4A-13(a)

Figure 1 - Examples of Full Cutoff Shields

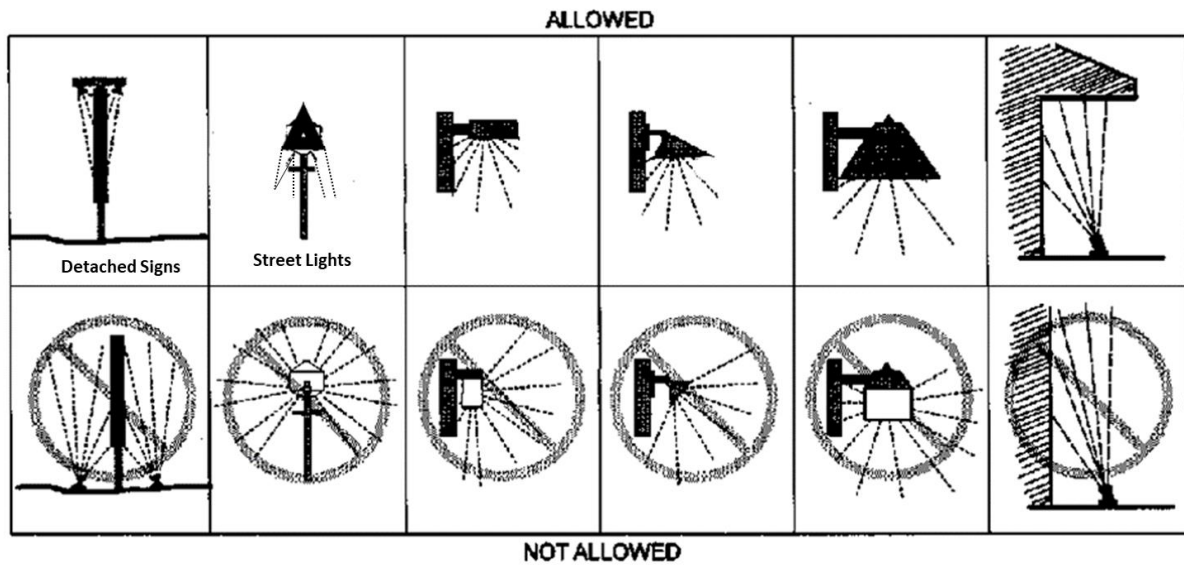
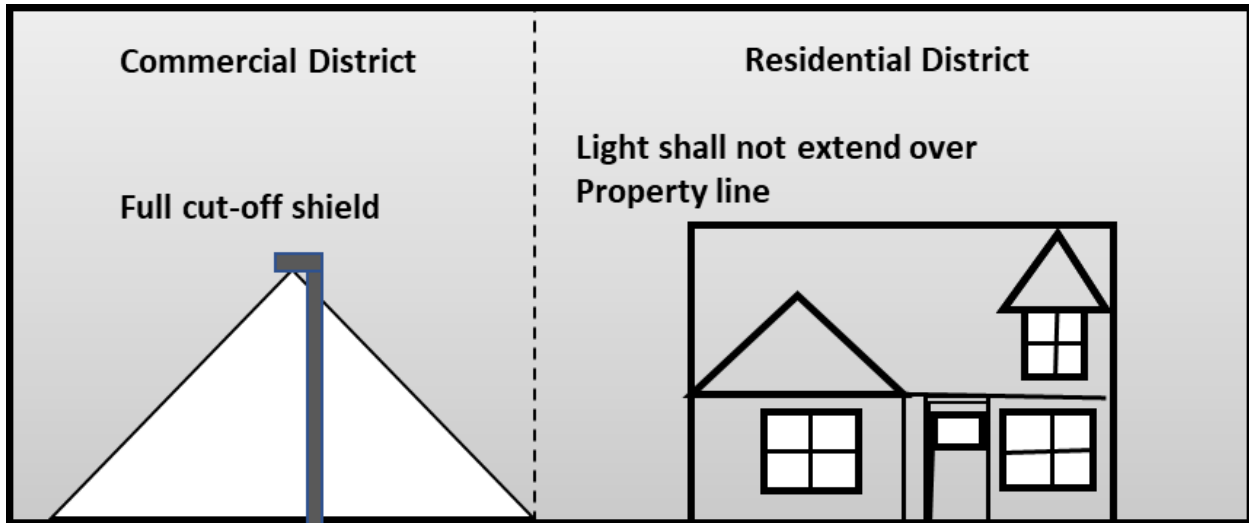


Figure 2 - Light Trespass



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

A. Outdoor mechanical equipment in commercial developments (including, but not limited to, heaters and fans) shall not be located within fifty feet (50') of any abutting residential districts. To reduce noise, permanently mounted mechanical equipment shall be enclosed to the maximum extent possible.

B. Outdoor utility meters, HVAC equipment, trash dumpsters, trash compaction and other service functions shall be incorporated into the overall design of commercial buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.

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

A. System Installation Required: In each development, the applicant shall provide underground, pressurized irrigation water. For subdivisions, each and every lot within the subdivision shall have underground pressurized irrigation water in compliance with this chapter. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines, but it shall not necessarily be in the same trenches.

**B. Irrigation System Requirements:**

1. The system shall not be connected to potable water, unless a waiver by Star Sewer and Water District is granted per the standards of this title;
2. The system shall be designed by a registered professional engineer licensed in the state of Idaho;
3. The system shall be a piped delivery, operating at a minimum pressure of forty-five (45) pounds per square inch (psi);
4. The system shall deliver to each destination point a minimum fifteen (15) gallons per minute (gpm) at forty-five (45) psi;
5. Main line distribution piping diameter shall be a minimum of three inches (3");
6. All irrigation bibs shall be clearly labeled with the words "Non-Potable Water - For Irrigation"



Only";

7. Provisions shall be made for diversion and flow measurement from irrigation water source;
8. Water rights shall be transferred to the association managing entity;
9. Applicant shall secure written approval from all pertinent irrigation entities for each phase of development;
10. If pressurized irrigation will not be available to each lot at all times, applicant shall provide a rotation schedule for irrigation system usage identifying times and days that pressure irrigation will be available to each lot. This schedule shall be included in the CC&R's for the subdivision.
11. Power filters should be installed to minimize harmonic distortion.
12. All main lines should have appropriate thrust blocks.

C. Irrigation System Maintenance and Operation: Irrigation system maintenance and operation shall be provided by the irrigation district or canal company in which the subdivision lies, a municipal irrigation district, or by the formation of another entity capable of operating and maintaining a pressurized irrigation system. Developer shall provide written assurance that provisions have been made for ownership, operation, and maintenance of the irrigation system prior to approval by the city council.

D. Conditions for Waiver Of Irrigation System Requirement: The requirement for installation of a pressurized irrigation system may be waived by the city council when the Developer has established that any of the following situations exist:

1. A sufficient surface irrigation water right does not exist for the property: This must be documented in writing by the appropriate irrigation district or canal company and the Idaho department of water resources and shall be submitted with the preliminary plat. The waiver shall be granted only for that portion of the subdivision which cannot be served.
2. Existing surface water rights cannot be delivered to the property by the irrigation district or canal company due to delivery capacity or scheduling. The administrator may require the installation of the pressurized irrigation system if water rights may be available within two (2) years. This must be documented in writing by the appropriate irrigation district or canal company.
3. The requirement to provide a pressurized irrigation system may be waived if the city council finds that, due to the specific circumstances, the cost of obtaining water rights, reestablishing water rights or developing the system would impose an undue economic hardship on the developer. For purposes of this section, an undue economic hardship shall consist of showing that the cost per lot to develop the system would be twenty five percent (25%) higher than the cost per lot for providing a system to subdivisions of similar size and density constructed in the city within the previous two (2) years, or that the cost per lot of the system would exceed five percent (5%) of the expected per lot market value of the development.
4. If waiver is granted by the city council, pursuant to subsections 1, 2, and 3, above, compliance with Idaho Code section 31-3805 (regulations requiring delivery of irrigation water rights in subdivisions) is still required.

#### **8-4A-16: SELF-SERVICE USES:**

Any unattended, self-service uses, including, but not limited to, laundromats, automatic teller machines (ATMs), vehicle washing facilities, fuel sales facilities, and storage facilities, shall

comply with the following requirements. The Star police designee may approve alternative standards where it is determined that a similar or greater level of security is provided:

A. Entrance or view of the self-service facility shall be open to the public street or to adjoining businesses and shall have low impact security lighting.

B. Financial transaction areas shall be oriented to and visible from an area that receives a high volume of traffic, such as a collector or arterial street.

C. Landscape shrubbery shall be limited to no more than three feet (3') in height between entrances and financial transaction areas and the public street.

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

A. All sidewalks shall adhere to the standards shown in the table below.

ROADWAY CLASSIFICATION	MINIMUM SIDEWALK AND PARKWAY PLANTER WIDTHS <sup>1</sup>	NOTES
Arterial	7 Foot (7') Detached Sidewalk with 8 Foot (8') Parkway Planter Strip Both Sides of Roadway	
Collector	7 Foot (7') Detached Sidewalk with 8 Foot (8') Parkway Planter Strip Both Sides of Roadway	
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.
Highway 44 & Highway 20/26 Arterial	8 Foot (8') Detached Sidewalk with 8 Foot (8') Parkway Planter Strip Both Sides of Roadway	
Private Streets		See 8-4D for requirements

B. All mailboxes, utility boxes and other impediments shall be located in the Parkway Planter Strip to the extent possible. In situations where impediments must be in the sidewalk, such as at corners or crosswalks, there shall be clearance around the impediment in the path of

travel equivalent to the designated sidewalk width. Tapers on each side of impediments shall be at least 10 feet (10') in each direction. Sidewalk paving shall be done around impediments. The Administrator may waive taper requirements if site conditions warrant.

- C. In agricultural, rural residential and R-1 districts, or in areas of a rural nature as determined by the Council to be appropriate by development agreement, sidewalks may not be required.
- D. When existing sidewalk is located adjacent to a property, a 10-foot (10') sidewalk transition shall be provided from the existing sidewalk to the proposed sidewalk. The proposed sidewalk shall meet the standards of this title.
- E. In certain instances where property is located along W. State Street in the CBD, and when the Idaho Transportation Department is planning future roadway improvements, the applicant may be required to bond for sidewalk improvements.
- F. Trees shall be planted in parkway planter strips in accordance with City Code Chapter 8, Article D: Landscape and Buffer Area Standards.
- G. The first 180 feet (180') of a subdivision entry shall have an 8-foot (8') parkway planter strip between the sidewalk and curb.
- H. Temporary obstructions including but not limited to vehicles, trash receptacles, or trailers shall not block the sidewalk.
- I. Standards may be increased as required by the transportation agency.

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

The owner of any building, whether occupied or not which is within three hundred feet (300') of the Star Sewer and Water District services shall install water and sewer services and connect to the Star Sewer and Water District system, at the time of annexation and/or development, including remodels.

#### **8-4A-20: MAILBOXES:**

All mailboxes 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.



## **ARTICLE B. OFF STREET PARKING AND LOADING REQUIREMENTS**

### **8-4B-1: PROCESS:**

### **8-4B-2: PARKING STANDARDS:**

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

### **8-4B-4: STANDARDS FOR ALTERNATIVES TO ON SITE PARKING:**

### **8-4B-5: OFF STREET LOADING SPACE REQUIREMENTS:**

### **8-4B-6: PARKING IN LIEU PAYMENTS:**

#### **8-4B-1: PROCESS:**

An off-street parking and loading plan shall be required as a component of any applicable permit. Such plan shall also be reviewed by the Star joint fire protection district. Such plan shall show the following:

A. The off-street parking and loading plan shall contain the location, size, and type of all proposed off-street parking and loading facilities.

B. If the proposed development project shall be completed in phases, such phases shall be noted on the plan.

#### **8-4B-2: PARKING STANDARDS:**

A. Design of Parking Areas:

1. All parking areas shall be designed and constructed to provide the type and number of off-street parking spaces required by this article and designed as required by this section.
2. Location of parking spaces relative to structure(s).
3. Parking spaces for all detached residential dwelling units shall be located on the same lot as the use that they are intended to serve.
4. Parking for attached residential dwelling units shall be located not more than three hundred feet (300') from the structure(s), except as provided by section 8-4B-7 of this article.
5. Parking spaces for nonresidential uses shall be located not more than five hundred feet (500') from structure(s), except as provided by section 8-4B-7 of this article.
6. Off street parking spaces shall not be located in any landscape buffer as required by this title.
7. Parking stalls and driving aisles shall be designed in accord with the standards in table 8-4C-5(a) of this section and figure 8-4B-5(b) of this section shows the parking design dimensions.
8. All required parking as determined in section 8-4B-6 of this article shall be designed for standard vehicles.
  - a. All parking areas shall provide on-site turnarounds in accord with the Star fire department standards for all off-street parking spaces and loading facilities.
  - b. The design of off-street parking areas shall not require moving any car to gain access to a required parking space.
  - c. It is the responsibility of the applicant to ensure that the parking lot design and sidewalk and/or access provisions meet all Americans with disabilities act (ADA) requirements.
  - d. It is the responsibility of the applicant to ensure that the parking lot design meets the requirements of the Fire District.

TABLE 8-4B-2(a)

REQUIRED STALL WIDTH AND LENGTH BY PARKING ANGLE

Parking Angle	Stall Width	Curb Length	Stall Depth	One-Way Driving Aisle	Two-Way Driving Aisle
0°	9'0"	23'0"	9'0"	12'0"	24'0"
30°	9'0"	18'0"	17'8"	12'0"	24'0"
45°	9'0"	12'9"	20'5"	13'0"	24'0"
60°	9'0"	10'5"	21'10"	16'0"	24'0"
90°	9'0"	9'0"	20'0"	22'0"	24'0"

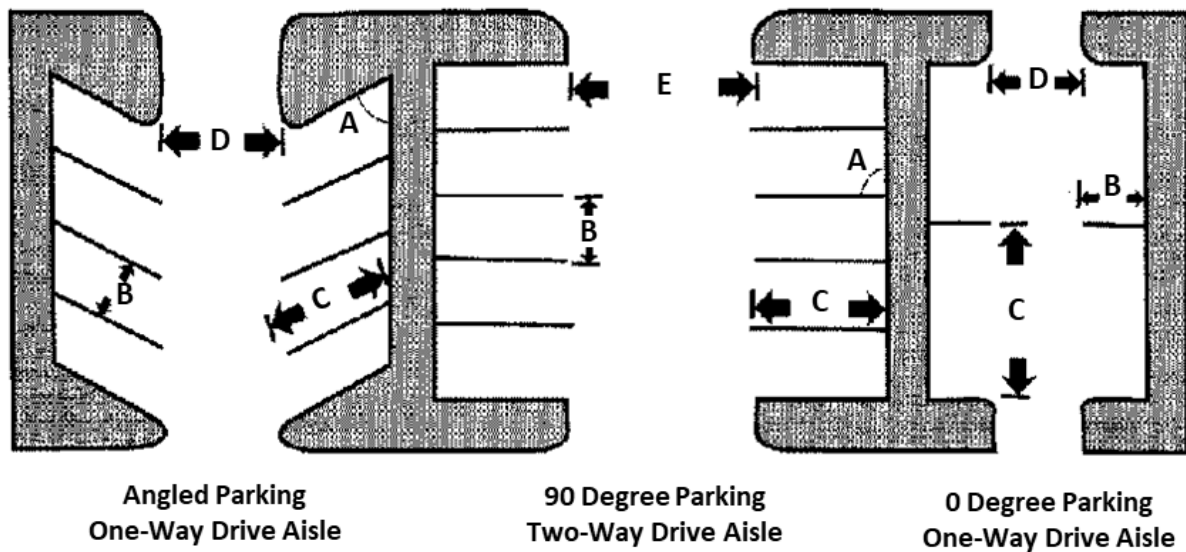
All drive aisles adjacent to a building shall be a minimum of 25'0" or as required by the fire code, unless the building is 30 feet in height or greater, at which point the drive aisle shall be 26'0" or as otherwise approved by the Fire District.

FIGURE 8-4B-2(b)

PARKING SPACE AND DRIVE AISLE DESIGN

Legend:

A. Parking angle		D. One-way drive aisle
B. Stall width		E. Two-way drive aisle
C. Stall depth		



**B. Improvements:**

1. All off street parking areas, including driveways and parking lots shall be improved with asphalt, concrete, pavers, or bricks, unless otherwise approved as allowed through this title. Approved alternative surfaces other than solid surfaces shall provide an annual maintenance plan.
2. All parking and loading areas shall provide proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.
3. Except as otherwise provided in this section, all off street parking areas shall be provided with a substantial wheel restraint to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions. This standard shall not apply to temporary uses.

A. When a vehicle bumper overhangs onto a sidewalk or landscape area, the parking stall dimensions may be reduced two (2) feet in length if two (2) feet is added to the width of the sidewalk or landscaped area, and the additional area is planted in ground cover. In this case, wheel restraints may be removed.

4. Parking spaces shall be marked, including handicapped symbols and signs.
5. All lighting provided to illuminate a parking area shall comply with the lighting standards provided in this chapter.
6. All landscaping improvements shall comply with this chapter.

**C. Bicycle Parking Facilities:** Bicycle parking facilities shall meet the following location and design standards:

1. Bicycle parking facilities shall be located as close as possible to the building entrance(s).
2. Bicycle parking facilities shall not obstruct pedestrian walkways, public sidewalks, or building.
3. It is the responsibility of the applicant to ensure that the bicycle parking facilities meet all Americans with Disabilities Act (ADA) requirements.

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

- A. Required parking spaces for other permitted or conditional uses not listed herein or uses that are listed but may be different from normal operation, shall be determined by the administrator and/or Council. Among the factors for determining the number of spaces to be required for a use not listed herein, the administrator may compare the proposed use with a use which has similar traffic generating characteristics as outlined in the most recent version of the institute of transportation engineers trip generation manual.
- B. Minimum Number of Off-Street Parking Spaces: The minimum number of required off street vehicle parking spaces for residential uses shall be:

Type Of Use	Off-Street Parking Spaces Required
<b>RESIDENTIAL</b>	
Apartments or multi-family dwellings	For each unit with 2 or more bedrooms - 2 including 1 covered; for each 1 bedroom or studio unit - 1.5 including 1 covered. Guest parking shall be provided at a ratio of .25 spaces per unit.
Boarding houses, lodging houses, dormitories and fraternity houses which have sleeping rooms	1 for each sleeping room or 1 for each occupant, whichever number is greater
Mobile home court (RV)	1 for each trailer/RV space
Mobile home or manufactured home park	For each unit with 2 or more bedrooms - 2 including 1 covered; for each 1-bedroom unit - 1 covered.
Senior Housing Developments	1 covered space per unit. Guest parking shall be provided at a ratio of .25 spaces per unit.
Single-family dwelling	2 including 1 covered
Two-family dwelling	For each unit - 2 including 1 covered
<b>COMMERCIAL</b>	
Ambulance services	1 per 500 square feet of gross floor area; plus 2 enclosed ambulance storage spaces
Artist studios	1 per 1,000 square feet of gross floor area
Auction facility	As required with conditional use permit
Automobile washing facility	1 per 200 square feet of gross floor area of sales, office, or lounge area; plus, queue for 3 cars per washing station
Automotive gas station/service	1 for each 2 gasoline pumps and 2 for each service

shop or fuel islands	bay (spaces in front of bays or pumps shall not be counted)
Automotive, mobile home, travel trailer, and/or farm implement sales	1 per 400 square feet of gross floor area; plus 1 per 500 square feet outdoor display
Automotive repair shop, body shop, or tire shop	1 per 225 square feet of gross floor area
Automotive storage	1 per 500 square feet of gross floor area of office space; plus 1 per 1,000 square feet of gross storage area
Banks/financial institutions	1 for each 200 square feet of gross floor area; plus, queue for 4 cars per drive up window
Catering service	1 per 400 square feet of gross floor area
Childcare - family	1
Childcare - group	2
Childcare - daycare center	3 for each classroom but not less than 9 for the building
Pre-school/Learning Center	3 for each classroom but not less than 9 for the building
Churches and other places of religious assembly	1 for each 5 seats
Clinic	1 per 200 square feet of gross floor area
Club or lodge	1 per 100 square feet of gross floor area
Commercial entertainment facilities:	
Auditoriums, sports arenas, theaters and similar uses	1 for each 3 seats
Bowling alleys	3 for each alley or lane, plus 1 additional for each 100 square feet of the area used for restaurant, cocktail lounge, arcade area or similar use
Dance floors, skating rinks	1 per 100 square feet of gross floor area
Event Center	As required with conditional use permit



Outdoor swimming pools, public or community or club	1 for each 4 persons' capacity, plus 1 for each 4 seats or 1 for each 30 square feet floor area used for seating purposes, whichever is greater
Tennis and racquetball clubs	3 per court
Communication facilities	1 per 500 square feet gross floor area
Convenience store	1 per 250 square feet gross floor area; plus 1 for each 2 gasoline pumps
Detention facilities	As specified by conditional use permit
Emergency health care	1 per 200 square feet of gross floor area
Emergency services	1 per 500 square feet of gross floor area; plus, minimum of 2 enclosed vehicle storage spaces
Equipment rental and sales yard	1 per 400 square feet of gross floor area; plus 1 per 500 square feet outdoor display
Food and beverage sales	1 per 250 square feet of gross floor area
Health clubs, spas, and weight reduction salons	1 per 250 square feet of gross floor area
Hospitals	1 for each bed
Hotels, motels	1 for each sleeping room, plus 1 for each 2 employees
Kennel	1 per 400 square feet of gross floor area
Laboratories	1 per 500 square feet of gross floor area
Laundromat	1 per 300 square feet of gross floor area
Laundry	1 per 400 square feet of gross floor area; plus, queue for 3 cars per drive up window
Maintenance and repair services	1 per 400 square feet of gross floor area; plus 1 per 500 square feet of outdoor storage area
Mortuaries, funeral parlors, and similar type uses	1 per 4 seats
Nursery, plant materials	1 per 500 square feet of outside display/ lathe house/greenhouse area, plus 1 per 250 square feet gross floor area
Nursing/convalescent homes, sanitariums, children's homes,	1 for each 2 beds

asylums and similar uses	
Offices, business and professional	1 per 250 square feet of gross floor area
Offices, medical and dental	1 per 200 square feet of gross floor area
Pawn shops	1 per 250 square feet of gross floor area
Personal improvement	1 per 250 square feet of gross floor area
Personal services	1 per 250 square feet of gross floor area
Printing and/or blueprinting	1 per 400 square feet of gross floor area
Restaurant with drive-through	1 per 200 square feet of gross floor area; plus, queue space for 5 cars for drive up service
Restaurants, dining rooms, taverns, nightclubs, etc.	1 per 150 square feet of gross floor area; plus 1 per 35 square feet dance floor
Retail sales of large items such as furniture and appliances	1 per 500 square feet of gross floor area;
Retail sales not listed under another use classification	1 per 250 square feet of gross floor area;
Riding academies/stables	1 per 4 stalls
Shop, contractors (and/or yard)	1 per 400 square feet gross floor area of shop; plus 1 per 1,000 square feet of gross storage area (indoor and outdoor)
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>
Travel services	1 per 250 square feet of gross floor area
Vet clinic (animal hospital)	1 per 400 square feet of gross floor area
<b>INDUSTRIAL</b>	
Automotive wrecking yard or salvage	1 per 1,000 square feet gross storage area; plus 1 per 300 square feet office or sales area
Industry (custom)	1 per 1,000 square feet gross area used for industrial purposes; plus 1 per 300 square feet office or sales area
Industry (limited)	1 per 750 square feet of gross floor area used for industrial purposes; plus 1 per 300 square feet office

		or sales area
	Industry (research and development)	1 per 500 square feet
	Manufacturing facilities and processing plants	1 per 500 square feet gross area used for manufacturing/processing; plus 1 per 300 square feet office or sales area
	Warehousing, wholesaling, distribution and storage	1 per 1,000 square feet gross area up to 20,000 square feet plus 1 per 2,000 square feet gross area over 20,000 square feet
<b>PUBLIC/SEMI-PUBLIC</b>		
	Business, technical and trade schools	1 for each 2 students
	Colleges, universities	1 for each 4 students
	Cultural facilities	1 per 300 square feet gross floor area; plus 1 per 90 square feet for area for assembly purposes
	Elementary and junior high schools	2 for each classroom and 1 for every 5 seats in the auditoriums or assembly halls
	Government offices	1 per 250 square feet gross floor area
	High schools	As required with conditional use permit
	Kindergartens, childcare centers, nursery schools and similar uses	3 for each classroom, but not less than 9 for the building
	Libraries, museums and art galleries	1 for each 400 square feet floor area

Notes:

1. The size of the garage required for dwelling units shall be measured by exterior dimensions and shall be at least 10 feet by 20 feet for a 1 space garage and 20 feet by 20 feet for a 2-space garage. Driveway widths may be tapered at the street for garages with more than three spaces.
2. The parking pad shall be measured from garage face to edge of sidewalk or edge of paved travel lane (public street, private street, or alley).
3. Within the CBD zoning district, minimum required parking may be reduced by Council for up to 50% of all non-residential uses. Adjacent on-street parking may also be included in the minimum parking requirement. Council may also require a parking in-lieu-of payment for a portion of the reduced parking.

4. To encourage rehabilitation of structures within the CBD zoning district, or a structure within a district proposed to be changed to CBD, existing structures may be upgraded and the use changed if no expansion of the structure is planned and if approved by the building official and Flood Plain Administrator, and no additional parking shall be required except for ADA required spaces.

C. Public Safety: In circumstances where there would appear to be a public safety issue, the administrator may request additional information from the applicant to determine if there is sufficient parking. When, in the determination of the administrator, there is insufficient parking, the applicant shall provide alternatives to on-site parking as set forth in section 8-4B-4 of this article. The determination by the administrator shall be based on the following criteria:

1. The specific use(s) proposed and/or on the property;
2. Uses in the vicinity of the property;
3. A traffic study, if prepared, forecasting the expected traffic and parking needs expected from the use(s);
4. The availability of on street, shared, and/or public parking within the vicinity of the use; and/or
5. The availability of public transit, vanpooling or other alternative transportation to serve the use.

D. Parking Spaces; Change of Use: Upon any change of use, the number of vehicle parking spaces to be provided shall be calculated according to the requirements of this article for the new use.

E. ADA Requirements: It is the responsibility of the applicant to ensure that the size and number of handicap accessible spaces meets all Americans with Disabilities Act (ADA) requirements.

F. Spaces Continuously Maintained: The vehicle parking spaces shall be continuously maintained.

G. Elimination/Reduction of Spaces: No required parking area or space provided, as required by this article, shall later be eliminated, reduced, or converted in any manner unless other equivalent facilities approved by the administrator are provided.

H. Bicycle Parking Spaces: One bicycle parking space shall be provided for every twenty-five (25) vehicle parking spaces, except for single-family residences, two-family duplex, and townhouses.

#### **8-4B-4: STANDARDS FOR ALTERNATIVES TO ON SITE PARKING:**

Alternatives to providing on-site parking as set forth in this section are encouraged in all developments. When required to meet minimum parking standards of section 8-4B-3, alternatives may include, but are not limited to, shared use facilities.

A. Conditions: Conditions favorable to providing alternatives to on-site parking are as follows:

1. Shared use:

- a. There are convenient pedestrian connections between separate properties;
- b. The properties and/or uses are within one thousand feet (1,000') of each other;
- c. The principal operating hours of the uses are not in substantial conflict with one another; and
- d. Directional signs provide notice of the availability of parking.

**B. Agreement:**

1. All parties involved with the shared use parking area shall submit a written agreement to the administrator, signed by the applicable parties involved. The agreement shall specify the following:
  - a. Party or parties responsible for construction; and
  - b. Party or parties responsible for maintenance.
2. The applicant or owner shall record such agreement with the county recorder prior to issuance of any permits.
3. The shared use parking agreement may be terminated by the parties only if off street parking is provided in conformance with this article and approved by the administrator prior to the termination.
4. In-lieu-of fees for required parking spaces may be allowed in the Central Business District with a parking space fee being determined solely by the Council in accord with Section 8-4B-6.
5. Parking garages shall be designed to accommodate future public parking needs.

**8-4B-5: OFF STREET LOADING SPACE REQUIREMENTS:**

A. Off street loading spaces for commercial and industrial uses shall be provided in accord with table 8-4B-5(a) of this section.

TABLE 8-4B-5(a)  
 ADD NUMBERS: REQUIRED LOADING SPACES  
 BY GROSS FLOOR AREA

Gross Floor Area In Square Feet	Required Type And Number Of Spaces
0 to 36,000	1 type B
36,001 to 100,000	1 type A and 1 type B
Each additional 75,000 or fraction thereof	1 additional type A

B. Type A spaces shall be not less than twelve feet (12') in width and thirty-five feet (35') in length. Type B spaces shall be not less than fifteen feet (15') in width and sixty-five feet (65') in length. All spaces shall have fourteen feet (14') of vertical clearance.

C. Parking and loading areas shall be designed so vehicles shall not back out into the street.

D. No off street loading space shall be located closer than fifty feet (50') to an abutting rural or residential district unless entirely enclosed within a sound attenuating structure, such as masonry block. No off-street loading space shall face an abutting residential district.

E. Any off-street loading space located within fifty feet (50') of a residential district shall not operate between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.

**8-4B-6: PARKING IN LIEU PAYMENTS:**

Within the central business district, as defined by the city of Star comprehensive plan, the required number of parking spaces may be met by a cash in lieu payment to the city prior to issuance of a building/zoning permit or certificate of occupancy, whichever occurs first. The fee shall be for the city to provide public off-street parking in the vicinity of the use, the maximum distance of which shall be determined by Council. The fee shall be six thousand dollars (\$6,000.00) per space, or such sum as may be adopted by resolution of the city council. In addition to the above fee the owner may be required to pay an annual per space maintenance fee as shall be determined by resolution of the city council.

When considering in lieu payments the city may set limitations on the number of spaces for which an in-lieu-of fee may be tendered.

All in lieu funds received for reduction of parking spaces under this section shall be placed into a special and separate parking improvement and acquisition account to be used solely for the purchase and improvement of municipal parking lots and structures to be located within the central business district, as defined by the city of Star comprehensive plan, and may be for use by the general public.

## ARTICLE C

### TEMPORARY USE REQUIREMENTS

**8-4C-1: APPLICABILITY:**

**8-4C-2: GENERAL STANDARDS:**

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

**8-4C-4: STANDARDS FOR CONSTRUCTION SITES:**

**8-4C-5: STANDARDS FOR SEASONAL SALE OF AGRICULTURAL AND FOOD PRODUCTS:**

**8-4C-6: STANDARDS FOR ARTS, ENTERTAINMENT OR RECREATION EVENTS:**

**8-4C-7: STANDARDS FOR VENDORS NOT ASSOCIATED WITH AN ARTS, ENTERTAINMENT OR RECREATION EVENT:**

**8-4C-8: STANDARDS FOR PROMOTIONAL ACTIVITIES IN THE NONRESIDENTIAL DISTRICTS INVOLVING THE SALE OF GOODS AND MERCHANDISE WHERE IT IS ACCESSORY TO THE PRINCIPALLY PERMITTED USE:**

**8-4C-9: STANDARDS FOR FOOD TRUCKS, TRAILERS AND STANDS (TEMPORARY FOOD OPERATION):**

#### **8-4C-1 APPLICABILITY:**

The regulations of this article shall apply to all temporary uses in all districts with the exception that special events and seasonal activities that are conducted as part of an education facility shall be deemed accessory uses. Temporary uses shall be processed in conjunction with a Certificate

of Zoning Compliance.

**8-4C-2: GENERAL STANDARDS:**

**A. Time Period:**

1. Except as otherwise defined in this section, a temporary use is allowed for a specified period not to exceed six (6) months.
2. For seasonal stands or events, the certificate of zoning compliance shall specify a beginning and end date.

**B. Location:**

1. Structures and/or the display of merchandise shall comply with the setback requirements of the district within which it is located.
2. Temporary structures, signs and merchandise shall be displayed so as not to interfere with the vision triangle. In no case shall items be displayed, or business conducted within the public right of way, unless otherwise authorized by the transportation authority.

**C. Structures:** A maximum of one structure shall be allowed and may cover a maximum of five hundred (500) square feet, unless otherwise permitted within the regulations of this title, or as approved by the administrator.

1. The use shall not result in the construction of any permanent structures that would not otherwise be permitted subject to the regulations of this title.
2. Any temporary structures shall be portable and completely removed at the end of the allowed time period.
3. The applicant shall obtain any necessary building permits.

**D. Caretaker Unit:**

1. One caretaker unit in a trailer or recreational vehicle may be allowed on the site only for the purposes of security and maintenance of the site.
2. The unit shall be completely removed at the end of the allowed time period.

**E. Parking and Access:**

1. Adequate off-street parking shall be provided to serve the use.
2. The use shall not displace the required off street parking spaces or loading areas of the principal permitted uses on the site.
3. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances and shall be approved by the Transportation Authority.
4. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material, unless otherwise required subject to the regulations of this title.

**F. Signs:** All signs erected in association with the use shall be in compliance with the regulations of this title.

**G. Noise:** Compressors, fans, pumps, and other motorized equipment shall be located or shielded to reduce noise levels to adjoining properties and shall not operate between the hours of 8 pm to 7 am. If electricity is reasonably available to the site, the applicant shall be required to connect to



the electric source.

H. Site Conditions:

1. Returned to Clean Condition: The site shall be returned to a clean condition after the termination of the use, including free of debris and garbage.
2. Disposal: Unsold food products, trees, greens, or debris generated by the use shall be properly disposed of off the site.
3. Unobstructed Sidewalk: If a sidewalk or walkway in front of the building is used for the temporary use, a minimum width of four feet (4') shall remain unobstructed for pedestrian use.

I. Conditions: The administrator may require additional conditions to mitigate adverse effects on surrounding properties, particularly regarding traffic generated, compressor and pump noise, odor, light and glare, dust, and hours of operation. The conditions may include, but not be limited to, any or all of the following:

1. Standards related to the emission of noise, vibration, and other potentially objectionable impacts.
2. Limits on time of day for the conduct of the specified use, including deliveries and maintenance.
3. Other standards necessary to protect the public health, safety, and welfare and mitigate adverse effects on surrounding property.

J. Compliance with Guidelines: The use shall comply with any guidelines, regulations and permitting process required by any authorizing public agencies, including, but not limited to, the Central District Health Department, transportation authority, and the Star city departments.

K. Failure to comply with general standards will result in the revocation of the temporary use permit by the administrator.

**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.

D. Dates of fireworks sales shall comply with Idaho Code section 39-2606. Nonaerial common fireworks may be sold at retail and used beginning at twelve o'clock (12:00) midnight June 23 and ending at twelve o'clock (12:00) midnight July 5 and beginning at twelve o'clock (12:00) midnight December 26 and ending at twelve o'clock (12:00) midnight January 1. Fireworks may be sold and used at any time in compliance with permits issued under the provisions of section 39-2605, Idaho Code.

E. Applicant shall comply with the standards for access as determined by the transportation authority. Entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

F. A site plan is required showing ingress and egress. Proper turn-around and site circulation shall be provided at all times, including signage indicating parking, entrances and exits.

G. Parking areas shall be paved, in vegetative cover, or improved with a dustless material.

H. Conditions: The administrator may require additional conditions to mitigate adverse effects on the current and surrounding properties, particularly regarding traffic, access, light and glare, dust, and hours of operation.

I. Applicant(s) shall apply for any required building and vendor permits.

J. Aerial fireworks shall not be possessed or sold at any time.

K. Christmas tree sales lots shall be removed by January 1.

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

Such sales are limited to a period of time not to exceed two (2) consecutive months for pumpkin and Christmas tree sales, and four (4) consecutive months per calendar year for other uses.

#### **8-4C-4: STANDARDS FOR CONSTRUCTION SITES:**

A. New development shall contain construction debris on site and prevent windblown debris from entering neighboring properties.

B. Temporary buildings, construction trailers, equipment and materials may be permitted in any district during the period construction work is in progress. Such temporary facilities or equipment shall be removed within thirty (30) days of completion of the construction work. Construction trailers, model homes and sale centers shall be reviewed as a temporary use and shall be processed as a certificate of zoning compliance and shall be valid for one (1) year with an additional 1-year extension available. The extension shall be processed as a Certificate of Zoning Compliance Re-verification.

#### **8-4C-5: STANDARDS FOR SEASONAL SALE OF AGRICULTURAL AND FOOD PRODUCTS:**

A. The provisions of this title shall apply to ~~Christmas tree lot~~, snow cone shack~~s~~, pumpkin sale stand~~s~~, produce stand~~s~~, corn mazes and similar uses as determined by the administrator. Lemonade stands or other similar food sales within neighborhoods conducted by children are exempt from these regulations so long as the activity remains only on local streets and is not conducted on collectors, arterials or highways.

B. Such sales and uses are limited to a period of time not to exceed two (2) consecutive months for pumpkin and ~~Christmas tree sales and corn mazes~~, and four (4) consecutive months per calendar year for other uses. ~~Christmas tree lots shall be removed by January 1. Snow cone shacks may be approved for extended periods and multiple years, as determined by the administrator.~~

C. Applicant shall comply with the standards for access as determined by the transportation authority.

D. Parking areas shall be paved, in vegetative cover, or improved with a dustless material.

E. Applicant shall obtain all appropriate city permits. Fire district approval is required for all uses.

#### **8-4C-6: STANDARDS FOR ARTS, ENTERTAINMENT OR RECREATION EVENTS:**

A. Events, such as festivals, carnivals, circuses, fairs, and amusement rides may be allowed in any nonresidential district for a period not to exceed two (2) weeks within any ninety (90) day period.

B. Special, one (1) day events, including, but not limited to farmers markets, charity events, fun runs, may be allowed in residential districts, including City parks, subject to approval by the City. Food trucks and other temporary food operations may be permitted for these events.

C. The Star city police department shall review the location and access for any use in this category.

D. Vendors shall obtain a city of Star vendor permit.

#### **8-4C-7: STANDARDS FOR VENDORS NOT ASSOCIATED WITH AN ARTS, ENTERTAINMENT OR RECREATION EVENT:**

A. The applicant shall provide notarized consent of the property owner.

B. The use shall be prohibited in certain residential districts.

C. Vendor shall obtain city of Star vendor permit.

D. No caretaker unit shall be allowed.

E. Signs shall only be allowed on the vending units and shall not exceed sixteen (16) square feet in area.

F. No direct sales to customers in vehicles shall be allowed. The design and placement of the units shall prohibit such sales. Vendors with drive-up windows must be in a structure and shall be processed as a conditional use in accord with chapter 1, "Administration", of this title.

G. The twelve (12) month approval period shall be evaluated at the time of the annual license renewal.

1. If the administrator, city clerk and/or Star city police have unresolved, compelling complaints regarding the vendor, a new temporary use shall be required. Otherwise, the twelve (12) month approval period shall be extended.

2. As complaints are received, it will be determined if the complaint represents a compelling health and/or safety issue. Any compelling complaints will be forwarded to the Star city police for resolution in accord with the enforcement provisions of section 8-2A-11 of this title.

**8-4C-8: STANDARDS FOR PROMOTIONAL ACTIVITIES IN THE NONRESIDENTIAL DISTRICTS INVOLVING THE SALE OF GOODS AND MERCHANDISE WHERE IT IS ACCESSORY TO THE PRINCIPALLY PERMITTED USE:**

A. The applicant shall provide notarized consent of the property owner.

B. Activities may be conducted outside for a period of not more than two (2) weeks.

C. Applicant shall obtain a city of Star vendor permit.

D. Applicant may request renewal twice during any calendar year, for a maximum of six (6) weeks per calendar year.

**8-4C-9: STANDARDS FOR FOOD TRUCKS, TRAILERS AND STANDS (TEMPORARY FOOD OPERATIONS):**

A. Temporary food operations shall only be located on a parcel or lot in a non-residential zoning district, unless otherwise be permitted subject to the regulations of this title.

B. The temporary food operation shall be located on a parcel or lot that has a paved driveway and parking lot capable of providing parking during the busiest hours of operation while maintaining safe access to and from the operation, unless an alternative is approved by the administrator.

C. The temporary food operation shall further comply with General Standards in 8-4C-2 of this title.

D. The number of temporary food operations allowed within City Limits shall be determined by current population. One (1) temporary food operation per 3,000 citizens shall be allowed within City Limits.

E. Temporary food operations shall be approved for one (1) year, with yearly Zoning Compliance Reverification application required for continued use. The applicant shall renew their vendors permit annually.

F. Temporary food operations shall be located no closer than 300' from an existing, established restaurant or business serving food during that establishments normal business hours, unless

written approval from the owner of that establishment is provided at the time of application.

- G. A portable restroom, or arrangements for restroom access from an adjacent business shall be required for employees of a temporary food operation that is in operation longer than two (2) hours.
- H. A table and chairs or picnic table shall be provided for all temporary food operations. Any additional items, including but not limited to umbrellas, canopies/covers, signs and displays are subject to review and approval at the time of application.
- I. Food trucks shall be removed from the site daily once service is completed. Trailers and stands may stay on the property so long as it does not create a visual nuisance to the community.

#### **ARTICLE D. PRIVATE STREET REQUIREMENTS**

##### **8-4D-1: PURPOSE:**

##### **8-4D-2: APPLICABILITY:**

##### **8-4D-3: STANDARDS:**

##### **8-4D-4: REQUIRED FINDINGS:**

##### **8-4D-1: PURPOSE:**

The purpose of this article is to provide better circulation and safety within commercial, industrial, mixed use, multi-family and certain low-density residential (R-1 or lower) developments by allowing private streets to provide frontage and access to properties that do not have internal public streets, when clear emergency vehicle travel lanes and name addressing for the properties are established. It is not the intent to approve private streets for single-family, duplex and/or townhouse developments in higher density residential developments (R-2 or higher, M-U) unless they are part of a planned unit development or development agreement, where creative design elements including, but not limited to, mixed uses, common area mews, live/work concepts and/or distinctive open spaces are designed within the development. The applicability may be extended where the administrator finds it necessary to provide private streets, and Star Fire District determines that private streets will maintain or enhance the safety of a development. All private streets within a new subdivision shall be approved by the Star Fire District and City Council. Private streets within a minor land division or parcel division may be approved by the Administrator, with Fire District approval. Any private street necessary to provide access and/or frontage in association with a public utility or infrastructure facility and does not provide access to any dwellings shall be exempt from Council approval but is still subject to fire approval.

##### **8-4D-2: APPLICABILITY:**

The provisions of this section shall apply to any eligible property that does not have frontage on

a public street or where frontage is not required. A private street shall not deny the ability to provide access or connectivity to adjacent properties, as determined by the Administrator, emergency services and/or Transportation Agencies.

### **8-4D-3: STANDARDS:**

All private streets shall be designed and constructed to the following standards:

#### **A. Design Standards:**

1. Easement: The private street shall be constructed on a perpetual ingress/egress easement or a single platted lot (with access easement) that provides access to all applicable properties.
2. Connection Point: Where the point of connection of the private street is to a public street, the private street shall be approved by the transportation authority.
3. Emergency Vehicle: The private street shall provide sufficient maneuvering area for emergency vehicles as determined and approved by the Star Fire District.
4. Gates: Private gates or other obstacles shall not be allowed, unless approved by Council and the Fire District.

#### **B. Construction Standards:**

1. Obtain approval from the county street naming committee and/or City for a private street name(s);
2. Contact the transportation authority to install an approved street name sign that complies with the regulations of the county street naming ordinance;
3. Roadway and Storm Drainage: The private street shall be constructed in accord with the roadway and storm drainage standards of the transportation authority or as approved by the city of Star based on plans submitted by a certified engineer.
4. Street Width and Construction: The private street may be constructed within an easement for low density developments of R-1 or less with a Fire District approved base and width of no less than 28'. All other residential developments shall be constructed within a common lot and shall have a 36' street width, and shall meet ACHD/CHD4 construction standards, unless otherwise determined by the Council and Star Fire District.
5. Sidewalks: A minimum five foot (5') detached sidewalk shall be provided on at least one side of the street in commercial districts. This requirement may be waived if the applicant can demonstrate that an alternative pedestrian path exists. Residential private streets in some lower density developments may request a modification or waiver of sidewalks to be approved by Council. All other residential developments shall have a minimum 5' detached sidewalks on both sides of the street and shall further meet the requirements of 8-4A-17 of this title.
6. All private streets shall be paved unless a waiver is obtained by Council. Waivers for paving shall only be considered in low density developments of R-1 or less. Any unpaved streets shall be required to meet all Highway District standards for paving the approaches onto public streets.
7. Fire Lanes: All drive aisles as determined by the Star Fire District to be fire lanes, shall be posted as fire lanes with no parking allowed. In addition, if a curb exists next to the drive aisle, it shall be painted red.
8. Permits shall not be issued for any structure using a private street until the private street has been approved and inspected by the City Engineer and Fire District, and the transportation authority has signed off on all permits associated with access to a public street.

C. The applicant or owner shall establish an on-going maintenance fund through the Owner's association with annual maintenance dues to ensure that funds are available for future repair and maintenance of all private streets. This shall be a requirement in a development agreement and/or as part of a planned unit development. A reserve account condition shall be included in the recorded CC&R's and shall be provided to the City for review. The condition of approval shall include the following:

1. Private Street Reserve Study Requirements.

- a. At least once every three years, the board shall cause to be conducted a reasonably competent and diligent visual inspection of the private street components that the association is obligated to repair, replace, restore, or maintain as part of a study of the reserve account requirements of the common interest development, if the current replacement value of the major components is equal to or greater than one-half of the gross budget of the association, excluding the association's reserve account for that period. The board shall review this study, or cause it to be reviewed, annually and shall consider and implement necessary adjustments to the board's analysis of the reserve account requirements as a result of that review.
- b. The study required by this section shall at a minimum include:
  - i. Identification of the private street components that the association is obligated to repair, replace, restore, or maintain.
  - ii. Identification of the probable remaining useful life of the components identified in paragraph (1) as of the date of the study.
  - iii. An estimate of the cost of repair, replacement, restoration, or maintenance of the components identified in paragraph (1).
  - iv. An estimate of the total annual contribution necessary to defray the cost to repair, replace, restore, or maintain the components identified in paragraph (1) during and at the end of their useful life, after subtracting total reserve funds as of the date of the study.
  - v. A reserve funding plan that indicates how the association plans to fund the contribution identified in paragraph (4) to meet the association's obligation for the repair and replacement of all private street components.
- c. A copy of all studies and updates shall be provided to the City, to be included in the development application record.

**8-4D-4: REQUIRED FINDINGS:**

In order to approve the application, the administrator and/or Council shall find the following:

- A. The design of the private street meets the requirements of this article;
- B. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and

C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.



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

### 8-4E-1: APPLICABILITY:

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

#### **8-4E-1: APPLICABILITY:**

The standards for common open space and site amenities shall apply to all residential developments with a density exceeding one dwelling unit per acre.

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

A. Open Space and Site Amenity Requirement (see also Chapter 8 “Architectural Review”):

1. The total land area of all common open space shall equal or exceed fifteen percent (15%) of the total gross acreage of land area of the development. A minimum of 10% of the total gross acreage of the development shall be for useable area open space. Open space shall be designated as a total of 15% minimum for residential developments in all zones with densities of R-2 or greater.
2. Each development is required to have at least one site amenity.
3. One additional site amenity shall be required for each additional twenty (20) acres of development area, plus one additional amenity per 75 residential units.
4. Developments with a density of ~~less than~~ 1 dwelling unit per acre or less may request a waiver of open space and amenities to the Council. Developments with a density of less than 2 dwelling units per acre may request a 50% reduction in total required open space and amenities to the Council.
5. For multi-family developments, see Section 8-5-20 for additional standards.

B. Qualified Usable Area Open Space: The following qualifies to meet the useable area open space requirements:

1. Any open space that is active or passive in its intended use, and accessible or visible by all residents of the development, including, but not limited to:
  - a. Open grassy area of at least fifty feet by one hundred feet (50' x 100') in area;
  - b. Qualified natural areas, as determined by the Administrator;
  - 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). Ponds must be aerated. All ponds shall be provided with safety rings located at reasonable distances, as determined by the administrator;
  - d. A plaza.
  - e. Common lots that include a pathway providing local or regional connectivity that is a minimum of 20' in width.
  - f. Irrigation easements/ditches when a pathway is included (to be measured from the center of the ditch to the property line of the common lot).
2. Additions to a public park or other public open space area.
3. The buffer area along collector and arterial streets may be included in required overall common open space for residential subdivisions.
4. Parkways along local residential streets with detached sidewalks that meet all the following standards may count toward the common open space requirement:

- a. The parkway is a minimum of eight feet (8') in width from street curb to edge of sidewalk and includes street trees as specified otherwise herein.
- b. Except for alley accessed dwelling units, the area for curb cuts to each residential lot or common driveway shall be excluded from the open space calculation. For purposes of this calculation, the curb cut area shall be a minimum area of twenty-six feet (26') by the width of the parkway.
- c. Stormwater detention facilities do not qualify to meet the common area open space requirements, unless all of the following is met:
  1. Must be at least fifty feet by one hundred feet (50' x 100') in area;
  2. Specifically designed as a dual use facility, as determined by the administrator, to include minimal slopes, grass throughout, and guarantee of water percolation within 24 hours of storm event.
  3. Is located in a development that has a second usable open space area that contains a qualified site amenity as herein defined.
5. Visual natural space, including open ditches, wetlands, slopes or other areas that may not be readily accessible to residents, and is provided with open style fencing, may qualify for up to 20% of the required open space total, as determined by the Administrator.

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

1. Clubhouse;
2. Fitness facilities, indoors or outdoors;
3. Public art;
4. Picnic area; or
5. Recreation amenities:
  - a. Swimming pool with an enlarged deck and changing and restroom facility (pools shall count towards 3 required site amenities).
  - b. Children's play structures.
  - c. Sports courts.
  - d. Additional open space in excess of 10% qualified usable space.
  - e. RV parking for the use of the residents within the development.
  - f. School and/or Fire station sites if accepted by the district.
  - g. Pedestrian or bicycle circulation system amenities meeting the following requirements:
    - (1) The system is not required for sidewalks adjacent to public right of way;
    - (2) The system connects to existing or planned pedestrian or bicycle routes outside the development; and
    - (3) The system is designed and constructed in accord with standards set forth by the city of Star;
  - h. Pond and/or waterway amenities including, but not limited to docks, shade structures, ADA access, and fish stocking.

D. Location: The common open space and site amenities shall be located on a common lot or an area with a common maintenance agreement.

E. Maintenance:

1. All common open space and site amenities shall be owned by and be the responsibility of an

owners' association for the purpose of maintaining the common area and improvements thereon.

## Chapter 5

### SPECIFIC USE STANDARDS

**8-5-1: ANIMAL CARE FACILITY:**

**8-5-2: ARTIST STUDIO:**

**8-5-3: ARTS, ENTERTAINMENT OR RECREATION FACILITY, INDOOR AND OUTDOOR:**

**8-5-4: ASPHALT OR CONCRETE PLANT:**

**8-5-5: AUTOMATED TELLER MACHINE:**

**8-5-6: AUTOMOTIVE, HOBBY:**

**8-5-7: BUILD TO RENT, SINGLE-FAMILY DWELLING DEVELOPMENTS:**

**8-5-7: CAMPGROUND/RV PARK:**

**8-5-8: CARETAKER UNIT**

**8-5-9: CEMETERY:**

**8-5-10: CHILD CARE FACILITY:**

**8-5-11: CHURCH OR PLACE OF RELIGIOUS WORSHIP:**

**8-5-12: CONTRACTORS YARD OR SHOP:**

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

**8-5-14: DWELLING, TWO-FAMILY DUPLEX:**

**8-5-16: EVENTS CENTER:**

**8-5-15: GASOLINE STATION/GASOLINE STATION WITH CONVENIENCE STORE, AND TRUCK STOP:**

**8-5-16: HOME OCCUPATION:**

**8-5-17: LIVE/WORK UNIT:**

**8-5-18: MANUFACTURED/MOBILE HOME GUIDELINES:**

**8-5-19: MANUFACTURED/MOBILE HOME PARKS:**

**8-5-20: MINING, PIT OR QUARRY AND ACCESSORY PITS:**

**8-5-21: MIXED-USE DEVELOPMENT:**

**8-5-21: MULTI-FAMILY DWELLING/DEVELOPMENT:**

**8-5-22: NURSING OR RESIDENTIAL CARE FACILITIES:**

**8-5-23: PORTABLE CLASSROOM/MODULAR BUILDING:**

**8-5-24: PUBLIC INFRASTRUCTURE; PUBLIC UTILITY MAJOR, MINOR & YARD:**

**8-5-25: RECYCLING CENTER:**

**8-5-26: RIDING ARENA OR STABLE, COMMERCIAL:**

**8-5-27: SECONDARY DWELLING UNIT:**

**8-5-28: SHORT-TERM RENTAL:**

**8-5-29: STORAGE FACILITY, OUTSIDE:**

**8-5-30: STORAGE FACILITY, SELF-SERVICE:**

**8-5-31: TEMPORARY LIVING QUARTERS:**

**8-5-32: TERMINAL, FREIGHT OR TRUCK:**

**8-5-33: VEHICLE EMISSIONS TESTING:**

**8-5-34: VEHICLE IMPOUND YARD:**

**8-5-35: VEHICLE REPAIR, MAJOR AND MINOR:**

**8-5-36: VEHICLE SALES OR RENTAL:**

**8-5-37: VEHICLE WASHING FACILITY:**

**8-5-38: VEHICLE WRECKING OR JUNK YARD:**

**8-5-39: WIRELESS COMMUNICATION FACILITY:**

**8-5-1: ANIMAL CARE FACILITY:**

A. Such use shall be located at least two hundred fifty feet (250') from any residence, including motels and hotels, except for an owner's residence. The administrator may modify these requirements if the animals are completely housed in soundproof structures that completely screen them from view of the abutting residential property.

B. Fencing shall be required for any outdoor use for animals. The fencing shall be a six-foot (6') fence to secure animals and to buffer adjacent land uses.

C. Outside runs shall be operated only between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M., with an attendant present on the premises at all times.

D. The facility owner and/or operator shall comply with all state and regulations relative to such a facility and shall maintain housekeeping practices designed to prevent the creation of a nuisance and to reduce noise and odor to a minimum.

**8-5-2: ARTIST STUDIO:**

A. All production, fabrication and assembly of materials shall be conducted within a completely enclosed structure if adjoining a residence or a residential district.

B. If in an industrial district, accessory retail sales shall be limited to a floor area not exceeding twenty five percent (25%) of the total enclosed area of the use. Goods sold shall be only those produced on the site or complementary products.

**8-5-3: ARTS, ENTERTAINMENT OR RECREATION FACILITY, INDOOR AND OUTDOOR:**

A. General standards:

1. All structures or outdoor recreation areas shall maintain a minimum setback of one hundred feet (100') from any abutting residential districts.

2. No outdoor event or activity center shall be located within one hundred feet (100') of any residential property line and shall operate outdoor uses only between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

3. Accessory uses include, but are not limited to: retail, equipment rental, restaurant and drinking establishments may be allowed if designed to serve patrons of the use only.

4. Outdoor speaker systems shall be subject to the provisions of title 3, chapter 2, "Noise Control", of this code.

5. May require a Vendor's Permit, at the discretion of the administrator.

B. Additional standards for swimming pool: Any outdoor swimming pool shall be completely enclosed within a six foot (6') non-scalable fence that meets the requirements of the city of Star building regulations in accord with title 7 of this code.

C. Additional standards for outdoor stage or musical venue: Any use with a capacity of one hundred (100) seats or more or within one thousand feet (1,000') of a residence or a residential district shall be subject to approval of a conditional use permit.

**8-5-4: ASPHALT OR CONCRETE PLANT:**

A. Asphalt mixing and concrete batching may only be allowed as accessory uses to a pit, mine, or quarry in an industrial zone.

B. Any structure or equipment shall be a minimum of one thousand feet (1,000') from any dwelling other than the dwelling of the owner or caretaker of the subject property.

C. The operation shall meet all federal, state and local standards relating to health and safety.

D. A plant may not be used in conjunction with an accessory pit as described within this chapter.

**8-5-5: AUTOMATED TELLER MACHINE:**

The administrator or designee may approve alternative standards where it is determined that a similar or greater level of security is provided.

A. A five foot (5') deep space shall be provided in front of the ATM;

B. A lighting plan will be required with the intent to ensure that adequate lighting is provided;

C. A trash receptacle not impeding access shall be immediately accessible to the ATM; and

D. At the time the ATM is removed, the structure's facade shall have a finished appearance consistent with the existing structure. See also "Self-Service Uses", of this title.

E. This use is accessory to an approved bank or other financial institution.

**8-5-6: AUTOMOTIVE, HOBBY:**

A. Use prohibited from retail or wholesale sales of vehicles, automotive parts or supplies.

B. No commercial restoration, repair, storage or maintenance of motor vehicles. This use shall not be allowed as a Home Occupation.

C. Site for hobby shall be maintained in an orderly manner, with no more than two (2) inoperable, dismantled, or unregistered motor vehicles on site unless stored in an enclosed structure.

D. Vehicles must be stored in the rear or side yard behind a sight obscuring fence or within a completely enclosed structure.

### **8-5-7: BUILD-TO-RENT, SINGLE-FAMILY DWELLING DEVELOPMENTS:**

The intent of this type of development is to mirror that of a typical, single-family detached subdivision neighborhood in all manners. Therefore, the following criteria shall be required for all such developments:

- 1) Before any Build-to-Rent development is initiated, either through the submission of construction plans or annexation, rezoning, preliminary or final plat applications, the development entity shall:
  - a) Provide a Declaration to the City of Star Zoning Administrator that provides the following project information:
    - (1) Statement regarding the intent to operate a Build-to-Rent development.
    - (2) The number of units (and percentage) of the development that will be permanently managed by a management company.
    - (3) What infrastructure will be privately maintained.
    - (4) Name of the local Registered Agent individual or company to which legal notices would be directed.
    - (5) Description of the property management process to be used, including the management company and local property manager.
    - (6) Declaration that the development shall consist of individual residential lots each with its own street address, water meter and sewer tap.
    - (7) Description of Covenants to be enforced by the management entity.
    - (8) The overarching applicant development organization shall be identified, describing the unity of control and management of the development.
    - (9) Architectural drawings of the proposed units, meeting all single-family dwelling requirements of this Title.
- 2) This Section is applicable to the Residential District (R), the Mixed-Use District (MU) or any proposed Planned Unit Developments, and shall be reviewed and approved through the Conditional Use Permit process.
- 3) This section shall apply to the development of Build-to-Rent residences within the same development, and may include one parcel or individually platted lots.
- 4) Any residential development that does not comply with this Section or converts to a Build-to-Rent development at any time during the preliminary plat, final plat or upon completion of a development shall have a Condition of Approval added that requires Council approval of a Conditional Use Permit prior to final plat approval and/or certificate of occupancy.

5) Dwelling unit design styles shall be spread throughout the entire development (including all contiguously owned and phased properties). Nowhere within the development shall any fewer than 5 different housing styles be located adjacent to each other. The number of different dwelling styles shall be as follows:

- (a) 1 to 50 units = minimum of 5 architectural types
- (b) 51 to 100 units = minimum of 7 architectural types
- (c) 101 to 200 units = minimum of 10 architectural types
- (d) Over 200 units = minimum of 15 architectural type

6) Design standards. Single-Family Build to Rent dwellings developments shall comply with the following standards:

- a) All other standards found elsewhere in this Title relating to single-family dwelling developments and subdivisions shall apply to any build-to-rent development, including minimum open space, amenities, building and subdivision requirements.
- b) Building elevations for all residential uses shall be submitted with the application and will be included as part of any development agreement and/or condition of approval.
- c) Exterior finishes shall be primarily horizontal/vertical wood or wood product siding, brick, stucco, stone or other decorative masonry product.
- d) Facades and floorplans of each unit shall not replicate the façade, rooflines or floorplan of the adjacent 5 units. Facades abutting a collector or arterial (either front or rear) shall provide additional relief including but not limited to additional architectural features, colors and landscaping to prevent aesthetically unpleasant areas. Units shall utilize at least two of the following design features on the front and rear facades:
  - 1. Gables;
  - 2. Recessed entries;
  - 3. Covered front porches and/or balconies;
  - 4. Pillars posts, or columns;
  - 5. Bay window with a minimum of 24-inch projection, Clerestory windows; or Dormers;
  - 6. Walls which face a street other than an alley shall contain at least 20 percent of the wall space in windows and/or doors.
- e) There shall be a mixture of two (2) story and one (1) story structures.
- f) No facade or floorplan shall be used for more than 15% of the project.

- g) Roofing style is not included in the facade.
- h) All proposed build-to-rent developments are required to have a local management company at all times. An on-site property manager shall be required in any development with twenty (20) or more dwelling units. A local management company may be utilized if approved by Council. Rentals shall be managed specifically through the management company, with no rental signs allowed anywhere within the development, including in front of individual dwellings.
- i) Maintenance and Ownership Responsibilities: All build-to-rent developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, yard landscaping, amenities and other development features. This also includes painting of dwellings and other common structures a minimum of at least every 10 years and updated roofing a minimum of every 20 years. All common landscaping shall be maintained weekly. This shall include but not be limited to mowing, weeding, watering, drainage facilities and replacement of dead trees and shrubs.
- j) Architectural renderings shall be submitted showing all dwelling proposal styles, as required in Section 8-5-16-5. A development plan showing the placement of each dwelling proposal style on each lot shall be submitted for approval with the application.
- k) Storage of Recreational Vehicles: No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored, or parked for longer than 48 hours on any dwelling lot or within the public or private right of way, but may be provided for in a separate, designated and screened area, and approved as part of the development.

#### **8-5-7: CAMPGROUND/RV PARK:**

##### A. Access:

1. Campground/RV park shall abut and shall have direct access from a collector or arterial road. Plans will show roadways and driveways, including the width and type of surface.
2. Access shall be approved by the Transportation authority.

##### B. Design: The design shall include:

1. Specific locations of sites or units for RVs (recreational vehicles), motor homes, travel trailers or tents.
2. Location of all structures.
3. Method of trash disposal.
4. Utility plan (water/electrical/sewer).



### C. Site Development:

1. Lighting: The campground/RV park shall be adequately lighted and follow the requirements of outdoor lighting as provided for within this title.
2. Outdoor Speaker Systems: Outdoor speaker systems shall be subject to the provisions of title 3, chapter 2, "Noise Control", of this code.
3. Drainage: Drainage shall comply with drainage requirements of this title.
4. Water, Sewer and Electrical Outlets: Each space shall be provided with water, sewer and electrical outlets and shall comply with all city/state codes.
5. Spaces: Each space shall contain a minimum of one thousand (1,000) square feet, shall be at least twenty feet (20') wide and space boundaries shall be clearly defined. There shall be a minimum of fifteen feet (15') of space between RVs/motor homes/trailers and setbacks as established by the city.
6. Parking: Each space shall provide for off street parking and shall be graveled, paved or provide other means for a dust free surface.
7. Number of Spaces: No greater number of RVs, motor homes or trailers shall be allowed in any campground/RV park than the number of spaces permitted.
8. Landscaped Setback with Screening: A fifty foot (50') landscaped setback with protective screening or fencing shall be required on property boundaries adjacent to a public right of way. Property boundaries adjoining private property shall have a landscaped setback of twenty-five feet (25') with protective fencing.

### D. Accessory Uses and Accommodations:

1. Buildings and accessory buildings, including, but not limited to, management headquarters, staff housing, recreational structures, laundry facilities, toilets, showers, and other sanitary services, may be allowed subject to the following restrictions:
  - a. Such uses shall be restricted to the occupants of the campground/park.
  - b. Each campground/RV park shall provide restroom facilities that shall include both male and female facilities with no less than two (2) bath or shower accommodations provided for each facility. The restrooms shall provide no less than two (2) toilets to each male and female facility.
  - c. The structures enclosing such uses shall not be located closer than fifty feet (50') to any public street and shall not be directly accessible from any public street.
  - d. Each service building floor shall be of concrete, tile or similar material, impervious to water, and pitched to a floor drain. The structure shall be a permanent structure and meet requirements of the current building code. All structures shall provide proper lighting within the structure twenty-four (24) hours a day. Each building shall provide exterior lighting after dusk and before dawn.
  - e. Each campground/RV park shall provide trash disposal areas for each twenty (20) spaces. Disposal areas shall be fenced with a site obscuring fence, the height of which shall be a minimum four feet (4') and shall be located one hundred fifty feet (150') from any space.
  - f. All campgrounds/parks with fifteen (15) spaces or more shall provide an open space area and amenity constructed in a manner to provide a recreational area for occupants of the campground/park. An additional amenity shall be provided for every additional 40-unit spaces.

E. Restrictions: It shall be unlawful for any tent, RV, motor home or travel trailer to be used as permanent living quarters. Maximum stay shall be thirty (30) calendar days for any guest. Once

a four-week stay ends, a guest must wait thirty (30) calendar days before returning.

**8-5-8: CARETAKER UNIT:**

A. Use as a caretaker for a construction site. One accessory caretaker unit in a trailer or recreational vehicle may be allowed on the construction site only for the purposes of security and maintenance of the site.

B. Use as a caretaker unit and office with an approved conditional use permit for a storage facility.

C. Use as an accessory use for an active farm that is 10-acres or greater in size for the purpose of providing living quarters for a hired, seasonal worker to temporarily work the property to harvest crops only.

D. The unit shall be completely removed at the end of the allowed time period.

**8-5-9: CEMETERY:**

Graves and monuments shall not be located within fifteen feet (15') from any property line.

**8-5-10: CHILD CARE FACILITY:**

A. General standards for all child care and adult care uses, including the classifications of child care center; child care, family; child care, group; and child care pre-school/early learning:

1. In determining the type of child care facility, the total number of children cared for (excluding the owner/operator's children) during the day and not the number of children at the facility at one time, is the determining factor.

2. On site vehicle pick up, parking and turnaround areas shall be provided to ensure safe discharge and pick up of clients.

3. The city council shall specify the maximum number of allowable clients and hours of operation as conditions of approval.

4. The applicant or owner shall secure and maintain a basic child care license from the state of Idaho department of health and welfare family and children's services division.

5. In residential districts or uses adjoining an adjacent residence, the hours of operation shall be between seven o'clock (7:00) A.M. to nine o'clock (9:00) P.M. This standard may be modified through approval of a conditional use permit.

B. Additional standards for child care facilities that serve children:

1. All outdoor play areas shall be completely enclosed by minimum six foot (6') non-scalable fence to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool fence requirements of the building regulations in accord with title 7 of this code.

2. Outdoor play equipment over six feet (6') high shall not be located in a front or side yard.

3. Outdoor play areas in residential districts adjacent to an existing residence shall not be used after dusk.

4. If within a subdivision the number of children shall be further approved by the HOA.

### **8-5-11: CHURCH OR PLACE OF RELIGIOUS WORSHIP:**

Uses that are accessory to churches or other places of religious worship, such as schools, child daycare services, meeting facilities for clubs and organizations, and other similar uses not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation may be permitted to the extent the activity is otherwise permitted in the district.

Churches conducting activities outside the normal church events are required to complete a temporary use permit stating when and where the activity will take place and who will be in charge of the activity.

### **8-5-12: CONTRACTORS YARD OR SHOP:**

#### A. General Standards:

1. If the property is located in a residential or rural base district, all structures or outdoor storage areas shall be located a minimum of one hundred feet (100') from any property line abutting another property. The one hundred-foot (100') buffer from the property line shall have a vegetative ground cover and shall be regularly maintained to prevent weed growth. All structures and outdoor storage areas shall be depicted on the master site plan.
2. Outdoor storage areas shall be screened year-round and comply with Chapter 8 of this title.
3. The site shall not be used as an "impound yard", or "wrecking, junk or salvage yard" as herein defined.
4. For the purposes of this title, a contractor's yard or shop is not a home occupation.
5. The property shall have approved access from an improved public roadway for the use.
6. Maintenance of vehicles or machinery shall be incidental to the contractor's yard or shop and the incidental use shall only include minor repair.
7. Accessory office space shall comply with this title and shall be identified on the approved site plan.
8. Parking area improvements shall comply with the standards found in Chapter 4 of this title and shall be delineated on the site plan or parking plan. No on street parking of vehicles or equipment associated with the use is allowed.
9. Use of the property shall comply with Chapter 1, "Noise", of this title.
10. Hours of operation shall be limited between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. unless otherwise approved or restricted with a conditional use permit.

11. No retail sales associated with a contractor's yard or shop may occur on the property unless retail sales are approved with a different use that allows retail sales.

12. A building permit may be required for the change in use or occupancy of any existing structure, or portion thereof, used in association with a contractor's yard or shop.

13. For the duration of the approval, the use shall be subject to zoning inspection upon advanced notice and request by the City. If a permit holder refuses to allow inspection of the premises by the City, the approved conditional use permit may be revoked.

B. Additional Standards: Additional standards for a contractor's yard or shop permitted as a conditional use:

1. The following shall be considered as part of the review of an application for a conditional use permit for a contractor's yard or shop:

a. The proximity of existing dwellings;

b. The number of employees;

c. The hours and days of operation;

d. Dust;

e. Noise;

f. Outdoor loading;

g. Traffic;

h. Landscaping and screening;

i. Other.

2. The duration of a conditional use permit for a contractor's yard or shop shall be limited. For uses in the agricultural or rural residential zoning districts, the conditional use permit shall expire five (5) years following the approval date. Upon expiration of the conditional use permit, all equipment and materials stored outdoors shall be removed within thirty (30) days from the subject property. A new conditional use permit may be applied for to continue the use, subject to current zoning standards. For uses in the industrial zoning district, there shall be no expiration date.

### **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.

B. All establishments providing drive-through service shall identify the stacking lane, menu and speaker location (if applicable), and window location on applicable permit applications.

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;
2. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking;
3. The stacking lane shall not be located within ten feet (10') of any residential district or existing residence;
4. Any stacking lane greater than one hundred feet (100') in length shall provide for an escape lane;
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') sight or noise obscuring fence or wall, and/or additional landscaping where a drive-thru establishments stacking lane, speaker or window location adjoins may negatively impact a residential use or district or an existing residence.

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

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

G. 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. This shall not apply to a financial institution.

H. All site lighting shall be designed in a manner that eliminates fugitive lighting from illuminating any portion of an adjacent residential use.

#### **8-5-14: DWELLING, TWO-FAMILY DUPLEX:**

A. General Standards:

1. Duplexes shall require approval of a Certificate of Zoning Compliance.
2. Required parking shall be located on-site and not within the public right-of-way.

3. Approval from an active Home-Owners Association shall be required if located within a neighborhood with current CC&R's.

### **8-5-15: EVENTS CENTER**

#### **8-5-15: GASOLINE STATION/GASOLINE STATION WITH CONVENIENCE STORE, AND TRUCK STOP:**

##### A. General standards:

1. When allowed as an accessory use, gasoline or diesel fuel sale facilities shall not occupy more than twenty five percent (25%) of the subject property.
2. The total height of any overhead canopy or weather protection device shall not exceed twenty feet (20').
3. Vehicle stacking lanes shall be available on the property but outside the fueling areas. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking. The stacking lanes shall not be located within ten feet (10') of any abutting residential districts.

##### B. Additional standards for fuel sales facility, truck stop:

1. The use shall be located on a principal arterial, collector or near an interstate interchange.
2. The use shall be located a minimum of six hundred feet (600') from any residential district and a minimum of one thousand feet (1,000') from any hospital, unless located within the central business district, in which case a minimum buffer of one hundred feet (100') shall be required from the existing residential lot line to the property line of the use.

#### **8-5-16: HOME OCCUPATION:**

The following standards apply to all home occupation uses:

A. Persons Involved: No more than three (3) people other than members of the family residing on the premises shall be engaged in such occupation.

B. Subordinate Use: The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and no more than twenty five percent (25%) of the floor area of the dwelling shall be used in the conduct of the home occupation.

C. Outside Appearance of Premises: There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.

D. Traffic: No significant traffic shall be generated by such home occupation, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified within this title and shall not be located in a required front yard.

E. Performance Standards: No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the

normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

F. Storage of Materials Outdoors: No storage of materials or supplies outdoors or in any accessory detached storage structure shall be allowed.

G. Signs: It shall not involve the use of signs and/or structures other than those permitted in the district of which it is a part.

H. Parking of Commercial Vehicle: A home occupation shall not involve the use and parking of a commercial vehicle.

I. Off Street Parking: Off street parking shall be provided as specified, in addition to the required off street parking for the dwelling. One paved, off-street parking space shall be provided for the nonresident employee, plus a space for any potential clients, if applicable, and shall be improved as per the standards of this title. No overnight parking of client or employee vehicles shall be allowed on site or on-street.

J. Hours of Visits: All visits by clients, customers, and/or employees shall occur between the hours of eight o'clock (8:00) A.M. and nine o'clock (9:00) P.M.

K. Additional Standards for All Home Occupations:

- 1 HOA Approval: The applicant shall receive prior approval from the homeowner's association, if one exists.
- 2 The following occupations are prohibited as home occupations: service, repair or painting of any vehicle; commercial kennel; adult entertainment; commercial composting; sales, repackaging or use of hazardous materials; or any other uses not consistent with the applicable base district purpose statement.
- 3 For the duration of an approved home occupation permit, the use shall be subject to zoning inspection upon advanced notice and request by the City. If a permit holder refuses to allow inspection of the premises by the City, the home occupation permit may be revoked.
- 4 The home occupation shall not receive more than two (2) pick-ups or deliveries per day.

E. Maintenance and Ownership Responsibilities: All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features.

F. Architectural standards in Chapter 8 shall be applied to all multi-family developments.

**8-5-17: LIVE/WORK UNIT:**

## General Standards:

1. Live/Work units are allowed in the Mixed Use (MU) and Central Business District (CBD) zoning districts. They may also be allowed in some residential zones as part of a Planned Unit Development (PUD).
2. The commercial component of live/work is intended for use by the following occupations: accountants, architects, artists and artisans, attorneys, computer software and multimedia related professions, consultants, engineers, fashion, florist and greens, designers, hair stylists and barbers, insurance, real estate, one-on-one instructors, or similar uses. The Council may authorize other similar uses using reasonable discretion, as long as such other uses are allowed within the base zone and not otherwise precluded by law.
3. Live/work units must be attached and shall have direct access between the commercial and residential uses at all times. Residential areas are permitted above the commercial component, to the side or in the rear of the business component.
4. The commercial component shall be primarily operated within the unit, but may be also conducted in the yard, provided it meets all further requirements of this title.
5. The external access for the commercial component shall be oriented to the street and should have at least one external entrance/exit separate from the living space. The entrance to the business component shall be located on the ground level. Access to the commercial component of each live/work unit shall be clearly separate from the common walkways or entrances to the other residential units within the development, or other residential units in adjacent developments;
6. The commercial use shall not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors;
7. No explosive, toxic, combustible or flammable materials in excess of what would be allowed incidental to normal residential use shall be stored or used on the premises.
8. The commercial component as designated on the floor plan approved through the conditional use permit shall remain commercial and cannot be converted to residential use. The residential component may be converted to a commercial use in the CBD zoning district upon approval of a new application.
9. For buildings with commercial and residential uses that are not directly accessible to one another, see Mixed-Use Development.

## **8-5-18: MANUFACTURED/MOBILE HOME GUIDELINES:**

A. Application: Application shall be made with the city on a prescribed form. The application shall include all information necessary to determine conformity with required development standards including: exterior dimensions, siding material, foundation fascia material, roofing material, eaves overhang and any other applicable information. The applicant shall also attach to the application:

1. A copy of the manufacturer's instructions for installation of the home on permanent footings.
2. A plot plan showing existing conditions and the proposed location for the home and other improvements at a scale of at least one-inch equals twenty feet (1" = 20').

### B. Certificates and Inspection:

1. The applicant shall sign the completed application certifying that the mobile or manufactured



home meets the required development standards, and that site development shall be in accordance with said standards, and the plot plan submitted stating that once the mobile or manufactured home is permanently affixed, the applicant shall comply with the requirement for the home to be declared as real property for taxation purposes. These certifications shall be made prior to the moving of the home to the building site.

2. Following application and plot plan approval by the building official, the official may issue a building permit for the footings and foundation. Upon satisfactory inspection of the footings and foundation for the attachment of the mobile or manufactured home, the building official shall verify, in writing, that all development standards have been met as certified by the applicant. The home may then be attached to the foundation in accordance with the manufacturer's instruction, city ordinances for permanent utility connections, and other building requirements.

3. Prior to occupancy, a final inspection shall be made to assure proper attachment of the home to the foundation and placement of a proper foundation fascia.

### C. Development Standards:

1. Requirements: The use of a manufactured or mobile home as a permanent residential dwelling on an individual lot shall be permitted in any zoning district under this title which permits installation of a single-family site-built dwelling, provided the following standards are met. The home or home site:

a. Is multi-section and at least twenty feet (20') wide.

b. Has a minimum floor area of one thousand (1,000) square feet.

c. Has roofing materials which are generally acceptable for site-built housing. Any roofing material may be used, provided such material has the appearance of a nonmetallic shingle, shake or tile roof. Roofs shall also have a minimum slope of twenty five percent (25%) (3:12) and overhanging eaves.

d. Has siding materials which are generally acceptable for site-built housing. Any siding material may be used, provided such material has the appearance of wood, masonry or horizontal metal siding. Reflection from horizontal metal siding shall be no greater than that from siding coated with white, gloss enamel.

e. Has a foundation of concrete or other material allowed by the international building code for site-built homes which is aesthetically compatible with the manufactured home and having the appearance of site-built construction. This means the fascia shall be an extension of the siding or be of materials having the appearance of site-built foundations such as brick, concrete or concrete block.

f. Is permanently affixed per manufacturer's instructions. Footings shall be of poured masonry extending twenty-four inches (24") below grade.

g. Has a crawl space with the following minimum measurements:

(1) Eighteen inches (18") of clearance;

(2) Twelve inches (12") of clearance under beams; and

(3) An eighteen inch by twenty-four-inch (18" x 24") door.

h. Complies with all applicable lot size, setback, and other requirements of the zoning district in which it is to be located.

i. Provided two (2) off street parking spaces and shall be improved with such material to provide a durable and dust free surface.

j. Has a single car garage, or a carport with an attached enclosed storage room.

k. Provides right of way improvements in the same manner as site-built construction, in

accordance with city policy.

D. Rehabilitation Standards: All mobile homes must meet the rehabilitation standards as set forth in Idaho Code title 44.

E. Accessory Structures: Accessory structures to mobile or manufactured housing shall be constructed in compliance with the standards specified by the international building code, and the department of housing and urban development standards. Structures shall be aesthetically compatible with the home to which they are associated.

F. Nonconforming Manufactured Homes: A manufactured or mobile home which has legally been placed and maintained upon an individual lot prior to the effective date hereof shall be a legal nonconforming use. Such manufactured or mobile homes shall not be relocated within the city without conforming to all applicable provisions contained herein.

G. Shall comply with all floodplain requirements, if applicable.

#### **8-5-19: MANUFACTURED/MOBILE HOME PARKS:**

A. Standards:

1. Placement of Homes or Buildings, Distance: Manufactured or mobile homes shall not be placed any closer than fifteen feet (15') to another manufactured or mobile home or building.
2. Accessory Structures, Distance: All accessory structures shall not be located any closer than fifteen feet (15') to another manufactured or mobile home or building which shall include, but not be limited to, structures attached to or located adjacent to a manufactured or mobile home such as awnings, carports, garages, porches or steps.
3. Adjoining Residential District; Yard: Where the manufactured or mobile home park boundaries adjoin a residential district without an intervening street, alley or other permanent open space at least twenty feet (20') in width, a yard of at least twenty feet (20') in minimum dimension shall be provided. Such yard may be used for open space but shall not contain parking areas, carports, recreational shelters, storage structures, or any other buildings.
4. Screening Along Park Borders: A screening wall or vegetation screening along the borders of the manufactured or mobile home park shall be provided.
5. Yard Size: An outdoor living or yard area shall be provided for each manufactured or mobile home. Such areas shall be at least ten percent (10%) of the individual lot but in no case shall such area be less than three hundred (300) square feet.
6. Compliance with Zoning And Floodplain Regulations: All manufactured or mobile home parks shall comply with all other applicable requirements of the zoning district and the requirements of the flood area regulations.
7. Street Standards: Manufactured or mobile home parks shall comply with the standards set by the local transportation authority.
8. Exterior Lighting: The park shall provide lighting at the entrance and other locations as may be determined by the administrator, necessary for public safety and welfare. Lights are to be installed that shall not obstruct the visibility of any oncoming traffic or trespass onto other properties. Lighting shall meet all requirements of this title relating to dark skies.
9. Drainage: Shall comply with ordinances of the city.

10. Common or Open Areas: All parks shall provide an open area at a ratio of 200 square feet per unit space for recreational purposes. Such areas shall provide playground equipment and other amenities for the youth residing in the park.

11. Recreational Buildings: All parks shall provide one recreational building per fifty (50) units to provide an area for family gatherings.

12. Recreational Vehicle Parking: All parks with fifteen (15) spaces or more shall provide one or more parking areas for recreational vehicles for the occupants of the park. No such parking area shall be used or occupied for commercial purpose or by those not residing in the park. Such parking area shall meet the criteria outlined within this title.

13. Manufactured homes shall meet the minimum residential design standards as set forth in Chapter 8 of this title.

### **8-5-20: MINING, PIT OR QUARRY AND ACCESSORY PITS:**

A mine, pit or quarry that meets the standards of subsection C of this section shall be considered an accessory pit and shall be reviewed as a temporary use. Any other pit, mine, or quarry shall be reviewed as a conditional use.

#### **A. General Use Standards:**

1. All operations shall be subject to accepted safety conditions for the type of excavation being performed.

2. Asphalt mixing and concrete batching may only be allowed as accessory uses to a mine, pit, or quarry in an industrial area.

3. Extraction, movement, or stockpiling within the required yards shall be prohibited. The tops and toes of cut and fill slopes shall remain outside the required yards.

4. Areas where equipment is stored shall be deemed outdoor storage areas and shall meet all standards of this title. Such storage areas shall be constructed and maintained to prevent chemicals from discharging into surface or ground waters. Such chemicals shall include, but not be limited to, petroleum products, antifreeze, and lubricants.

5. The extraction area shall be watered daily to reduce dust impacts to surrounding properties. Haul roads shall have a durable and dust free surface and shall be graded to drain all surface water from the haul roads.

6. The mine, pit, or quarry shall comply with the regulations of flood hazards of this title, if applicable.

7. For any mine, pit, or quarry requiring a conditional use approval, the applicant shall provide addresses for all property owners within one thousand feet (1,000') of any property boundary of the proposed site and any additional area that may be substantially impacted by the use, as determined by the administrator.

8. The storage and/or disposal of solid waste on the proposed site shall be prohibited.

9. Upon reclamation of the final phase, all temporary structures shall be removed from the property, except for property line fences or walls. Any contaminated soils shall be properly recycled or disposed.

10. Truck routes and hauling times may be limited by Council to accommodate bus routes and school hours.

#### **B. General Design and Reclamation Standards:**

1. The applicant shall provide documentation (from the appropriate agency) that the proposed mine, pit, or quarry operation and reclamation plans comply with federal and state regulations in regard to air and water quality and site reclamation.
2. For a mine, pit, or quarry where the excavation area results in a pond, the following standards shall apply:
  - a. The extraction areas shall be designed to create a meandering edge.
  - b. The applicant shall provide written documentation from Idaho fish and game that the proposed pond is designed to create viable fish and/or wildlife habitat.
  - c. The applicant shall provide documentation from Central District Health department that the proposed pond shall not cause septic leach fields on abutting properties to fail.
  - d. For the purposes of this section, a "pond" shall be defined as any mine, pit, or quarry area where the rehabilitation plan results in an area that contains water to within six feet (6') of the surface year-round, based on the base elevation.
3. Any riparian vegetation disturbed as part of the operation shall be replaced at a ratio of two to one (2:1). Replacement vegetation shall be native plant materials and shall meet all appropriate requirements of this title.
4. The applicant or owner shall comply with all requirements of "Best Management Practices For Mining In Idaho", published by the Idaho department of lands.
5. The pond shall be aeriated.
6. Approval from Idaho Department of Lands and Idaho Department of Water Resources shall be required for all ponds.

C. Standards For Accessory Pit Approval: The purpose of this use is to allow for gravel extraction and removal on a limited basis for the sole purpose of creating a water feature: 1) during the construction of an approved subdivision or development, or 2) a onetime creation of water feature(s) on certain, larger acreage parcels. The use shall be processed as a temporary use and shall meet the following:

1. The property has not received previous approval for a mine, pit, or quarry as a temporary use.
2. The maximum area of the extraction site for a water feature in a new subdivision or development shall be determined during the approval process for the development after taking into consideration issues including, but not limited to, no net loss mitigation. All other parcels shall have a maximum pond area no greater than ten percent (10%) for parcels ten (10) acres or less, and no greater than twenty percent (20%) for parcels over ten (10) acres of the gross area of the property.
3. The minimum parcel size for all properties other than new subdivisions and developments, shall be one (1) acres.
4. The proposed extraction activities for a subdivision or development shall be completed within two (2) years from commencement, unless additional time is granted by council. All other proposed extraction activities shall be completed within two (2) years from commencement.
5. The mine, pit, or quarry shall meet the standards in subsections A and B of this section.
6. Stockpiles shall be a maximum of fifteen feet (15') in height.
7. All operations shall take place between seven o'clock (7:00) A.M. and dusk or six o'clock (6:00) P.M. (whichever is earlier) Monday through Friday.
8. Asphalt and/or cement plants shall be prohibited on site, unless approved by Council as a conditional use permit.
9. Rock crushing shall be allowed as part of an accessory pit only as a separate conditional use

permit approved by Council.  
10. The pond shall be aerated.

D. Additional Standards for Conditional Use Approval:

1. The pit, mine, or quarry shall meet the standards in subsections A and B of this section.
2. The approved site plan shall include adequate parking and loading areas to accommodate the peak number of vehicles. Such areas shall not be within the required yards.
3. Rock crushing and/or asphalt mixing, and concrete batching may be allowed as an accessory use only through this conditional use approval process.
4. The applicant shall show the extraction and reclamation phasing plan on the approved site plan.
5. The reclamation plan for each phase shall be implemented as soon as the subject area is depleted of resources or when the allowed time has ended (whichever occurs first).
6. The conditional use approval shall consider and/or establish a time frame for the extraction of material. For any proposal where the applicant requests an extraction period greater than two (2) years, the council shall review the status of the mine, pit, or quarry after 1.5 years and consider amendments or additions to the approval.

**8-5-21: MIXED-USE DEVELOPMENT:**

**A Mixed-Use Development is a property or structure that blends commercial and residential uses together into one building. Mixed-Use buildings may be either commercial use downstairs with a single or multiple residential units upstairs, or larger scale with multiple commercial uses downstairs and multiple residential, or residential and commercial uses upstairs. Individual uses may be individually leased or rented or may be developed as condominiums for individual ownership. See Live/Work Unit for commercial with residential directly attached and accessible to each other.**

**8-5-21: MULTI-FAMILY DWELLING/DEVELOPMENT:**

Multi-family developments with multiple properties shall be considered as one property for the purpose of implementing the standards set forth in this section.

- A. Storage of Recreational Vehicles: No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area, and approved as part of the development.
- B. Developments with Twenty Units Or More: Developments with twenty (20) units or more shall provide the following:
1. A property management office.
  2. A maintenance storage area.
  3. A map of the development at an entrance or convenient location for those entering the development.

C. Open Space Requirement (see also Chapter 8 “Architectural Review”).

1. The total land area of all common open space shall equal or exceed fifteen percent (15%) of the gross land area of the development. Ten percent (10%) of that area shall be usable open

space.

2. Private Open Space: In addition to the common open space and site amenity requirements of this title, a minimum of eighty (80) square feet of additional, private, usable open space shall be provided for each residential unit not planned as single-family detached. This requirement can be satisfied through porches, patios, decks, and enclosed yards. Landscaping, entryway and other accessways do not count toward this requirement.

#### D. Amenities

1. The number of amenities shall depend on the size of multi-family development as follows:
  - a. A multi-family development with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate amenity categories.
  - b. A multi-family development between twenty (20) and seventy-five (75) units, three (3) amenities shall be provided, with one from each amenity category.
  - c. A multi-family development with seventy-five (75) units or more, four (4) amenities shall be provided, with at least one from each amenity category.
  - d. A multi-family development with more than one hundred (100) units, the Council shall require additional amenities commensurate to the size of the proposed development.
  - e. All multi-family developments greater than 75 units shall be required to provide a swimming pool with a changing and restroom facilities, and an enlarged deck. The minimum pool size shall be equal to the following:

- (1) Developments between 75 and 149 units = 1,600 square feet
- (2) Developments between 150 and 299 units = 2,400 square feet
- (3) Developments over 300 units = minimum of 3,600 square feet

E. Any required traffic impact study shall be submitted and accepted by the appropriate transportation authority prior to submittal of an application. A hearing date before the Council shall not be scheduled until the traffic impact study has been approved and the transportation authority has issued a staff report on the development application.

2. Amenity Categories. The council may consider other amenities in addition to those listed below.

- a. Clubhouse.
- b. Fitness facilities -Indoor/Outdoor.
- c. Enclosed bike storage.
- d. Public art.
- e. Covered bus stops as approved by the School District or Regional Transportation Authority.
- f. Ponds or water features.
- g. Plaza.
- h. Recreation areas.
- i. Pool.
- j. Walking trails and/or bike paths.
- k. Children's play structures.
- l. Sports courts.
- m. Natural Areas (as approved by Council).

- n. RV parking for the use of the residents within the development.
- o. Additional open space in excess of 5% usable space.
- p. School and/or Fire station sites if accepted by the district.
- q. Pedestrian or bicycle circulation system amenities meeting the following requirements:
  - (1) The system is not required for sidewalks adjacent to public right of way;
  - (2) The system connects to existing or planned pedestrian or bicycle routes outside the development; and
  - (3) The system is designed and constructed in accord with standards set forth by the city of Star

E. Maintenance and Ownership Responsibilities: All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features.

F. Architectural standards in Chapter 8 shall be applied to all multi-family developments.

G. Signs:

- (1) Addressing Signage. The following shall apply to all multi-family developments:
  - A. Approval from Fire District and Addressing Authority.
  - B. The sign(s) shall be front or back lit from dusk to dawn.
  - C. Sign materials shall be of wood, plastic or metal.
  - D. Minimum size of the plan view diagram portion of the sign shall be 3'x3' or presented at a larger size to be easily readable and visible from the distance of the intended viewer.
  - E. Text on the map shall be of a contrasting color to the background of the sign.
  - F. Maps can be produced as a digital print on a variety of substrates such as vinyl, paper, or a laminated graphic. The method of production needs to be compatible with the environmental conditions as well as with the structure that the map is to be integrated with.
  - G. Isometric or Three-Dimensional Signs are allowed if approved by the addressing agent.
  - H. Orientation: Vehicle oriented maps should always be positioned in the direction that a vehicle is facing.
  - I. The sign(s) shall be inspected annually by the owner/property manager for damage, visibility and legibility and appearance issues.
  - J. Nearby vegetation should be kept back from the sign(s) and low plantings used as to not block the sign when fully grown.

FIGURE 8-5-20(a)  
ADDRESSING SIGN STYLE



### **8-5-22: NURSING OR RESIDENTIAL CARE FACILITIES:**

A. General standards: If the use results in more than ten (10) persons occupying a dwelling at any one time, the applicant or owner shall concurrently apply for a change of occupancy as required by the building code in accord with title 7 of this code.

1. The owner and/or operator of the facility shall secure and maintain a license from the state of Idaho department of health and welfare facility standards division.

B. Additional standards for uses providing care to children and juveniles under the age of eighteen (18) years:

1. All outdoor play areas shall be completely enclosed by a minimum six foot (6') non-scalable fence to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool fence requirements of the building code in accord with this code.

2. Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard.

3. Outdoor play areas in residential districts or uses adjacent to an existing residence shall not be used after dusk.

C. Additional standards for uses providing care to patients who suffer from Alzheimer's disease, dementia or other similar disability that may cause disorientation: A barrier with a minimum height of six feet (6'), along the perimeter of any portion of the site that is accessible to these patients shall be provided. The fencing material shall meet the swimming pool fence requirements of the building code in accordance with this code.

### **8-5-23: PORTABLE CLASSROOM/MODULAR BUILDING:**

A. General standards:

1. A Certificate of Zoning Compliance shall be required for each new structure requested. Multiple structures may be included under one application at the time of submittal.

2. All structures shall meet all requirements of the Building Department and Fire District prior to issuance of Certificate of Occupancy.

2. Structures that will be located for more than 2-years shall be painted to match the colors of the



primary building.

3. Each approved structure is subject to a new Reverification of Certificate of Zoning Compliance every 5-years.

**8-5-24: PUBLIC INFRASTRUCTURE; PUBLIC UTILITY MAJOR, MINOR AND YARD:**

A. Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.

B. Installation of underground fuel tanks shall require written approval from the Idaho division of environmental quality, Idaho department of water resources, and Star joint fire protection district.

C. No portion of the outside storage areas and/or outside activity areas may be visible from any highway, interstate, gateway corridor, principal arterial, or minor arterial as herein defined.

D. All driveways into and through the facility and any open area with a driving surface shall be surfaced with a dustless material including, but not limited to, asphalt, concrete, pavers or bricks.

E. For any use requiring the storage of fuel or hazardous material, the use shall be located a minimum of one thousand feet (1,000') from a hospital or school.

**8-5-25: RECYCLING CENTER:**

A. The site shall be screened from the street(s) by a screen composed of a masonry or concrete wall planted on the exterior side with a vegetative screen. The screen shall be of sufficient height so that no storage containers shall be visible above the required screening. This shall include recycling program drop-off areas and facilities.

**8-5-26: RIDING ARENA OR STABLE, COMMERCIAL:**

A. Any establishment that meets one or more of the following criteria shall be deemed a commercial use and shall require conditional use approval:

1. The riding arena is open to the general public, a homeowners' association or a club.
2. The riding arena is for private use but is enclosed within a structure that exceeds twenty-four feet (24') in height and/or the total area of the structure exceeds two thousand (2,000) square feet.
3. The riding arena can be rented by an individual or group.
4. Spectator seating for more than fifty (50) people is provided at the arena.
5. Retail sales accessory to the stable or riding arena are conducted on site.
6. Group lessons are provided to the general public for a fee.

- B. All commercial riding arenas and commercial stables shall provide sufficient parking and turnaround areas for horse trailers. Such areas shall be designed to preclude vehicles from backing out into a roadway.
- C. The minimum property size for commercial stables or commercial riding arenas shall be five (5) acres.
- D. Only off-site catering is permitted and must be approved by the Central District Health Department.

**8-5-27: SECONDARY DWELLING UNIT:**

A. One Secondary Dwelling Unit Permitted: One secondary dwelling unit is permitted on the same property in conjunction with and clearly subordinate to a single-family dwelling. The secondary dwelling unit may either be attached to the primary dwelling or detached. A detached secondary dwelling unit shall count towards the maximum allowance of accessory structures on a lot or parcel as further defined in 8-1E-1 of this title.

B. Owner Occupancy: To create and maintain a secondary dwelling unit, the property owner shall reside on the property for more than six (6) months in any twelve (12) month period. The applicant for a secondary dwelling unit shall demonstrate that either the single-family dwelling or the secondary unit is occupied by the owner of the property. Owner occupancy is demonstrated by proof of homeowners exemption, title records, vehicle registration, voter registration or other similar means. The applicant or owner shall provide a written statement annually (12 months from date of approval) stating that the use of the secondary dwelling is continuing in compliance with this requirement. Secondary dwelling units shall not be split or otherwise segregated in ownership from the single-family dwelling unit, unless approved as part of a new subdivision, where setback, access and density standards are applied.

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.

D. Location: The secondary dwelling unit may be located within or attached to the primary dwelling; as a detached structure; or above a detached structure, such as a garage. Detached secondary dwelling units shall be located to the side or rear of a primary dwelling. No portion of the secondary dwelling unit shall be located in front of the primary dwelling unit and must meet all setback requirements as stated in this unified development code. The administrator may grant a waiver to the location of the secondary dwelling unit in specific situations provided all other regulations of this title are met.

E. Parking: At least one parking space shall be provided on site for the accessory dwelling unit in addition to the required parking for the existing residential unit. The conversion of a covered parking area (garage/carport) into a secondary dwelling unit is not allowed unless the required covered parking can be provided elsewhere on site.

F. Property size: The subject property must be a minimum of ten thousand (10,000) square feet in size.

G. Design: The secondary unit shall be consistent in design with the single-family dwelling, including roof pitch, siding, color, materials, and window treatments.

H. Prohibitions: Manufactured homes, mobile homes, and recreation vehicles shall be prohibited for use as a secondary dwelling unit.

I. Number of Occupants: The total number of occupants in the secondary dwelling unit shall not exceed two persons.

J. Street Address: The secondary dwelling shall not have its own street address, unless required by the Fire Department for emergency response purposes, and as approved by the administrator and postmaster.

K. Additional Standards:

An existing detached accessory structure may be converted to a secondary dwelling, provided that the structure meets all applicable requirements of the Star building code, including any applicable plumbing or electrical code requirements. A required detached garage shall not be converted into a secondary dwelling unit.

#### **8-5-28: SHORT-TERM RENTAL:**

- A. The property where a short-term rental exists shall provide a minimum of one (1) additional, paved, off-street parking space in addition to the required spaces for the principal use. On-street parking shall be prohibited.
- B. Short-term rentals shall not modify the look or character of the principal permitted use in any way.
- C. Short-term rentals may be subject to HOA and CC&R requirements.

#### **8-5-29: STORAGE FACILITY, OUTDOOR:**

A. Materials: Materials shall not be stored within the required yards. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

B. Site: The site shall not be used as vehicle wrecking or junk yard as herein defined.

C. Additional Standards for Outside Storage As An Accessory Use: Accessory outside storage shall be allowed for approved uses subject to the following standards:

1. Outside storage of materials for commercial or industrial uses shall be limited to those items owned or used by the business.
2. Outside storage of materials for a residential development or recreational vehicle parking shall be only for recreational vehicles or personal recreation items of the owners and/or tenants. The storage area shall not be rented, subletted or leased to outside parties.

a. Subdivision Storage Areas: Outdoor storage areas that are designed as part of a new subdivision shall be reviewed as part of the preliminary plat or planned unit development application and shall meet the requirements of this article.

3. Outside storage of materials for individual residential properties shall be screened with a six-foot (6') site obscuring fence.

D. Storage Of Fuel Or Hazardous Material: For any use requiring the storage of fuel or hazardous material, the use shall be located a minimum of one thousand feet (1,000') from a hospital or school and shall not be stored in any residential district.

E. The use shall comply with the flood hazard overlay district as set forth in this title.

F. Storage space areas shall not be further rented, leased, let, or otherwise used as a commercial business.

G. Screening: Outdoor storage areas shall be screened according to the regulations of Chapter 8 of this title.

**8-5-30: STORAGE FACILITY, SELF-SERVICE:**

A. Storage units and/or storage areas shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item by a tenant from or at a self-service storage facility is specifically prohibited.

B. On site auctions of unclaimed items by the storage facility owners shall be allowed.

C. The distance between structures shall be a minimum of twenty-five feet (25').

D. The storage facility shall be completely fenced, walled, or enclosed. Where abutting a residential district or public road, chain-link shall not be allowed as fencing material.

E. If abutting a residential district, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

F. No structure, facility, drive lane, parking area, nor loading area, shall be located adjacent to a residential district without a sound attenuation wall or other sound buffering measures.

G. If the applicant provides a sound attenuation wall, landscaping buffers may be reduced to ten feet (10').

H. The facility shall have at least one additional point of access, for emergency purposes, as determined by the Star Fire District.

I. All outdoor storage of material shall be maintained in an orderly manner so as not to create a public nuisance. Materials shall not be stored within the required yards. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

J. The site shall not be used as vehicle wrecking or junk yard as herein defined.

K. For any use requiring the storage of fuel or hazardous material, the use shall be located a minimum of one thousand feet (1,000') from a hospital or school.

L. The use shall comply with the flood hazard overlay district as set forth in this title.

**8-5-31: TEMPORARY LIVING QUARTERS:**

A. Housing of Family Member: Temporary living quarters are permitted if needed to house a member of the owner's immediate family. The need for temporary living quarters for a family member shall be justified for reasons of health, employment, or upkeep on the property.

B. Temporary use during construction: Temporary living quarters may be permitted for temporary living by the owner of an existing dwelling while a new dwelling is being constructed on the same property, subject to compliance with all building and safety requirements. The temporary living quarters shall be removed prior to occupancy permit for the new dwelling.

B. Connection to Water and Wastewater Facilities: The temporary living quarters shall be connected to city services provided by the sewer and water district. Applicant shall provide the city with a letter from the sewer and water district of an estimated date when the services will be available and the agreement by applicant to pay for services. Until services are available, a letter from Central district health will be required for temporary hookup to individual water and sewer services.

C. Recreational vehicles shall not be used as a temporary living quarters.

D. One Living Quarters Permitted: No more than one temporary living quarters shall be permitted on a property.

E. Termination of Use; Removal: Temporary living quarters and any attached structures shall be removed from the property within thirty (30) days of termination of the authorized use or expiration of the approval period.

F. Term Of Approval: Temporary living quarters may be approved for a period not exceeding two (2) years. The applicant or owner may reapply biennially, not to exceed a total of six (6) years (either consecutive or nonconsecutive) after the initial approval.

**8-5-32: TERMINAL, FREIGHT OR TRUCK:**

A. The use shall be located with direct access on a principal arterial or near an interstate interchange, and with no access through residential streets.

B. No outdoor activity area shall be located within three hundred feet (300') from any residential district.

C. The use shall be located a minimum of one thousand feet (1,000') from any hospital or school.

D. Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, tire shop, garages for minor repair) may be allowed.

E. Installation of underground fuel tanks shall require written approval from the Idaho division of environmental quality, Idaho department of water resources, and the Star joint fire protection district.

**8-5-33: VEHICLE EMISSIONS TESTING:**

A. Applicant shall provide a notarized consent of the property owner.

B. Parking and access areas shall be paved.

C. Applicant shall apply for a certificate of zoning compliance (CZC), any required building department and vendor permits.

D. Signs shall be allowed on the structure and shall not exceed sixteen (16) square feet in area and must be approved with a sign permit application. Additional signs may be allowed within an existing development only if approved under a separate sign permit application by the development owner.

E. Compressors, fans, pumps and other motorized equipment shall be located or shielded to reduce noise levels to adjoining properties.

F. Adequate off-street parking shall be provided to serve the use. The use shall not remove any existing required parking for other uses on the property.

G. Hours of operation shall be between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

H. If operations occur after dark, all lighting requirements per this title shall be required.

I. Site shall remain clean and clear of trash and refuse at all times. A trash receptacle shall be present at the site of operations.

J. Vehicle emissions testing shall be limited to a structure. Vans or other vehicles shall not be allowed. The structure shall be constructed of wood with a pitched roof, painted, and kept in good condition at all times.

K. The use may be approved for up to a five (5) year period, at which time the structure and all associated items related to the use shall be removed from the property, unless a new application is submitted prior to the expiration of the use.

**8-5-34: VEHICLE IMPOUND YARD:**

A. Outside storage and outside activity areas shall comply with this title. The closed vision fence or wall and screening materials shall be a minimum of ten feet (10') in height.

B. No portion of the vehicle impound yard, outside storage areas and/or outside activity areas may be visible from any highway, interstate, gateway corridor, principal arterial, or minor arterial as herein defined.

C. All materials or parts shall be stored and located within the closed vision fence or walled area. No vehicles or materials shall be stored so they exceed the height of the fence or wall.

D. The use shall not constitute a junkyard as herein defined.

E. The use shall be located a minimum of one thousand feet (1,000') from any residential use or district.

**8-5-35: VEHICLE REPAIR, MAJOR AND MINOR:**

A. Where adjoining a residential property or district, all repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.

B. Inoperable or dismantled motor vehicles shall be stored behind a closed vision fence, wall, or screen or within an enclosed structure and shall not be visible from street.

**8-5-36: VEHICLE SALES OR RENTAL AND SERVICE:**

A. Vehicle repair may be allowed as an accessory use, subject to the standards for vehicle repair, major and minor in the district where the use is located.

B. Inoperable or dismantled motor vehicles shall be stored behind a closed vision fence, wall, or screen or within an enclosed structure and shall not be visible from any street.

**8-5-37: VEHICLE WASHING FACILITY:**

A. 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. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking.
2. The stacking lane shall not be located within ten feet (10') of any residential district or existing residence.
3. A letter from the transportation authority indicating the site plan is in compliance with the highway district standards and policies shall be required.

B. Within the industrial districts, a vehicle washing facility shall be allowed only as an accessory use to a gasoline or diesel fuel sales facility for use by non-passenger vehicles. The vehicle

washing facility shall be limited in capacity to a single vehicle. The intent is to discourage facilities that cater to passenger vehicles, in this district.

C. Any use shall be located a minimum one hundred feet (100'), or as otherwise approved, from any abutting residential use or district, and shall be limited in operating hours from six o'clock (6:00) A.M. to ten o'clock (10:00) P.M.

#### **8-5-38: VEHICLE WRECKING YARD, JUNK YARD, OR SALVAGE YARD:**

##### **LIMIT NUMBER OF VEHICLES**

A. Outside storage and outside activity areas shall comply with this title. The fence or wall and screening materials shall be a minimum of ten feet (10') in height.

B. No portion of the vehicle impound yard, outside storage areas and/or outside activity areas may be visible from any highway, interstate, principal arterial, or minor arterial.

C. All materials or parts shall be stored and located within a closed vision fence or walled area. No vehicles or materials shall be stored so they exceed the height of the fence or wall.

D. All structures or outside activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential use or district.

E. An area for processing vehicles as they are brought to the site shall be designated on a site plan. The processing area shall be an impermeable surface that has a means to collect and properly dispose of oils and fluids in the vehicles.

F. The applicant shall obtain all necessary permits for the storage of materials on the site, including, but not limited to, oil, hazardous waste, and tires.

G. No person shall establish, operate, or maintain a vehicle wrecking yard, any portion of which is within one thousand feet (1,000') of the nearest edge of the right of way and visible from any highway, interstate, principal arterial, or minor arterial as herein defined. See Idaho Code section 40-313.

#### **8-5-39: WIRELESS COMMUNICATION FACILITY:**

A. Purpose: The purpose of this section is to accommodate the communications needs of its residents and businesses while at the same time protecting the safety, aesthetic appeal and general welfare of the community. Furthermore, it is the purpose of this section to regulate the impact of communications towers within the city limits and to provide for the needs of the public and businesses for wireless communications. The intent of this section is to:

1. Facilitate the provision of wireless telecommunication services to the residents and businesses of the City of Star;
2. Minimize the adverse visual effects of communications towers and other similar structures through careful design standards;



3. Avoid potential damage to adjacent properties from the structural failure of towers and other such structures through structural standards and setback requirements; and
4. Require the collocation of new wireless communication equipment, when possible, in order to reduce the number of towers required to serve the city.

B. Applicability: The following provisions shall apply to any construction, installation, addition to or increase in the height of any wireless communications tower.

C. Process:

1. Amateur radio antennas that meet the standards as set forth in subsection E of this section shall require administrative approval.
2. Collocation of new equipment on an existing tower shall require a certificate of zoning compliance prior to installation.
3. Stealth towers and/or new antennas that meet the standards as set forth in this chapter shall require a certificate of zoning compliance prior to installation.
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.

D. Required Documentation: The applicant shall provide the following documentation with the request for approval of a wireless communication facility:

1. Documentation from a qualified and licensed engineer showing that the proposed facility will be in compliance with the FCC standards regarding radio frequency (RF) emissions.
2. A report from a qualified and licensed structural engineer that describes the tower height and design. The report shall include the following: a cross section of the tower, elevations that document the height above grade for all potential mounting positions for collocated antennas, and the minimum separation distances between antennas. The report must also include a description of the tower's capacity regarding the number and type of antennas that it can accommodate and what precautions the applicant will take to avoid interference with established public safety telecommunications. This report must be stamped by the structural engineer and include other information necessary to evaluate the request.
3. For all wireless communication facilities, a letter of intent committing the tower owner and his, her or its successors to allow the shared use of the tower, as required by this section, if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
4. A statement regarding compliance with regulations administered and enforced by the federal aviation administration (FAA).
5. Propagation charts showing existing and proposed transmission coverage at the subject site and within an area large enough to provide an understanding of why the facility needs to be in the chosen location.
6. A written analysis demonstrating that the proposed site is the most appropriate site within the immediate area. The analysis shall include, but is not limited to, the following:
  - a. Description of the surrounding area, including topography;
  - b. Natural and manmade impediments, if any, that would obstruct adequate wireless telephone transmissions;
  - c. Physical site constraints, if any, that would preclude construction of a wireless

communications facility on any other site;

d. Technical limitations of the system that limit siting options.

E. Amateur Radio Antenna Standards: Pursuant to the FCC's preemptive ruling PRB 1, towers supporting amateur radio antennas (i.e., ham radio antennas) of less than thirty-five feet (35') in height are permitted; antennas with a height in excess of thirty-five feet (35') shall require a conditional use permit. No towers or antennas shall be placed within the front, side or street side yard.

F. Stealth Tower Standards:

1. The facility shall be hidden or camouflaged.

2. The facility shall not exceed the height limitation of the district in which it is located.

G. Design Standards: All new communications towers shall meet the following minimum design standards:

1. Towers and antennas shall be required to blend into the surrounding environment by paint or other camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the federal aviation administration. All metal shall be corrosive resistant or treated to prevent corrosion.

2. All new communication towers shall be of monopole design, unless the decision-making body determines that an alternative design (i.e., lattice, guywire, etc.) would be appropriate because of location or necessity.

3. No part of any antenna, disk, array or other such item attached to a communications tower shall be permitted to overhang any part of the right of way or property line.

4. The base of all towers and the facility shall be surrounded by a sight obscuring security fence, in accord with the underlying zone.

5. All tower facilities shall include a landscape buffer. The buffer shall consist of a landscape strip of at least five feet (5') wide outside the perimeter of the compound. A minimum of fifty percent (50%) of the plant material shall be of an evergreen variety. In locations of where the visual impact of the tower is minimal, the administrator may waive this requirement through the alternative compliance procedure in accord with chapter 1, "Administration", of this title.

6. All climbing pegs within the bottom twenty feet (20') of the tower shall be removed except when the tower is being serviced.

7. All lighting on the tower, other than may be required by the FAA, shall be prohibited.

8. No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair. No signs or banners shall be attached to any portion of a wireless communications tower.

H. Setback Standards: If the tower does not exceed the maximum building height allowed for the zoning of the land upon which it is to be placed, the tower shall meet the setback requirement for that zone, with the following exceptions:

1. If the property is located next to a residential district, the setback requirements shall be one hundred twenty five percent (125%) of the height of the tower.

2. If the tower exceeds the maximum height allowance for the district, the setback requirements shall be one foot (1') for every ten feet (10') of tower height, in addition to the district's setback requirements.

3. If the tower is not constructed to meet the standards set forth by the Telecommunications Industry Association Electronic Industries Association (TIA/EIA) 222 revision F standards entitled "Structural Standards For Steel Antenna Supporting Structures" the setback requirement shall be one foot (1') for every foot in height of the tower. This shall be measured from all property lines and shall be referred to as the "fall zone". Only the accessory equipment building shall be permitted to be located within the fall zone.
4. Communication towers must be set back from all public owned right of way by a minimum of two (2) times the height of the tower to be installed. If this setback requirement is in conflict with any other setback requirement, the setback shall be the greater distance.
5. All communication towers shall be set back at least three (3) times the height of the tower from all principal arterial streets.

#### I. Collocation Standards:

1. A proposal for a new commercial communication tower shall not be approved unless the city finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower.
2. It shall be the burden of the applicant to demonstrate that the proposed tower or antenna cannot be accommodated on an existing or approved tower or structure. One or more following pieces of documentation shall be provided as proof that the new tower is necessary:
  - a. Unwillingness of other tower or facility owners to entertain shared use.
  - b. The proposed collocation of an existing tower or facility would be in violation of any state or federal law.
  - c. The planned equipment would exceed the structural capacity of existing towers, as documented by a qualified and licensed structural engineer.
3. The planned equipment would cause interference, materially impacting the usability of other existing or planned equipment on the tower as documented by a qualified and licensed engineer.
4. Existing or approved towers cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed engineer.
5. All proposed communication towers shall be designed (structurally, electrically, and in all respects) to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred ten feet (110') in height and for at least one additional user if the tower is over fifty feet (50') in height.

J. Abandoned or Unused Towers Or Portions Of Towers: All abandoned or unused towers and associated facilities shall be required to be removed within sixty (60) days of cessation of use as a wireless communication facility, unless a time extension is granted by the city council. A copy of the relevant portions of a signed lease, which requires the applicant to remove the tower and associated facilities upon cessation of the use as a wireless communication facility, shall be submitted at the time of application and resubmitted upon renewal or termination. In the event that the tower and associated facilities are not removed within the sixty (60) days, the tower and associated facilities may be removed by the city and the costs of removal assessed against the real property.

## **CHAPTER 6**

### **SUBDIVISION REGULATIONS**

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

**8-6A-1: PURPOSE:**

**8-6A-2: APPLICATIONS:**

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

**8-6A-4: FINAL PLAT PROCESS:**

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

**8-6A-6: SHORT PLAT**

**8-6A-7: REQUIRED FINDINGS:**

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

**8-8A-9: MINOR LAND DIVISION**

**8-6A-10: PROPERTY BOUNDARY ADJUSTMENT OR DIVISION:**

**8-6A-1: PURPOSE:**

The purpose of this chapter shall be to implement a general rule for the subdivision of the land in the Star city limits and the area of city impact. This chapter shall be based on the officially adopted comprehensive plan of the city and is enacted in order to promote and protect the public health, safety, comfort, convenience, prosperity, and general welfare and to achieve the following objectives:

- A. To promote the achievement of the proposals of the Star comprehensive plan;
- B. To advance the city as a self-sufficient employment and economic center;
- C. To encourage excellence and creativity in the design of all future developments and to preserve the natural beauty of Star;
- D. To encourage orderly growth and development, to avoid scattered development of land that results in:
  - 1. Lack of water supply, sewer service, drainage, transportation facilities, or otherwise essential public services; or
  - 2. Excessive expenditure of public funds for the supply of such services;
- E. To provide for desirable and appropriately located living areas and a variety of dwelling types and densities with adequate provision for sunlight, fresh air, and usable open space;
- F. To provide for the manner and form of making and filing of plats;
- G. To specify the requirements as to the extent and the manner in which:
  - 1. Roads and streets shall be created and improved;
  - 2. Water and sewer and other utility mains, piping connections, or other facilities shall be installed;
  - 3. Pedestrian pathways consistent with the comprehensive plan are to be located and designed; and
  - 4. Opportunities for future transit routes and stations are created;
- H. To protect existing surface waters throughout the city limits; and
- I. To specify the administration of the regulations of this chapter by defining the powers and duties of approval authorities.

**8-6A-2: APPLICATIONS:**

Applicants shall submit to the administrator an appropriate city application and required information listed on the application and specified within this title.

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

A. Preapplication Conference: The applicant shall complete a preapplication conference with the administrator or designee prior to submittal of an application for a preliminary plat. The purpose of this meeting is to discuss early and informally the purpose and effect of this title and the criteria and standards contained herein.

B. Neighborhood Meeting: Applicants are required to hold a neighborhood meeting, in conformance with Section 8-1A-6C to provide an opportunity for public review of the proposed project prior to the submittal of an application. The applicant shall provide a summary of the meeting, including questions and concerns of the neighbors and how the submitted application addresses those issues.

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, Any unresolved access or traffic generation issues related to ACHD/CHD4 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.

D. Required Information and Data: The contents of the preliminary plat and related information shall be in such a form as stipulated by the City Council, however, additional plans, maps or data deemed necessary by the administrator may also be required. This includes but is not limited to a preliminary grading plan and/or statement referencing future pad elevations, when areas of floodplain or steeper slopes are impacted, or excessive grade differences are proposed. The applicant shall submit to the administrator at least the following:

1. One (1) full-size copy of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated. The preliminary plat 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.
2. For hillside developments, one (1) bound copy of the preliminary engineering plans (not meant to be cross sections or detailed designs) showing streets, water, sewers, sidewalks, and other required public improvements, together with preliminary site grading, drainage and irrigation plans of the proposed subdivision. Such engineering plans shall contain sufficient information and detail to make a determination as to conformance of the proposed improvements to applicable regulations, ordinances and standards.

3. Any required traffic impact study shall be submitted and accepted by the appropriate transportation authority prior to submittal of a preliminary plat application. A hearing date before the Council shall not be scheduled until the traffic impact study has been approved and the transportation authority has issued a staff report on the development application.
4. One (1) full-size copy of a landscape plan showing all open space, common areas, amenities, street trees and development signage;
5. Additional information on the preliminary plat and separately submitted information to include the following:
  - a. The name of the proposed subdivision, as approved in advance by the Ada County Surveyors office;
  - b. The name, address, telephone and email of the applicant, developer, engineer and surveyor or drafter who prepared the preliminary plat;
  - c. The names and addresses of all adjoining property owners and recorded plats within three hundred feet (300') of the external boundaries of the land being considered for subdivision.
  - d. The land use and existing and proposed zoning of the proposed subdivision and the adjacent land;
  - e. Streets, street names, rights of ways and roadway widths, including adjoining streets or roadways;
  - f. Lot lines and blocks showing the dimensions and numbers of each, together with area of each lot in acres and square feet;
  - g. Contour lines, shown at five-foot (5') intervals where the land slope is greater than ten percent (10%) and at two-foot (2') intervals where land slope is ten percent (10%) or less, referenced to an established benchmark, including location and elevation;
  - h. Any proposed or existing utilities, including, but not limited to, power poles, storm and sanitary sewers, irrigation laterals, ditches, bridges, culverts, water mains and fire hydrants;
  - i. Any flood zone information including FEMA FIRM panels;
  - j. The legal description of the boundary of the property being subdivided with the seal of the surveyor of record;
  - k. Phasing plan showing all proposed phases of the development;
  - l. Preliminary irrigation analysis showing availability of water rights and distribution of irrigation to the lots within the proposed subdivision, or waiver request;
  - m. One (1) copy of a site report of the highest seasonal groundwater elevation prepared by a licensed engineer;
  - n. A statement on the intent of the development regarding future site grading elevations, including estimated differences between the existing and finished grades, and how many feet a site may be raised relative to the adjacent land uses;
  - o. A narrative, signed by the applicant, fully describing the proposed subdivision, including such information as number and type of uses on the lots (residential

single, two or multi-family, commercial, etc.), common lots and the proposed uses of those lots (open space, parks, playgrounds, landscaping, or other uses) and any other information deemed necessary to explain the intent of the development including how it relates to other concurrently submitted applications (annexations, rezones, PUD's, CUP's, etc.);

- p. Neighborhood meeting information including sign-in sheet, copy of meeting letter, copy of mailing labels, and detailed summary of neighbor questions and concerns and how the development has been designed to address those concerns;
  - q. A vicinity map showing the relationship of the proposed plat to the surrounding area (1/2-mile radius);
  - r. Deeds, affidavit of legal interest, address labels, postal service location approval, ACHD/CHD4/ITD traffic study review status, electronic copies, or any other required information deemed necessary by the administrator to allow for proper review of the application;
  - s. A conceptual site plan shall be submitted for any non-residential developments showing building locations, parking and loading areas, traffic access drives and traffic circulation and trash enclosure locations;
  - t. Any additional required information for special area of developments including, but not limited to hillsides, wetlands or as further specified in this Title.
  - u. Building elevations for all residential uses shall be submitted with the application and will be included as part of any development agreement and/or condition of approval.
  - v. Electronic file of all application materials in original .pdf format shall be submitted with the application on a thumb drive.
6. Additional information in the application as determined by the administrator may include the following:
- a. Building elevations, non-residential uses, clubhouses, well houses, or other elevations deemed necessary to assist the Council in their decision regarding a development;
  - b. Colored site plan and renderings of a subdivision detailing residential lot locations, open space and common areas, buffers, roadways, waterways and irrigation ditches, fencing, signs and landscaping.

E. Acceptance: Upon receipt of the preliminary plat, payment of all associated application fees, and compliance with all other requirements as provided for herein, the administrator shall certify the application as complete and shall affix the date of acceptance.

F. Decision: A decision on a preliminary plat for a parcel of land is made by the City Council after receiving a recommendation from the administrator and a public hearing is held.

#### **8-6A-4: FINAL PLAT PROCESS:**

A. Application Requirements: After the approval or conditional approval of the preliminary plat, the applicant may cause the total parcel, or any part thereof, to be surveyed and a final plat prepared in accord with the approved preliminary plat. An application and fees shall be submitted to the administrator on forms provided by the City.



B. Contents of Final Plat: The final plat shall include and be in compliance with all items required under Idaho Code section 50-1301 et seq. The final plat submittal shall include at least:

1. A written application for approval of such final plat as stipulated by the council;
2. Proof of current ownership of the real property included in the proposed final plat and consent of recorded owners of the plat;
3. Such other information as the administrator or designee and/or city engineer may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat;
4. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof;
5. Conformance with all requirements and provisions of this title;
6. Conformance with acceptable engineering, architectural and surveying practices and local standards including those set forth in Section 8-4A-11; and
7. Proposed drainage and stormwater, grading, and irrigation plans and associated reports shall be submitted with the final plat application. No site improvements of any kind shall commence until City Engineer approval of civil plans.
8. The final plat application shall provide draft CC&R's that include, but not be limited to, information relating to setbacks, fencing, private street maintenance information, and any other information required by the City through an approved Development Agreement and/or conditions of approval of the preliminary and final plat. A statement of where the specific information is within the draft document shall be provided at the time of application.

C. Administrator Review:

1. Acceptance: Upon receipt of the final plat, and compliance with all other requirements as provided for herein, the administrator shall certify the application as complete and shall affix the date of acceptance.
2. Substantial Compliance:
  - a. The administrator or designee shall review the final plat for substantial compliance with the approved or conditionally approved preliminary plat. The final plat shall be determined in substantial compliance with the preliminary plat, notwithstanding the following changes:
    - (1) The number of buildable lots is the same or fewer;
    - (2) The amount of common open space has been increased or is the same;
    - (3) The amount of open space is relocated with no reduction in the total amount;
    - (4) The number of open space lots has been increased or is the same; or
    - (5) The transportation authority has required minor changes, including updated street and/or sidewalk widths or standards.
3. Not in Substantial Compliance: If the administrator determines that there is substantial difference in the final plat than that which was approved as part of the original ~~a~~ preliminary plat process, the intent of the development, or conditions that have not been met, the administrator may require that a new preliminary plat be submitted to the city.

D. Decision on Final Plat: Decision on the final plat is made by the City Council.

E. Recording of The Final Plat: Upon approval or approval with conditions by the council and signature of the city clerk and city engineer, the applicant may submit the final plat to the county

recorder for recording. The final plat shall contain the certifications required under Idaho Code section 50-1301 et seq., as well as those required by the city of Star.

#### **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
3. No major special development considerations are involved, such as development in a floodplain or hillside development.

B. Preapplication Conference: The applicant shall complete a preapplication conference with the administrator prior to submittal of an application for a combined preliminary and final plat. The purpose of this meeting is to discuss early and informally the purpose and effect of this title and the criteria and standards contained herein.

C. Neighborhood Meeting: Applicants are required to hold a neighborhood meeting, in conformance with Section 8-1A-6C, to provide an opportunity for public review of the proposed project prior to the submittal of an application. The applicant shall provide a summary of the meeting, including questions and concerns of the neighbors and how the submitted application addresses those issues.

D. Application Requirements: Applications and fees, in accord with subsection 8-6A-3 of this article shall be submitted.

E. Contents of Final Plat: The final plat shall include all items required in subsection 8-6A-4B of this article or any additional items required by the Administrator.

F. Decision: A decision on a combined preliminary and final plat is made by the city council.

#### **8-6A-6: SHORT PLAT PROCESS:**

A. Applicability: A subdivision application for a short plat may be processed provided that it meets all of the following conditions:

1. The property is an original lot in a recorded subdivision;
2. The property is not the result of a previous short plat of a lot and/or the property is not the result of an approved parcel division by Ada or Canyon County Development Services;
3. The proposed subdivision does not exceed a total of two (2) lots on a previously platted property or parcel of land;
4. No new public street dedication, or new proposed private street, excluding widening of an existing street, is involved;

5. There are no impacts on the health, safety or general welfare of the city, and the subdivision is in the best interest of the city.

B. Preapplication Conference: The applicant shall complete a preapplication conference with the administrator prior to submittal of an application for a combined preliminary and final plat. The purpose of this meeting is to discuss early and informally the purpose and effect of this title and the criteria and standards contained herein.

C. Application Requirements: Applications and fees, in accord with subsection 8-6A-3C, 8-6A-3D and 8-6A-4 of this article shall be submitted.

D. Final Approval Notice: Upon determination by the administrator that the short plat is in conformance with this article, a final approval letter shall be issued.

E. Time Limit and Completion of Tasks: Upon tentative approval of the application by the administrator, subject to any applicable conditions of approval and the regulations of this title, the applicant or owner shall have one year to complete the following tasks:

- a. Cause the property to be surveyed and a record of survey recorded;
- b. Execute and record the necessary deeds to accomplish the property boundary adjustments as approved;
- c. Obtain new tax parcel numbers and street addresses from the county assessor; and
- d. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the administrator.

F. A condominium plat application for any number of lots for property in any district shall be processed as a short plat where all buildings are constructed or have received building permits for construction. A condominium plat amendment for interior alterations or modifications shall be exempt from further review.

#### **8-6A-7: REQUIRED FINDINGS:**

In consideration of a preliminary plat or combined preliminary and final plat, the decision-making body shall make the following findings:

- A. The plat is in conformance with the comprehensive plan;
- B. Public services are available or can be made available and are adequate to accommodate the proposed development;
- C. There is public financial capability of supporting services for the proposed development;
- D. The development will not be detrimental to the public health, safety or general welfare; and
- E. The development preserves significant natural, scenic or historic features.

#### **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.

B. Phased Development: In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of eighteen (18) months, may be considered for final approval without resubmission for preliminary plat 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.

#### **8-6A-9: MINOR LAND DIVISION PROCESS:**

A. Purpose: The purpose of the minor land division process is to allow the creation of up to four buildable parcels without being subject to the procedural provisions of the Preliminary and Final Plat regulations of this title. A Record of Survey, application and the appropriate fees are required for a minor land division of a lot, tract or parcel of land.

B. Applicability: A minor land division must meet the following conditions:

1. These regulations apply to all existing lots and parcels in Star city limits of record, as it exists in its original configuration in the City of Star after December 12, 1997, or a lot as it exists in an approved subdivision after December 12, 1997. It shall be the responsibility of the applicant to provide proper proof to the administrator showing eligibility for this property division.
2. The existing zoning designation of the property allows for the proposed density associated with the minor land division. A residential property that needs a rezone or annexation does not qualify. Properties annexed into the City or rezoned without a preliminary plat shall not qualify for a future minor land division.
3. No minor land division shall create more than 4 new parcels;
4. No property involved in a minor land division shall be involved in a subsequent

- minor land division;
5. Wet line sewer and central water lines must be currently located adjacent to or within the public right-of-way that abuts the parcel to be divided. This shall not apply to proposed parcels greater than one-acre in size that utilize an individual septic system, provided that appropriate Health District and Star Sewer and Water District approvals are provided or conditioned as part of the approval;
  6. No new public street dedication, excluding widening of an existing street, is involved. Private streets meeting the standards of subsection 8-4D-3, and common/shared driveways with Fire District approval may be permitted;
  7. No new public utility lines shall be extended within the public right-of-way to the property involved in the minor land division;
  8. All resulting parcels must conform to the minimum requirements of all existing land use regulations including the adopted Unified Development Code;
  9. If any of the following conditions are present, a subdivision application and/or rezone application shall be required.
    - A. Dividing a lot in an existing subdivision that has already maximized the density of the existing zoning designation, violates a Development Agreement condition for maximum number of lots, or removes required open space and/or amenities;
    - B. The possibility for public or private streets that would provide greater connectivity to the area, as determined by the Administrator;
    - C. Creating lots that will have incompatible setbacks to surrounding parcels, as determined by the Administrator (i.e., side yards adjacent to rear yards);
    - D. The creation of multiple driveway access points on a collector or arterial roadway when a public or private street could avoid the situation;
    - E. Creating a larger remnant parcel that could otherwise be included in an overall subdivision; and
    - F. New property lines configured in a way that could create future setback or access issues.
  10. All existing buildings to remain shall meet applicable zoning requirements regarding allowed uses and parking shall comply with all requirements of the existing zone. Additionally, the following shall apply:
    - A. Any setback that was legally non-conforming prior to the minor land division may remain as a legal non-conforming setback, provided that the legal non-conforming setback is not altered by the minor land division, and that all new buildings and additions meet the current zoning setback requirements;
    - B. Any building not meeting the required setback that is to be partially or completely demolished or moved shall either be demolished or moved prior to the final approval of the minor land division;
    - C. Special setbacks, as allowed for in Section 8-3A-4 of this Title, shall be clearly illustrated on the recorded record of survey;
    - D. Any existing structures shall connect to public water and sewer lines prior to final approval of the minor land division, unless otherwise allowed in this section;
    - E. If required parking is provided by means of a permanent shared-parking agreement, a note on the face of the survey must list the total required and

provided parking for all parcels to which the shared parking provisions of the shared-parking agreement applies;

- F. When a utility crosses land being divided, a utility easement shall be provided and indicated on the Record of Survey. If an easement is located in a proposed permanent structure construction area, the easement shall be vacated prior to the Administrators final approval of the minor land division; and
- G. All new parcels that abut the public right-of-way shall be improved with sidewalk, curb and gutter per the Transportation Authority requirements, and, if applicable, a paved driveway apron that extends to the edge of street pavement will be required. All right-of-way improvements, license agreements, and/or bonding shall be completed prior to the Administrators final approval of the minor land division.

C. Process:

- a. Application: An application and fees shall be submitted to the administrator on forms provided by the planning department.
- b. Preapplication Conference: The applicant shall complete a preapplication conference with the administrator prior to submittal of an application for a minor land division. The purpose of this meeting is to discuss early and informally the purpose and effect of this title and the criteria and standards contained herein.
- c. Final Approval Notice: Upon determination by the administrator that the minor land division is in conformance with this article, a final approval letter shall be issued.
- d. Time Limit and Completion of Tasks: Upon tentative approval of the application by the administrator, subject to any applicable conditions of approval and the regulations of this title, the applicant or owner shall have one year to complete the following tasks:
  - i. Cause the property to be surveyed and a record of survey recorded;
  - ii. Execute and record the necessary deeds to accomplish the property boundary adjustments as approved;
  - iii. Obtain new tax parcel numbers and street addresses from the county assessor; and
  - iv. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the administrator.

**8-6A-10: PROPERTY BOUNDARY ADJUSTMENT OR DIVISION:**

- A. Purpose: The purpose of these regulations is to allow for the adjustment of property lines between existing properties, to allow for the reduction in the number of buildable lots, or to allow the creation of an additional parcel from an original parcel of record for the transfer of ownership or development.
- B. Applicability: These regulations apply to all existing lots and parcels in Star city limits. For a property division, any original parcel, or lot of record, as it exists in its original configuration in the City of Star after December 12, 1997, or a County parcel of record that is

being annexed into the City of Star, and is not the result of a previous property division in the County, may be eligible for one (1) administrative property division provided that both new parcels meet the current zoning and dimensional standards of this title. It shall be the responsibility of the applicant to provide proper proof to the administrator showing eligibility for this property division.

C. Process:

1. Application: An application and fees shall be submitted to the administrator on forms provided by the planning department.
2. Time Limit on Completion of Tasks: Upon tentative approval of the application by the administrator, subject to any applicable conditions of approval and the regulations of this title, the applicant or owner shall have one year to complete the following tasks:
  - a. Cause the property to be surveyed and a record of survey recorded;
  - b. Execute and record the deeds to accomplish the property boundary adjustments as approved;
  - c. Obtain new tax parcel numbers and street addresses from the county assessor; and
  - d. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the administrator.
3. Final Approval Notice: Upon determination by the administrator that the final property boundary adjustment or division is in conformance with this article, a final acceptance letter shall be issued.

D. Standards:

1. A property boundary adjustment or division shall not reduce the property sizes below the minimum dimensional standards prescribed by this title; or if one or more of the properties is nonconforming as to the minimum dimensional standards prescribed by this title, the property boundary adjustment shall not increase the nonconformity.
  - a. A property boundary adjustment shall not increase the original number of properties but may decrease the original number of properties.
  - b. A property boundary adjustment or division shall not change or move any public streets or publicly dedicated areas in any manner.
  - c. A property boundary adjustment or division does not vacate the platted lot lines or easements of a recorded subdivision. Any private or public easement may be vacated in accord with the requirements of this title.
  - d. If a new lot or parcel is created as part of a property division, both lots or parcels shall be subject to the requirement of connection to municipal services, if available, and shall be subject to additional improvements as determined by the administrator and subject to this title, including but not limited to sidewalks and paved driveways.

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

**8-6B-1: APPLICABILITY:**

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

**8-6B-3: DEVELOPER'S RESPONSIBILITY:**

**8-6B-1: APPLICABILITY:**

A. All plats submitted in accord with the provisions of this chapter, and all subdivisions, improvements and facilities done, constructed or made in accord with said provisions shall comply with the minimum design standards set forth in this article provided, however, that any higher standards adopted by any transportation or health authority shall otherwise prevail.

B. It shall be the responsibility and liability of every applicant, and the owner of the land being subdivided, to construct and install every improvement shown on the plat of the subdivision, represented to be included in the subdivision at any presentation before the city council, and all improvements required by the ordinances of the city specifically including the requirements of this article, and this responsibility and liability shall be personal to the developer and the owner and shall also run with the land, and this responsibility and liability shall be shown on the plat of the subdivision.

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

A. Compliance with all Applicable Requirements: The plat shall comply with all applicable requirements as set forth in this title.

B. Streets:

1. Dedication: Within a proposed subdivision, arterial and collector streets as shown on the comprehensive plan shall be dedicated to the public in all cases; in general, all other streets shall also be dedicated to public use.

2. Street Specifications: The design, location, and widths of all street and street intersections shall comply with the requirements of the transportation authority and Fire District, unless alternative standards are adopted by the city of Star. Public and private street widths shall be a minimum of thirty-six feet (36') unless specifically approved by Council.

3. Street Names: The naming of streets shall conform to the requirements of the county street naming committee, with the following exceptions:

a. The street name shall generally comply with this subsection.

b. Street names shall not duplicate any existing street name within the county, except where a new street is a continuation of an existing street.

c. Street names that may be spelled differently but sound the same as existing streets shall not be used.

d. All new streets shall be named as follows: streets having predominantly north-south direction shall be named "Avenue" or "Road"; streets having a predominantly east-west direction shall be named "Street" or "Way"; meandering streets shall be named "Drive", "Terrace", "Path", or "Trail"; and cul-de-sacs shall be named "Circle", "Court", and "Place". Private streets shall be named "Lane".

e. For streets that provide primary access to a subdivision or neighborhood and that align with an existing or planned street across an intersection that is not part of the same subdivision or neighborhood, the street name shall not duplicate the name of the subdivision or neighborhood.

f. Proposed streets which are a continuation of an existing street shall be given the same name as the existing street.

g. Street name signs shall be installed in the appropriate locations at each street intersection.

4. Cul-De-Sacs: No street that ends in a cul-de-sac or a dead end shall be longer than seven hundred fifty feet (750').



5. Alleys: All alleys shall be approved by the Fire District and shall have a minimum of twenty-foot (20') right of way and shall be paved, unless otherwise required.

6. Coving: Coving, or meandering design of roadways shall be encouraged, where reasonable, to provide a unique feel to a neighborhood versus a standard grid roadway system. The grid system may also be utilized where appropriate to provide for a variety of street designs within the overall project.

C. Driveways: All driveway openings in curbs shall comply with the requirements of the authorized transportation authority.

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.

2. For commercial or other non-residential uses, common driveways serving multiple structures and/or properties shall meet the requirements of the Fire District.

3. Width Standards: Common driveways shall be a minimum of twenty-eight feet (28') in width.

4. Maximum Length: Common driveways shall be a maximum of one hundred fifty feet (150') in length or less, unless otherwise approved by the fire district.

5. Improvement Standards: Common driveways shall be paved with a surface capable of supporting emergency services vehicles and equipment.

6. Abutting Properties: Unless limited by significant geographical features, all properties that abut a common driveway shall take access from the driveway.

7. Turning Radius: Common driveways shall be straight or provide a twenty-eight foot (28') inside and fifty foot (50') outside turning radius.

8. Depictions: For any plats using a common driveway, the setbacks, building envelope, and orientation of the lots and structures shall be shown on the preliminary and/or final plat.

9. Easement: A perpetual ingress/egress easement shall be filed with the county recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment.

E. Easements:

1. Utility easements shall be provided along front lot lines, rear lot lines and side lot lines when deemed necessary by the city engineer or designee.

2. Total easement width shall not be less than ten feet (10').

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/CHD4 approved remedy. Remedies include traffic calming and/or waiver from City Council for the lengths.

G. Reserve Strips: Privately held reserve strips or "spite strips" controlling access from adjacent lands to public streets shall be prohibited.

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.

I. Pathway easements shall be open to the public.

J. Pathway easements shall be required along the Boise river as shown within the comprehensive plan and shall be open to the public.

**8-6B-3: DEVELOPER'S RESPONSIBILITY:**

The developer has the responsibility of maintaining the subdivision property until such time that the subdivision is turned over to a homeowner or business owner association. The following are requirements of the developer:

A. Keep property weed abated at all times. At no time shall weeds exceed a height of 12" in height.

B. Mitigate dust throughout all development stages of the subdivision. Water trucks shall be on-site and in operation at all times during site earthwork activities.

C. Maintain the site for debris daily and prevent wind-blown debris.

D. All trash receptacles and construction site garbage bins shall be emptied on a regular basis and not left over-flowing.

E. Clean up of any mud and/or dirt that is deposited from construction onto streets daily.

F. Streets within the development shall be swept and cleaned weekly, or as needed.

G. Coordinate with the United States Postal Service for the best location of mail receptacles. The mail receptacle shall not be placed in the vision triangle.

H. Provide the city with GIS locations of all streetlights and irrigation facilities.

I. Provide a construction sign, to be located at all entrances to a development, indicating the rules for all sub-contractors to follow from the first day of grading of the site through to sale of homes. This sign should include, but not be limited to, dust, music, dogs, site debris, mud, and starting/stopping hours for contractors (7 a.m. starting time). Sign is subject to approval by the administrator prior to installation.

J. Homeowners Associations. The developer is required to establish a homeowner association in any development that has common maintenance or ownership of utilities, recreation areas, landscaping, etc. The Covenants, Conditions and Restrictions established for the homeowner association shall include a provision allowing the homeowner association to amend the controlling documents (CC&Rs, architectural control guidelines and bylaws) by simple majority vote of the members of the association after all lots in the subdivision have been sold by the developer.

1. This one-time amendment may occur at the first annual meeting following the sale of the last building lot owned by the developer.
2. The new document shall be recorded in the county records and shall be distributed to every owner in the association.
3. CC&Rs and bylaws amended using this reduced majority, shall not be used to:
  - a. Introduce or alter a system of fines for homeowner non-compliance, unless to remove an existing system of fines.
  - b. Attempt to control parking on public roads or property that is not wholly owned by the HOA.
  - c. Permanently reduce the supermajority required for changing the CC&Rs and bylaws below sixty percent (60%).
  - d. Restrict the use of private property beyond the restrictions contained in the Star City Code or in the original CC&Rs, including all forms of renting and leasing.
  - e. Remove or otherwise alter plans or conditions approved by the City, including but not limited to landscaping, required open space, amenities, setbacks and other design and dimensional standards as approved by Council.
  - f. Any of the above may be accomplished using the supermajority as described in the original bylaws.

**K. FIRE HYDRANTS:** All fire hydrants, once installed, shall have orange temporary construction fencing placed around the hydrant no less than 3 feet in circumference from top of hydrant and open on the front (See picture below). The fencing shall remain unobstructed twenty-four (24) hours a day, seven days a week. This fence shall remain in place until all construction activities are completed within 100 feet of the hydrant. There shall also be no obstructions within 15 feet, including parking, placement of porta-potties, construction materials, construction trash boxes or any other objects that may encumber access to the hydrant, including weeds.

FIGURE 8-6B-3(a)  
HYDRANT FENCING



**L. WATER METERS:** All water meters should have their lids on and secured at all times. There shall also be no obstructions within 15 feet, including parking, placement of porta-potties, construction materials, construction trash boxes or any other objects that may encumber access to the meter, including weeds.

**M. BURNING/OPEN FIRES:** Outdoor burning at construction sites shall follow the city ordinance for outdoor burning. The outdoor burn line should be notified before the commencement of any burning. All burns shall follow City Municipal Code (3-3-1 thru 3-3-6). Burning is only allowed between the hours of 8:00 AM to sunset.

## **Chapter 7**

### **PLANNED UNIT DEVELOPMENTS**

**8-7-1: PURPOSE:**

**8-7-2: APPLICABILITY:**

**8-7-3: PROCESS:**

**8-7-4: STANDARDS:**

**8-7-5: REQUIRED FINDINGS:**

**8-7-6: TIME LIMITATIONS:**

**8-7-7: MODIFICATIONS:**

**8-7-1: PURPOSE:**

A. The purpose of the planned unit development (PUD) requirements is to provide an opportunity for exemplary site development that meets the following objectives:

1. Preserves natural, scenic and historic features of major importance;
2. Allows for innovative design that creates visually pleasing and cohesive patterns of development; and
3. Creates functionally integrated development that allows for a more efficient and cost-effective provision of public services.
4. Master planning of large acreages that include of variety of residential and commercial uses within one development.

B. It is not the intent that the PUD process be used solely for the purposes of deviation from the dimensional standards in the district, however deviations from dimensional and other standards within this title, may be approved for portions of the development by the council if the PUD incorporates design features that add to the overall design and quality of the proposed development. By allowing dimensional standard deviations in portions of the development, exceptions in land uses allowed and pre-approvals of specific uses as conditions of approval within the PUD application process, the City expects in return a unique development that provides upgraded open space and amenities, mixed uses, multiple residential styles and superior site design.

**8-7-2: APPLICABILITY:**

A planned unit development can be developed in any district. A PUD must have both commercial and a variety of residential components in order to qualify.

**8-7-3: PROCESS:**

A. Preapplication Meeting: The applicant shall complete a preapplication conference with the administrator or designee prior to submittal of an application for a planned unit development. The meeting should be held well in advance of the preparation of the planned unit development application, and before a neighborhood meeting is scheduled. A draft site plan and preliminary plat map (if required) shall be provided to staff at the meeting.

B. Application Requirements: An application, map requirements, and fees, shall be submitted to the administrator.

1. At the discretion of the administrator, designee 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, floodplain, cemetery, manufactured home parks, or hazardous or unique areas of development. Phasing plans shall be included in the application if the project is to be phased.

2. A site amenity plan shall be provided with the planned unit development application.

C. Concurrent Review: Concurrent review of other applications may be required as determined by the administrator. In cases where subdivision platting would be necessary, concurrent review of preliminary plat is required.

D. Public Hearing Requirements: All planned unit development applications shall comply with the public notice and hearing procedures contained within this title.

#### **8-7-4: STANDARDS:**

The council may approve planned unit developments, in accord with the following standards:

##### A. General Use Standards:

1. Deviations from Underlying District Requirements: Deviations from dimensional and other standards within this title, may be approved by the council if the PUD incorporates design features that add to the overall design and quality of the proposed development. The exception is that along the periphery of the planned development, the applicable setbacks as established by the district shall not be reduced. Internal setback deviations may be considered by Council with approval from the Fire District, when emergency concerns are addressed. Examples for considerations may include, but are not limited to, alley-loaded homes providing multiple access points, and/or fire sprinkled homes.

2. Allowed Uses: Applicant may request that specific conditional use(s) be allowed in the district as principal permitted use(s) and up to twenty-five percent (25%) of non-permitted uses be allowed as permitted uses if the council finds that compatibility within the PUD, compatibility with adjacent uses and compliance with the intent of the comprehensive plan is provided. It is at the sole discretion of the Council to approve non-permitted uses within the development, including the maximum amount of those non-permitted uses.

3. Private Streets and Service Drives: The uses within the planned unit development are interconnected through a system of roadways and/or pathways as appropriate. Private streets and service drives may be permitted, if designed and constructed to the transportation authority standards and in accord with this title. The approval of private streets shall not prevent access and/or interconnectivity to adjacent properties or otherwise create unreasonable development opportunities.

4. Buildings Clustered: Buildings shall be clustered where practical to preserve scenic or environmentally sensitive areas in the natural state, or to consolidate small open spaces into larger, more usable areas for common use and enjoyment.

5. Density Bonus: A residential density bonus may be given for dedications of land for public use such as school, park, fire station or recreational facility provided to the public entity by donation or at a cost less than, or equal to, the applicant's predevelopment cost for that land. The bonus shall be proportional to the amount of land being dedicated. For example, if ten (10) percent of the total property is being donated, the density bonus shall be ten (10) percent. However, in no case shall the bonus exceed twenty-five (25) percent of the units permitted by

the district.

B. Private Open Space: In addition to the common open space and site amenity requirements of this title, a minimum of eighty (80) square feet of additional, private, usable open space shall be provided for each residential unit not planned as single-family detached. This requirement can be satisfied through porches, patios, decks, and enclosed yards. Landscaping, entryway and other accessways do not count toward this requirement.

C. Residential Use Standards:

1. Housing Types: A variety of housing types may be included within a single planned development, such as attached units (townhouses, duplexes), detached units (patio homes), single-family and multi-family units, regardless of the district classification of the site, provided that the overall density limit of the district is maintained. A minimum of two (2) housing types shall be provided for all PUD's.

D. Infill Planned Developments: Properties of five (5) acres or less within the city of Star, that are located in areas already substantially developed (at least 80 percent of the land area within 300 feet of the boundaries of the parcel) and where water, sewer, streets, schools and fire protection have already been developed and are provided. Upon recommendation of the administrator, the council may approve exceptions to other sections of this title as an incentive for infill development, including, but not limited to the following:

1. The council may allow up to a twenty five percent (25%) increase in the density permitted for the district in which the site is located. It is at the sole discretion of the Council to approve the maximum density bonus requested. Density bonuses shall not be allowed in the CBD.
2. The council may also waive or modify open space and amenity requirements set forth in this section depending on the size and scale of the planned development and proximity to public open space, pathways or greenbelts.

E. Conditions, Bonds and Safeguards: In approving the planned unit development, the council may prescribe appropriate conditions, additional conditions, bonds, and safeguards in conformity with this title that:

1. Minimize adverse impact of the use on other property.
2. Control the sequence and timing, or phasing, of the uses.
3. Control the duration of the use. Assure that the use and the property in which the use is located is maintained properly.
4. Designate the exact location and nature of the use and the property development.
5. Require the provision for on site or off-site public facilities or services.
6. Require more restrictive standards than those generally required in this title.
7. Require mitigation of adverse impacts of the proposed development upon service delivery by any political subdivision, including school districts, which provides services within the city.

#### **8-7-5: REQUIRED FINDINGS:**

Upon recommendation from the administrator, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant a planned development

request, the council shall make the following findings:

A. The planned unit development demonstrates exceptional high quality in site design through the provision of cohesive, continuous, visually related and functionally linked patterns of development, street and pathway layout, and building design.

B. The planned unit development preserves the significant natural, scenic and/or historic features.

C. The arrangement of uses and/or structures in the development does not cause damage, hazard, or nuisance to persons or property in the vicinity.

D. The internal street, bike and pedestrian circulation system is designed for the efficient and safe flow of vehicles, bicyclists and pedestrians without having a disruptive influence upon the activities and functions contained within the development, nor place an undue burden upon existing transportation and other public services in the surrounding area.

E. Community facilities, such as a park, recreational, and dedicated open space areas are functionally related and accessible to all dwelling units via pedestrian and/or bicycle pathways.

F. The proposal complies with the density and use standards requirements in accord with this title.

G. The amenities provided are appropriate in number and scale to the proposed development.

H. The planned unit development is in conformance with the comprehensive plan.

**8-7-6: TIME LIMITATIONS:**

The time limitations and extensions as set forth for conditional uses within this title shall also apply to planned unit developments.

**8-7-7: MODIFICATIONS:**

The modification provisions as set forth for conditional uses within this title shall also apply to planned unit developments.

**CHAPTER 8**

**DESIGN AND DEVELOPMENT STANDARDS**



## ARTICLE A. SIGN STANDARDS

### **8-8A-1: PURPOSE:**

### **8-8A-2: APPLICABILITY:**

### **8-8A-3: CONFLICT WITH ORDINANCES, LAWS, RULES AND REGULATIONS:**

### **8-8A-4: ADMINISTRATION AND INTERPRETATION:**

### **8-8A-5: DEFINITIONS:**

### **8-8A-6: GENERAL SIGN REQUIREMENTS:**

### **8-8A-7: SIGNS EXEMPT FROM THIS CHAPTER:**

### **8-8A-8: SIGNS NOT REQUIRING PERMITS:**

### **8-8A-9: SIGNS WITHIN THE HISTORIC OVERLAY CBD ZONING DISTRICT:**

### **8-8A-10: VISUAL ELEMENTS PROHIBITED:**

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

### **8-8A-12: PERMIT PROCESS AND PROCEDURES:**

### **8-8A-13: NONCONFORMING SIGNS:**

### **8-8A-14: VIOLATIONS, ENFORCEMENT, PENALTIES:**

### **8-8A-1: PURPOSE:**

The purposes of this chapter are:

- A. To encourage the effective use of signs as a means of communication in the city of Star, Idaho;
- B. To maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;
- C. To improve pedestrian and traffic safety;
- D. To minimize the possible adverse effect of signs on nearby public and private property; and
- E. To enable the fair and consistent enforcement of these sign regulations.

### **8-8A-2: APPLICABILITY:**

A sign may be erected, placed, established, painted, created, or maintained in the city only in conformance with the standards, procedures, exemptions and other requirements of this chapter. The effect of this chapter as more specifically set forth herein is:

- A. To establish a permit system to allow a variety of types of signs in commercial and industrial areas and a limited variety of signs in residential areas, subject to the standards and the permit procedures of this chapter;
- B. To allow certain types of signs which include: small, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this chapter, without the requirements of a permit;

- C. To prohibit all signs not expressly permitted by this chapter;
- D. To establish a reasonable permit fee; and
- E. To provide for the enforcement of the provisions of this chapter.

**8-8A-3: CONFLICT WITH ORDINANCES, LAWS, RULES AND REGULATIONS:**

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare. In case of conflict between this chapter or any part thereof, and the whole or part of any existing or future local, state, or federal ordinance, law, regulation, or rule, or the whole or part of any existing or future private covenant or deeds, the most restrictive requirement shall apply.

**8-8A-4: ADMINISTRATION AND INTERPRETATION:**

- A. Administration: The administrator or designee for the city of Star is charged with the implementation, administration, and enforcement of this chapter interpretation. In certain unique circumstances, the administrator may make interpretation and decisions regarding vagueness within this chapter.
- B. Interpretation: The decision of the administrator shall be valid in areas of interpretation and vagueness. Appeal of decisions of the administrator shall be made to the Star city council.

**8-8A-5: DEFINITIONS:**

Certain terms are defined for the purposes of this chapter. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

**ADDRESS:** The numeric reference of a use or building to a street name.

**ANIMATED SIGN:** Any sign which is designated and constructed to give its message through a sequence or progressive changes or parts or lights or degree of lighting, such as an electronic reader board. Animated signs are allowed only for municipalities and public school for the purpose of announcements to the community. All other animated signs are prohibited in all zoning districts.

**AREA OF SIGN:** See definition of Sign Area.

**ATTACHED SIGN:** See definition of Building Sign.

**ILLUSTRATION 8-8A-5(a)**  
**ATTACHED SIGN**

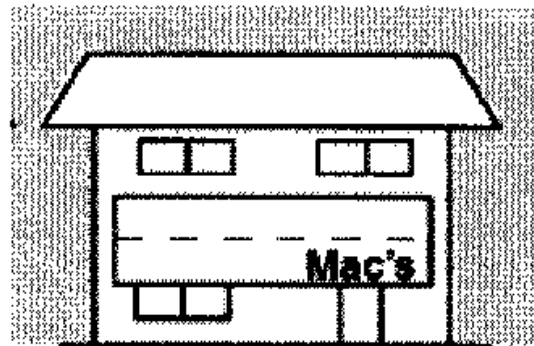
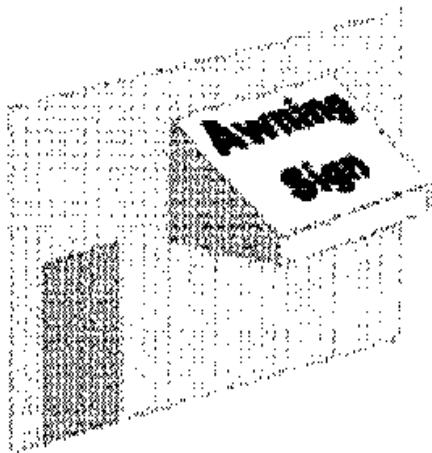


**AWNING:** A shelter projecting from and supported by the exterior wall of a building.

**AWNING SIGN:** A sign painted on, printed on, or attached flat against the surface of an awning.

ILLUSTRATION 8-8A-5(b)

AWNING SIGN

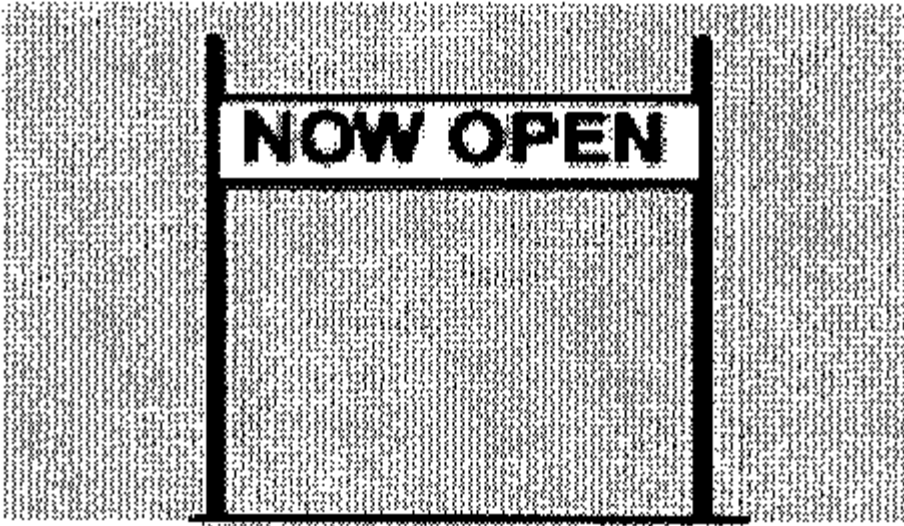


**Awning Sign**

**BANNER:** A temporary sign made of cloth, plastic, or other soft material.

ILLUSTRATION 8-8A-5(c)

BANNER SIGN



## **Banner**

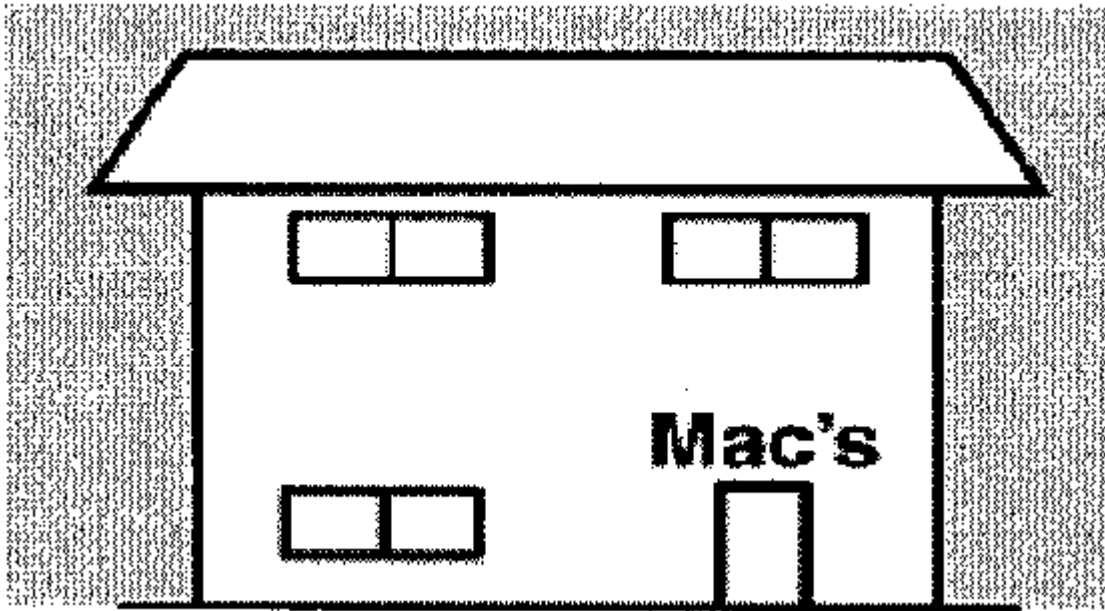
**BENCH SIGN:** A sign painted on, attached to, or affixed to any portion of a bench or seating area at bus stops or other such pedestrian areas.

**BILLBOARD SIGNS:** Any off site sign, available for rent, on a permanent structure on which the copy is periodically changed and which is not located on the premises to which such advertising copy pertains.

**BUILDING CANOPY:** A rigid multisided structure covered with fabric, metal or other material, supported by a building at one or more points and by columns or posts at the other points, and either internally or externally illuminated.

**BUILDING SIGN:** A permanent sign which is connected to, painted on, attached to, or otherwise affixed to a building and includes, but is not limited to, a wall, facade, building canopy, projecting, attached, or awning signs.

ILLUSTRATION 8-8A-5(d)  
BUILDING SIGN



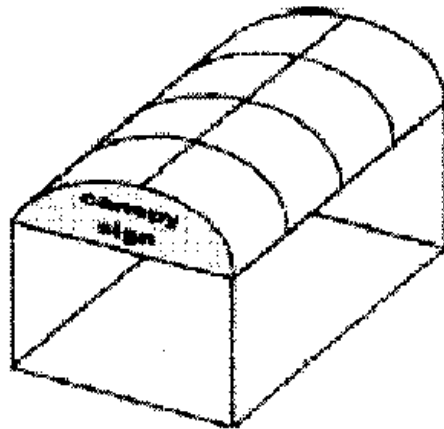
CANOPY, BUILDING: See definition of Building Canopy.

CANOPY, FREESTANDING: See definition of Freestanding Canopy.

CANOPY SIGN: A sign painted on, printed on, or attached flat against the surface of a canopy.

ILLUSTRATION 8-8A-5(e)

CANOPY SIGN



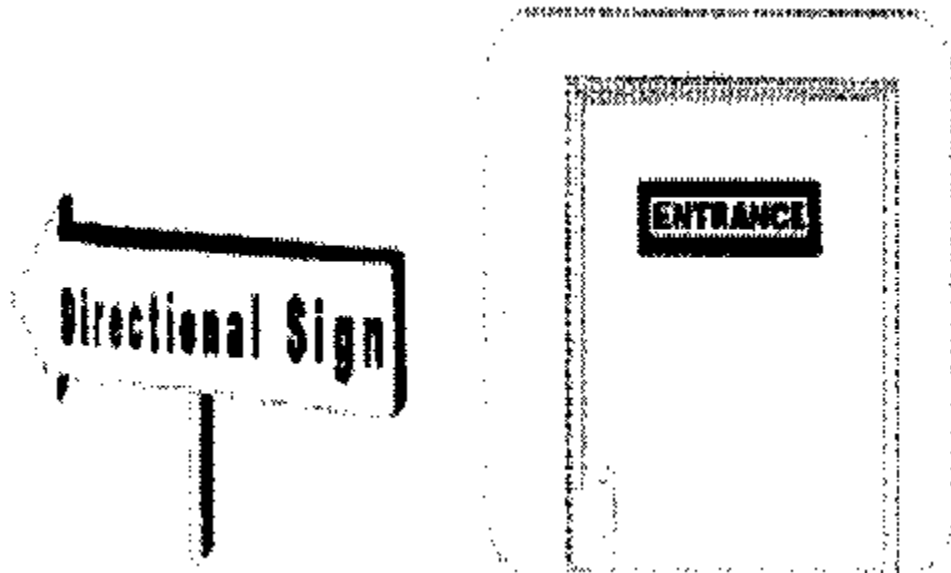
CHANGEABLE COPY SIGN: A sign or portion thereof with characters, letters, or illustrations that can be manually changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a time and temperature portion of a sign and not a changeable copy sign for purposes of this chapter. A changeable copy sign is also known as reader board,

bulletin board, or message center. A changeable copy sign shall not be animated in any way. Animated signs are prohibited in all zoning districts, unless otherwise permitted within this title.

**DEVELOPMENT:** A principal building or use or combination of principal buildings and uses, under a common plan with a common or shared identity as indicated by commonality of design and appearance and/or by a commonality of function and use.

**DIRECTIONAL SIGN:** On site permanent sign used only to direct pedestrians or vehicular traffic. Directional signage shall include, but not be limited to, signs for entrances, exits, parking areas, and drive-through establishments. See also definition of Incidental Sign.

**ILLUSTRATION 8-8A-5(f)**  
**DIRECTIONAL SIGNS**



**ELEVATION:** A geometrical projection of a building on a vertical plane.

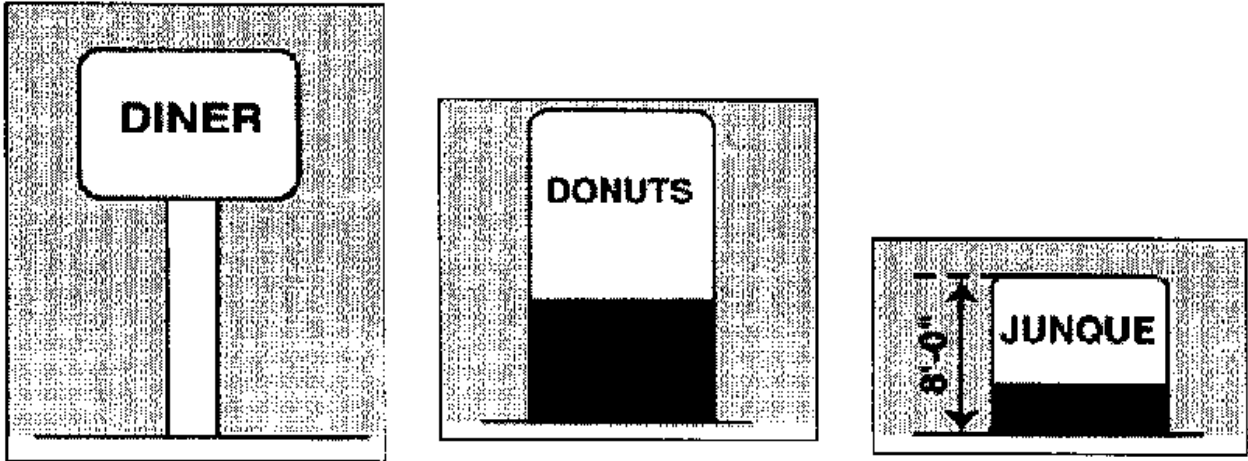
**FACADE SIGN:** See definition of Building Sign.

**FREESTANDING CANOPY:** A rigid multisided structure covered with fabric, metal or other material and supported by columns or posts and either illuminated internally or externally.

**FREESTANDING SIGN:** A permanent sign that is set firmly in or upon the ground surface, is not attached to any building or other structure. Freestanding signs include, but are not limited to, ground mounted, monument, or pole signs.

**ILLUSTRATION 8-8A-5(g)**

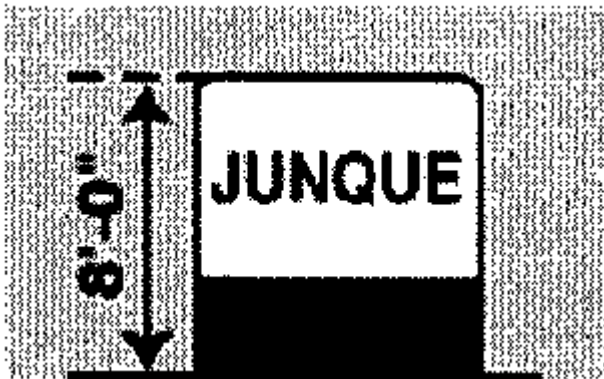
## FREESTANDING SIGNS



**GRADE:** The average level of the finished surface of the ground adjacent to a sign or to the exterior wall of the building to which a sign is affixed.

**GROUND MOUNTED SIGN:** A freestanding sign with a solid base.

ILLUSTRATION 8-8A-5(h)  
GROUND MOUNTED SIGN



**HEIGHT OF SIGN:** See definition of Sign Height.

**ILLEGAL SIGN:** A sign which was not in compliance with this, or the applicable ordinance under which it was erected, installed, altered or displayed.

**ILLUMINATED SIGN:** A sign with an artificial light source incorporated internally or externally for the purpose of lighting the sign.

**INCIDENTAL SIGN:** A sign that has a purpose secondary to the use of the lot on which it is located and is intended merely to provide directions or information. Incidental signs include, but

are not limited to, no parking, entrance, loading only, telephone, and other similar directives. See also definition of Directional Sign.

**LANDMARK SIGN:** A permanent sign or visual element that is designated by the Star city council as having historic and/or architectural significance. A landmark sign shall be at least twenty (20) years old unless the Star city council makes a finding that a newer sign with historic and/or architectural significance should be designated to protect it.

**MENU BOARD:** A drive-thru menu board with or without speakers, as used by restaurants shall be considered a sign and shall meet the provisions for commercial signs listed in this chapter.

**MONUMENT SIGN:** A permanent freestanding sign mounted on the ground and designed with a continuous structural element of approximately the same dimension from the ground to the top of the sign. See also definitions of Grade and Freestanding Sign.

**MURALS:** Any piece of artwork painted or applied directly on a wall or other permanent surface.

**NONCONFORMING SIGN:** A sign that was erected, installed, or displayed in compliance with previous sign regulations but which is not in compliance with this chapter and which has not been reconstructed, altered, or otherwise modified since the adoption of this chapter, except to bring the sign into compliance with the provisions of this chapter.

**OFF- PREMISES SIGN:** A permanent sign used to identify, display, advertise, or otherwise direct attention to a location other than the premises on which the sign is located. An off-premise sign is also referred to as "off- site sign".

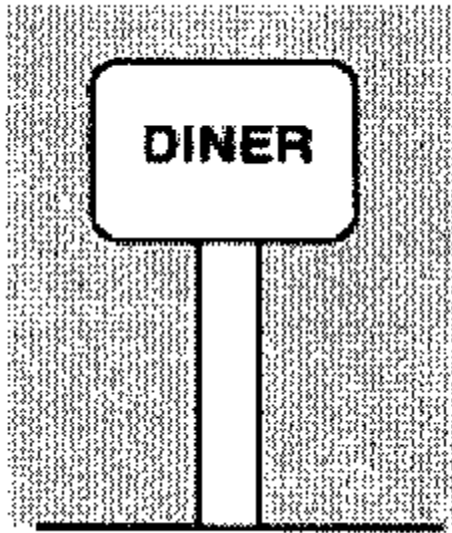
**ON SITE SIGN:** A permanent building sign located at or on the site and/or a product, good, or service offered on or available at the same lot where the sign is displayed. On site signs shall include, but are not limited to, attached sign, building sign, window sign, freestanding sign, projecting sign, and awning sign. An on-site sign is also referred to as "on premises sign".

**PERMANENT SIGN:** A non-temporary sign designed and intended for long term use.

**POLE SIGN:** A permanent freestanding sign mounted on the ground, where the structural element is significantly narrower than the sign.

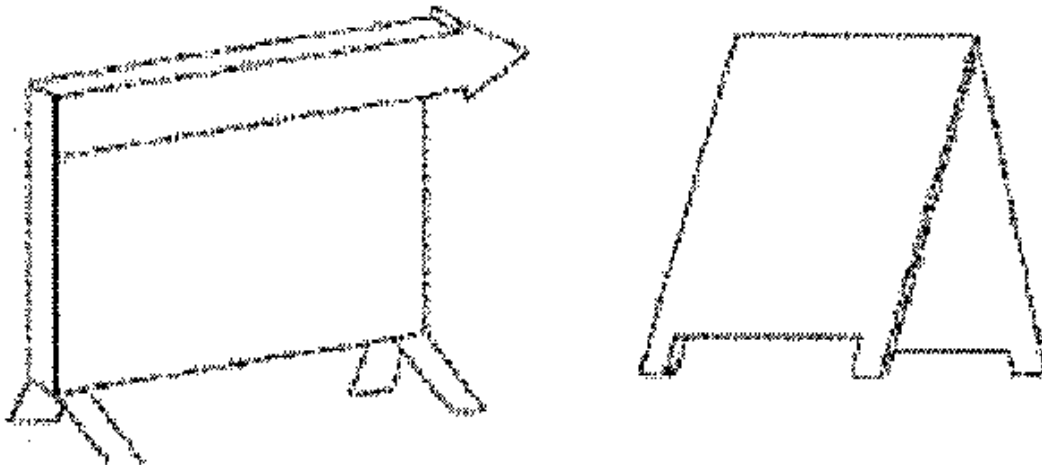
ILLUSTRATION 8-8A-5(i)  
POLE SIGN





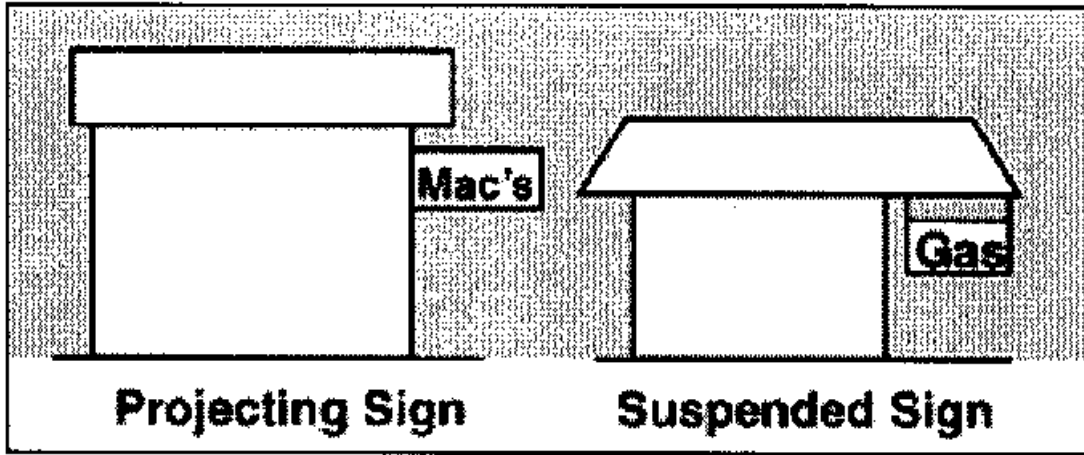
**PORTABLE SIGN:** A temporary sign which is not permanently attached or anchored to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs designed to be transported by means of wheels, signs converted to A or T frames, menu and sandwich board signs, balloons or visual elements used as signs; umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right of way.

ILLUSTRATION 8-8A-5(j)  
PORTABLE SIGNS



**PROJECTING SIGN:** A permanent building sign which is mounted, erected, or otherwise affixed on a building wall or structure, projecting generally perpendicular to the wall, and extending beyond the building wall more than twelve inches (12"). Projecting signs also include suspended signs.

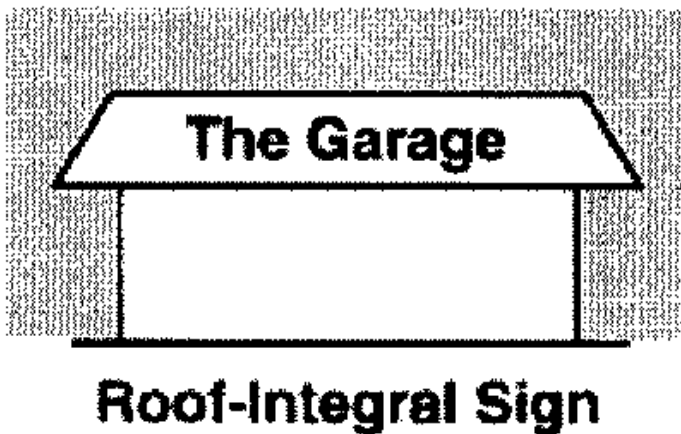
ILLUSTRATION 8-8A-5(k)  
PROJECTING SIGN



READER BOARD: See definition of Changeable Copy Sign.

ROOF INTEGRAL SIGN: Any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six inches (6"). For purposes of this chapter, any portion of a building above or behind the fascia or parapet of a building shall be considered part of the roof. See also definition of Building Sign.

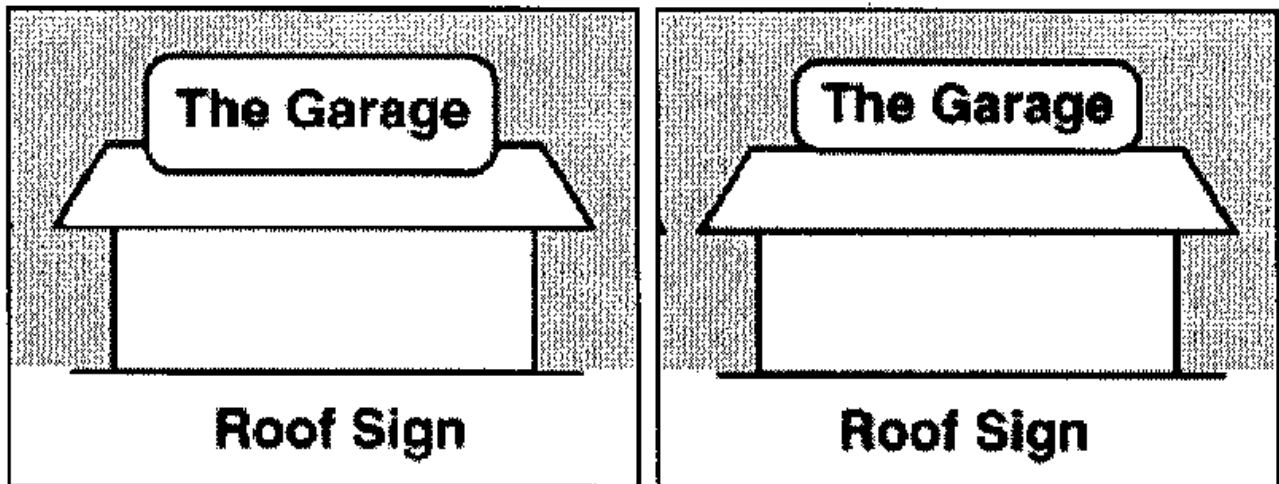
ILLUSTRATION 8-8A-5(l)  
ROOF INTEGRAL SIGN



ROOF SIGN: A sign erected and constructed wholly or in part upon, against, or above the roof of a building. For purposes of this chapter, any portion of a building above or behind the fascia

or parapet of a building shall be considered part of the roof.

ILLUSTRATION 8-8A-5(m)  
ROOF SIGNS



**SIGN:** Any device, structure, fixture, display, emblem, picture, placard, visual element, or any parts or combinations thereof using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions to, drawing attention to, or advertising any activity, place, business, office, institution, facility, organization, profession, trade, occupation, product, good, or service.

**SIGN AREA:** The total area of the sign face which is used to display a message, not including its supporting poles or structures.

**SIGN HEIGHT:** The distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

**SIGN PLAN:** A coordinated plan for developing signs for an individual building or a group of buildings.

**SUBDIVISION IDENTIFICATION SIGN:** A sign used to identify a residential subdivision on site.

**TEMPORARY SIGN:** A sign that is made of paper, cardboard, cloth, plastic, fabric, vinyl, wood or other materials, which is used for a limited period of time, as set forth in this chapter, and which is not permanently mounted. Temporary signs include, but are not limited to, A-frame, banner, wind sign, special event sign, mechanically operated portable sign (fan blown, battery operated mechanisms), etc.

**TIME AND/OR TEMPERATURE SIGN:** A sign or portion thereof on which the only copy that changes is an electronic or mechanical indication of time or temperature.

**VISUAL ELEMENT:** A substitute for additional signs consisting of temporary and/or permanent device intended to attract attention to any activity, place, business, office, institution, facility, organization, profession, trade, occupation, product, good, or service or to convey message concerning any activity, place, business, office, institution, facility, organization, profession, trade, occupation, product, good, or service.

**WALL SIGN:** Any permanent building sign attached parallel to, but within two feet (2') of a wall, painted on the wall surface of, or erected and confined within the limits of any outside wall of any building, which is supported by such wall or building, and which displays only one sign surface. Also see definition of Building Sign.

**WINDOW SIGN, EXTERIOR:** A sign which is mounted, placed, applied, painted, attached or otherwise affixed on the exterior or outside of a window or to a windowpane or glass and is visible from the exterior of the window. Exterior window signs are considered permanent building signs. Window signs shall not have moving text or mechanics.

**ILLUSTRATION 8-8A-5(n)**  
**WINDOW SIGNS**



**WINDOW SIGN, INTERIOR:** A sign which is mounted, placed, applied, painted, attached or otherwise affixed inside a window or to the interior of a windowpane or glass and is visible from the exterior of the window. Interior window signs are not considered building signs.

### **8-8A-6: GENERAL SIGN REQUIREMENTS:**

The information contained within this section is intended to be used as criteria in all sections of this chapter; however, there may be areas that require more detail or explanation. In those cases, the information in those sections shall be used.

A. General Sign Requirements: All signs shall comply with the following general sign requirements:

1. No sign shall be placed in a manner visible from any public street, alley, right of way, sidewalk, or other public easement, except as provided herein, nor shall any sign be placed in or extend over street, right of way, roadway, sidewalk, public or private utility or access or other easement, or alley, except as provided herein and with the approval of the appropriate agency or utility. Any sign installed or placed on or over public property or right of way after adoption of this chapter, except in conformance with these requirements, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full cost of removal and disposal of the sign.
2. All signs allowed hereunder shall be constructed and placed so as not to obstruct the vision of the public at any street, alley, or driveway. Signs otherwise permitted by this chapter may be located within the sight distance triangle, as shown below, provided that no part of such sign is placed between the height of three feet (3') and twelve feet (12') above the average grade of each street, alley, or driveway. See illustrations for visual clearance and sight distance triangle.

ILLUSTRATION 8-8A-6(a)

## VISUAL CLEARANCE

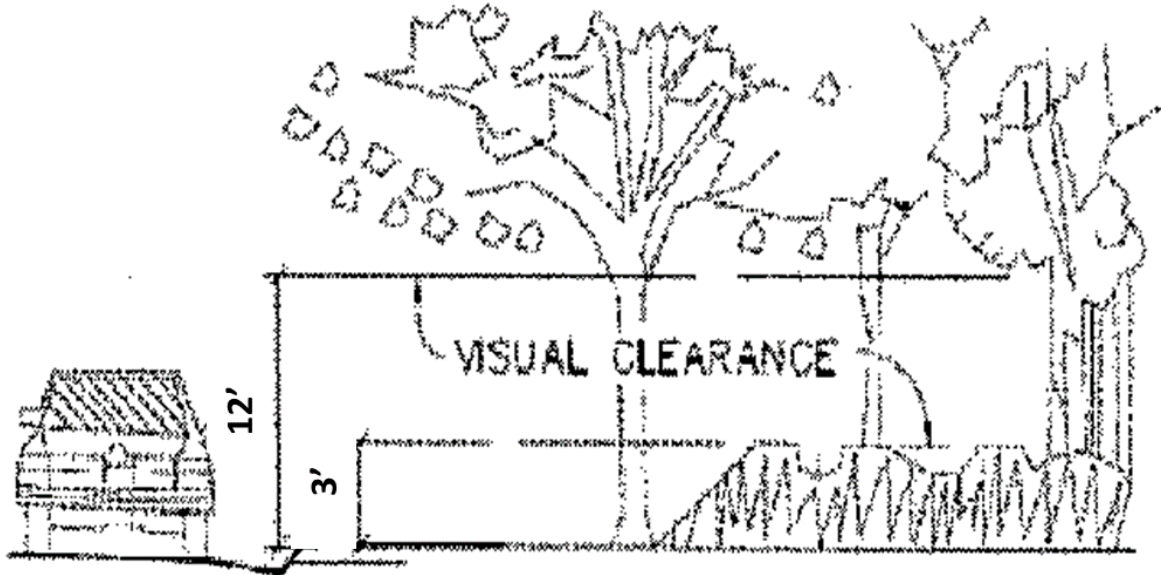
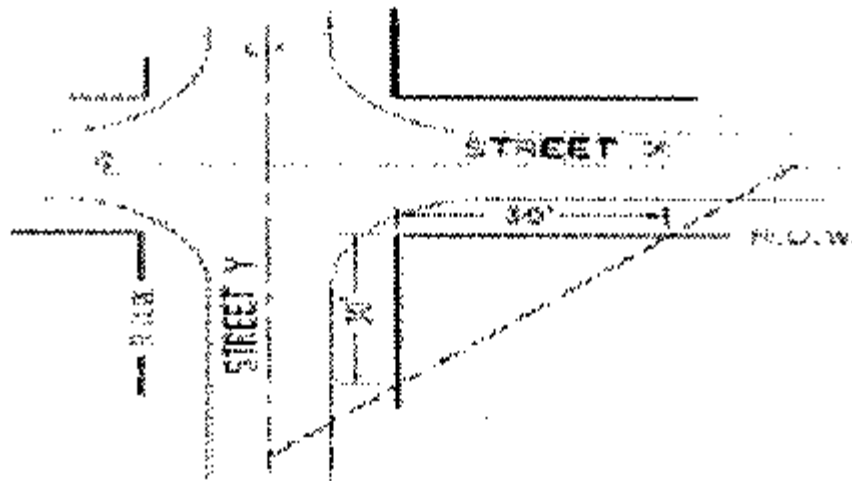


ILLUSTRATION 8-8A-6(b)  
SIGHT DISTANCE TRIANGLE



3. No sign shall be allowed to be illuminated, except as expressly provided herein. Signs which are otherwise allowed to be illuminated are not allowed if the administrator finds that the lighting adversely affects adjoining residential uses or causes glare or otherwise interferes with the vision of persons operating motor vehicles. All illuminated signs shall not be flashing or pulsating and shall be constant in intensity and color, unless otherwise allowed herein. Sign lighting shall be directed away from all traffic and from all adjoining residential properties, and the lighting intensity shall not exceed fifteen (15) foot-candles at any point on the sign face. No sign shall be illuminated if lighting is already provided to the area where the sign is to be located. All lighting associated with signage shall meet any requirements of this title regarding dark sky standards.

4. No sign shall be allowed to revolve, rotate, or move.
5. No sign shall be allowed if the administrator finds that the sign is constructed or designed in a manner which may cause the sign to be confused with a traffic sign or other traffic control device.

B. Sign Area and Height Computations: The following principles shall control the computations of sign area and sign height:

1. Computation Of Area Of Individual Signs: The area of a sign face (which is also the sign area of a wall sign or other sign with only 1 face), shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall is clearly incidental to the display itself.

ILLUSTRATIONS 8-8A-6(c)  
SIGN AREA COMPUTATIONS

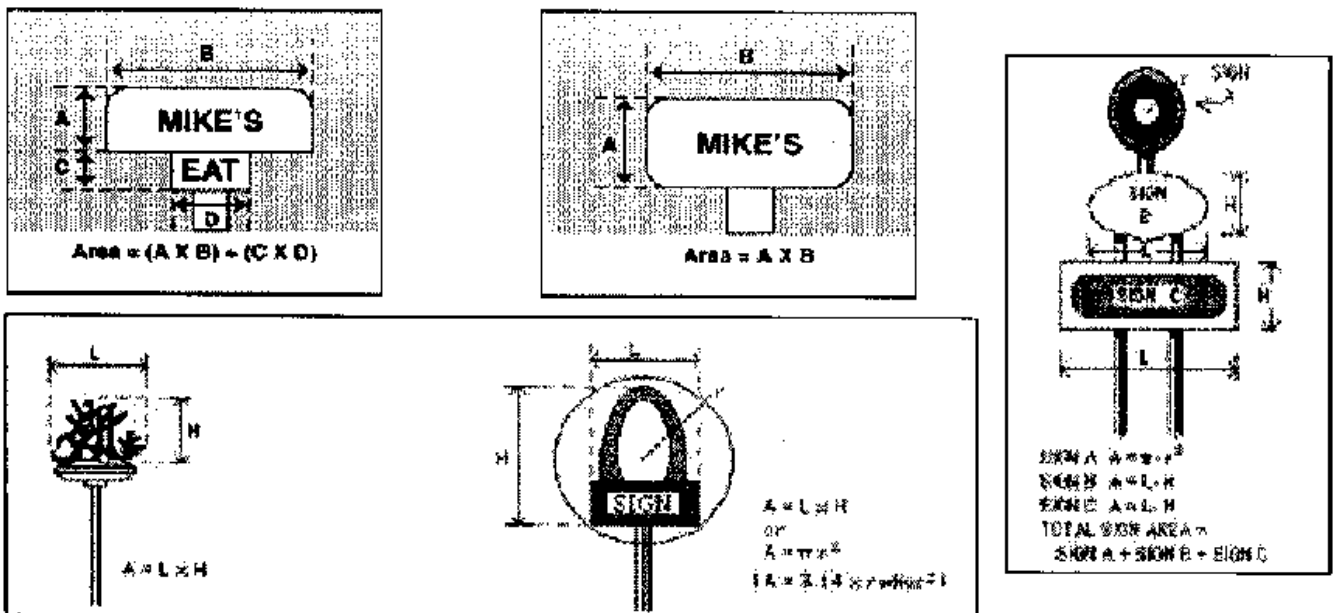
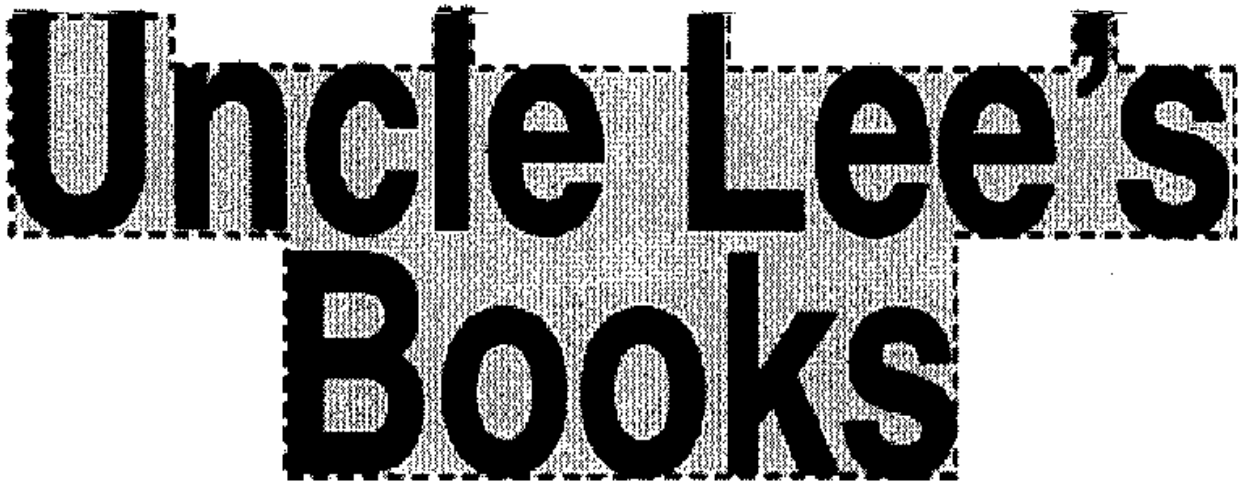


ILLUSTRATION 8-8A-6(d)  
SIGN AREA COMPUTATION FOR PERMANENT BUILDING SIGN  
With No Defined Sign Background (e.g., Channel Letters)



2. Computation Of Area Of Multifaced Signs: The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two inches (42") apart, the sign area shall be computed by the measurement of one of the faces.
3. Computation Of Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: a) existing grade prior to construction, or b) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal building on the lot, whichever is lower. When sign is within the building setback, the calculation for the sign may use either the base elevation or the elevation of the roadway. The computation of sign height shall include the permitted sign and any attached changeable copy sign or reader board and the sign structure.

ILLUSTRATION 8-8A-6(e)  
SIGN HEIGHT COMPUTATION



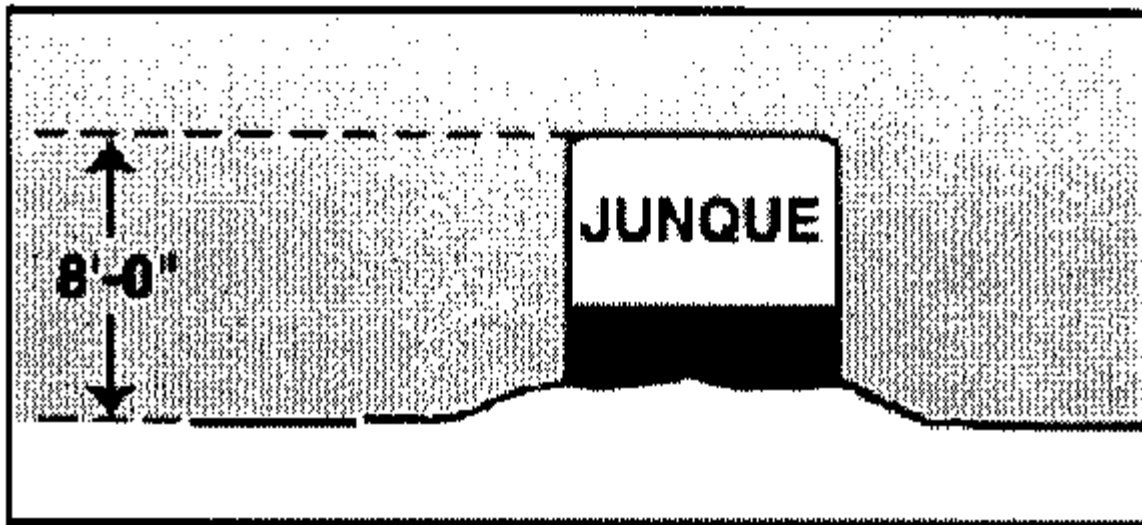
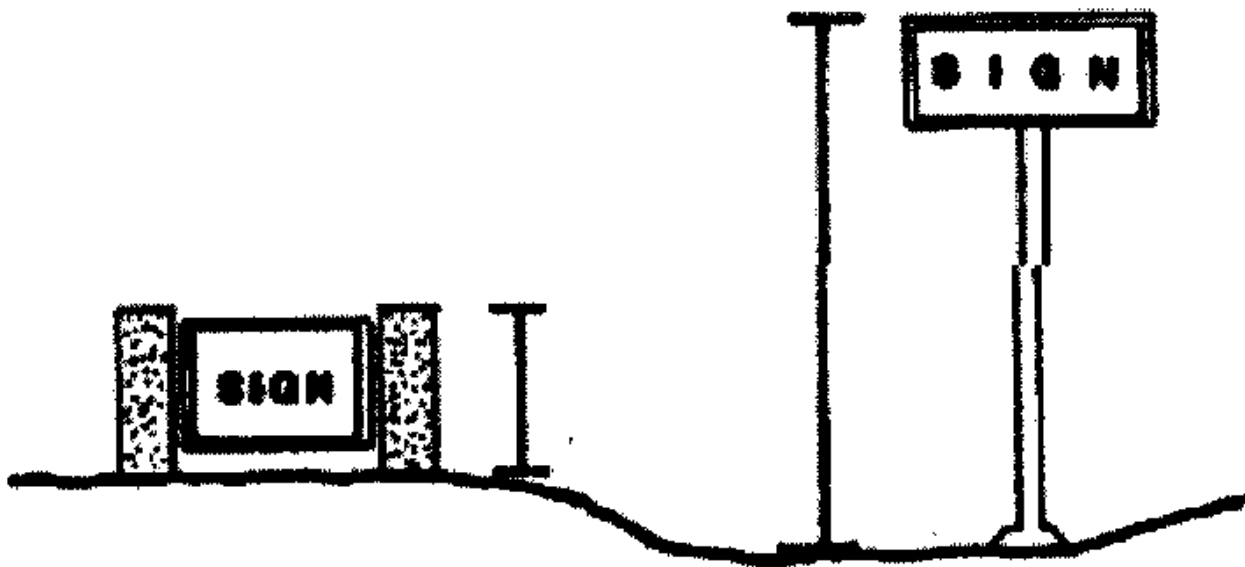


ILLUSTRATION 8-8A-6(f)  
SIGN HEIGHT COMPUTATION  
In Cases Where the Normal Grade Cannot Reasonably Be Determined



4. Construction Standards: All permitted signs shall be constructed and maintained in compliance with the applicable provisions of the city of Star building code and other provisions of the city of Star ordinances. All illuminated signs shall be installed in accordance with the applicable provisions of the national electric code, and all detached signs shall be so illuminated by an underground electrical source.

5. Construction Materials: All signs shall be constructed with durable materials including but not limited to metal, aluminum, wood, hard plastics and vinyl, rock or aggregate, or other materials manufactured for durability and longevity. Materials such as thin vinyl used for banners, paper or cardboard is not considered as a permanent material and shall be prohibited for permanent signage.
6. Maintenance Standards: All permitted signs shall be maintained in good structural and aesthetic condition. Deficiencies, such as chipped paint, broken plastic, missing letters, and exposed light bulbs, shall be evidence of lack of maintenance.

**8-8A-7: SIGNS EXEMPT FROM THIS CHAPTER:**

Provided that the following signs or visual elements comply with the general sign regulations set forth in section [8-8A-8](#) of this article, these signs shall be exempt from all other provisions of this chapter:

- A. Traffic signs, public notices or danger warnings required by a valid and applicable federal, state, or local law, regulation, and/or ordinance;
- B. Holiday lights and decorations on residential lots;
- C. Traffic control signs on private property, such as stop, yield, and similar signs;
- D. Organizational event signs within a public right of way, provided:
  1. Temporary signs must be removed within forty-eight (48) hours of end of event;
  2. Signs within the transportation authority rights of way, written permission shall be obtained from the transportation authority and presented to the city;
  3. Transportation authority permitted ROW signs shall be removed promptly upon the conclusion of the event;
- E. Public or semipublic athletic field signs which indicate sponsorship of the teams or announce or relate to activities that occur therein, provided:
  1. Such signs shall be affixed, placed, or installed on the athletic field fencing and facing the field, and
  2. Such signs shall not be affixed to scoreboards, buildings, or structures;

**8-8A-8: SIGNS NOT REQUIRING PERMITS:**

The following signs are allowed on private property without permits, provided that the signs contain no commercial message, logo, or symbol and comply with the general sign regulations set forth in this chapter:

A. Building identification signs, such as address and building marker, provided:

1. One sign, not exceeding four (4) square feet in area, shall be permitted; and
2. Such signs shall be attached to the referenced building.

A. National, state, local and corporation flags, provided:

1. The United States Of America flag, state of Idaho flag, or flags of any other national or political subdivision shall be flown and displayed in a manner so that the flags are not construed as an attraction gaining device for the advertising of a product or use, or in a manner to otherwise draw the attention of the traveling public to an establishment;
2. One corporation flag may be flown in conjunction with the United States or state of Idaho flag and as part of the display;
3. Such displays shall not exceed twenty-five (25) square feet in area in any residential area or sixty (60) square feet in any commercial or industrial area;
4. Such displays shall not be flown from a pole the tip of which is more than twenty-five feet (25') in height;
5. Such displays shall conform to the criteria established in the ninety-fourth session of congress (94-344; SJ resolution 49); and
6. Only one flag display shall be permitted for each establishment, and the display shall be located at the principal building of the facility.

A. Incidental signs that are informational and have a purpose secondary to the use of the lot on which it is located, such as no parking, entrance, loading only, telephone, and other similar directives.

#### **8-8A-9: SIGNS WITHIN THE HISTORIC OVERLAY CBD ZONING DISTRICT:**

The number, size, height, **appearance** and location of signage within a historic overlay zoning district shall comply with adopted design guidelines for the central business district and the city of Star zoning regulations. Any sign not previously approved by the Star city council as a landmark sign will be considered nonconforming as of the enactment of this chapter until found to be appropriate by subsequent action of the administrator and/or Star city council.

All nonconforming signs will be subject to section 8-8A-13 of this article.

All nonconforming signs within the CBD district will be subject to sections 8-8A-1 through 5, and 8-8A-12 through 8-8A-14 of this article.

#### **8-8A-10: VISUAL ELEMENTS PROHIBITED:**

Visual elements, as defined in section 8-8A-5 of this article, are prohibited in all circumstances whether added to a sign or simply displayed on a property, unless otherwise allowed in this chapter. Visual elements include, but are not limited to:

- A. Pennants, banners or streamers, feathers, flags, wind or fan blown devices and mechanisms intended to otherwise attract attention;
- B. Large or small balloons, unless otherwise provided in this chapter;
- C. Flashing lights, flashing arrows, or other pulsating fixtures or items;
- D. Large inflatable displays, fixed or portable;
- E. Large displays of permanent construction, fixed or portable, that are larger than the maximum cube dimensions of six feet (6') in height, four feet (4') in depth, and four feet (4') in width, as set forth in subsection 8-8A-11C2b(4)(B) of this article; and
- F. Wording, message, or any symbol, or depiction on the exterior of a building, or any structural element thereof, any independent structure or any other article or item on the property including automobiles or other vehicles.

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

The following signs shall not be erected, placed, established, painted, installed, or created until an approved sign permit has been issued by the administrator and shall comply with the general sign regulations set forth in this chapter and as set forth below:

##### **A. Residential or Miscellaneous Signs:**

- 1. Subdivision identification signs identifying the subdivision or development name, provided:
  - a. One sign per each subdivision entrance and one additional sign for each individual subarea of a subdivision shall be permitted;
  - b. Such signs shall be indirectly illuminated;
  - 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.~~

d e. The sign shall be located within a common area lot, shall be maintained by an HOA, and shall be located outside of the clear vision triangle.

2. Building identification signs identifying the name of the owner or occupant of the building, provided:

a. One sign shall be permitted and shall not exceed one square foot in area;

b. Such signs shall be attached to the building; and

c. Such signs shall not be illuminated.

3. Multi-family residential development identification signs, provided:

a. One sign shall be permitted and may be wall or ground mounted;

b. Such signs shall not exceed twenty (20) square feet in area;

c. If ground mounted, the sign shall be set back at least ten feet (10') from the right of way line or property line; and

d. Such signs shall not exceed eight feet (8') in height.

4. Directional signs, provided:

a. A multi-family residential development shall be permitted one directional sign per each public road/street frontage;

b. Such signs shall be illuminated by indirect or diffused lighting;

c. Such signs shall not exceed three (3) square feet in area; and

d. Such signs shall be wall mounted, or if ground mounted, shall be set back at least five feet (5') from the right of way line or property line.

B. Public or Quasi-Public Signs: Public or quasi-public signs, provided:

1. One sign, not exceeding twenty-five (25) square feet in area and seven feet (7') in height, shall be permitted;

2. Such signs may be indirectly or interiorly illuminated; and

3. Such signs may also have one reader board, provided that such reader board shall be attached to the principal sign and shall not exceed fifteen (15) square feet in area.

C. Commercial, Professional Office and Industrial Signs:

1. Temporary signs, provided:

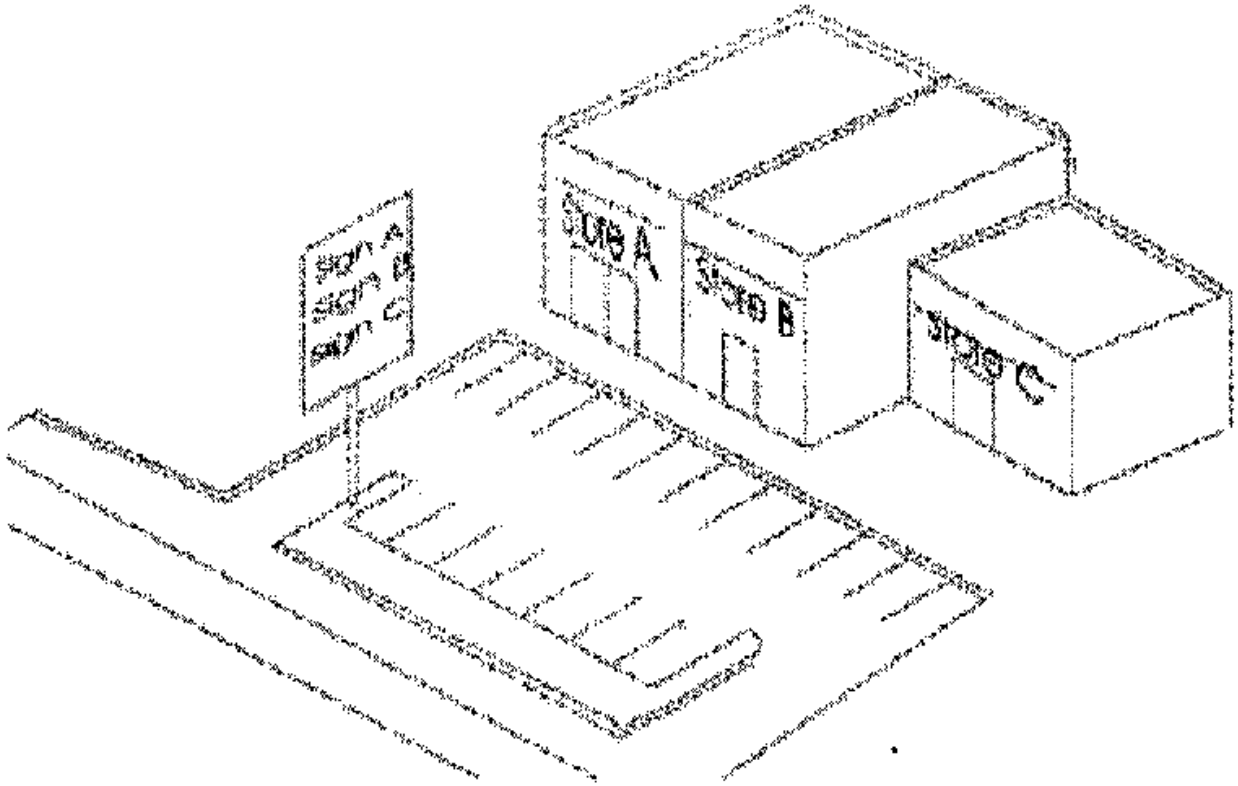
- a. One sign, not exceeding forty (40) square feet and seven feet (7') in height, and small balloons, not exceeding twelve inches (12") in diameter, shall be permitted;
- b. Such signs must be securely installed or displayed and shall be constructed or designed in a manner which shall not cause the sign to be confused or interfere with a traffic sign or other traffic control device;
- c. Such signs may be ground mounted or building mounted, and if building mounted, the signage shall not extend above the peak, or highest point of the roof;
- d. Where a single building or complex of buildings contains two (2) or more principal uses with their own separate exterior customer entrances, each principal use located therein shall be permitted temporary signage as set forth above; and
- e. Each principal use shall be allowed up to four (4) temporary sign permits per calendar year, and each permit is granted for one 7-day period.

2. Permanent signs, provided:

a. Maximum Number of Permanent Signs:

- (1) Individual Principal Use: An individual principal use located on an individual lot shall be allowed a maximum total of four (4) signs, unless otherwise allowed in this chapter.
- (2) Multi-Tenant and Multiuse Buildings: Multi-tenant and multiuse building with two (2) or more principal uses without their own separate exterior building entrances and exits and sharing a common hallway.
  - (A) The building shall be allowed a maximum total of four (4) permanent signs, unless otherwise allowed in this chapter.
- (3) Multi-Tenant and Multiuse Buildings and Developments: Multi-tenant and multiuse buildings and developments where a single building or complex of buildings contains two (2) or more individual principal uses with their own separate exterior building entrances and exits.
  - (A) Building Signs: Unless otherwise allowed in this chapter, the number and size of permanent building signs for each principal use located within the development shall be based on the portion of the building elevation occupied by the use.
  - (B) Freestanding Signs: The number and size of freestanding signs for a multi-tenant and multiuse building and development shall be based on the total building size and public street frontage of the entire development. Individual buildings and uses within the development shall not be permitted individual freestanding signs.

ILLUSTRATION 8-8A-11(a)  
MULTIUSE BUILDING SIGN TYPES



b. Permanent Sign Types:

(1) Freestanding Signs:

(A) Developments consisting of less than five thousand (5,000) square feet gross floor space:

(i) Maximum Number of Freestanding Signs: One freestanding sign.

(ii) Maximum Sign Area and Height:

(a) For freestanding signs with a maximum height of seven feet (7'), the maximum sign area shall not exceed fifty (50) square feet.

(b) For freestanding signs with a maximum height of twenty feet (20'), the maximum sign area shall not exceed thirty (30) square feet.

(c) When a freestanding sign is located more than sixty-five feet (65') from the driving lane of a public road/street with forty-five (45) mile per hour (mph) or greater speed limit, the maximum sign area shall not exceed seventy (70) square feet, and the maximum sign height shall not exceed ten feet (10').

(iii) Minimum Setbacks: The minimum setback for freestanding signs shall be ten feet (10') from rear and side property lines and off of the right of way of any public road/street, unless otherwise stated in this chapter.

(B) Developments with gross floor space more than five thousand (5,000) square feet:

(i) Maximum Number of Freestanding Signs: Two (2) freestanding signs.

(ii) Maximum Sign Area And Height:

(a) For freestanding signs with a maximum height of seven feet (7'), the maximum sign area shall not exceed fifty (50) square feet.

(b) For freestanding signs with a maximum height of twenty feet (20'), the maximum sign area shall not exceed thirty (30) square feet.

(c) When a freestanding sign is located more than sixty-five feet (65') from the driving lane of a public road/street with forty-five (45) mile per hour (mph) or greater speed limit, the maximum sign area shall not exceed seventy (70) square feet, and the maximum sign height shall not exceed ten feet (10').

(iii) Minimum Setbacks: The minimum setback for freestanding signs shall be ten feet (10') from rear and side property lines and off of the right of way of any public road/street, unless otherwise stated in this chapter.

(iv) Minimum Sign Separation: The minimum separation between two (2) freestanding signs on a lot or tract shall be one hundred fifty feet (150').

(2) Building Signs:

(A) Maximum Number of Signs:

(i) Individual Principal Use: Each individual principal use located on an individual lot is allowed maximum four (4) building signs, unless otherwise allowed herein.

(ii) Multi-Tenant And Multiuse Building: Multi-tenant and multiuse building with two (2) or more principal uses without their own separate exterior building entrances and exits and sharing a common hallway: The building shall be permitted three (3) building signs, and the sign sizes shall be based on the size of elevation as set herein, unless otherwise allowed.

(iii) Buildings Containing Two Or More Principal Uses: Multi-tenant and multiuse buildings and where a single building or complex of buildings contains two (2) or more individual principal uses with their own separate exterior building entrances and exits: Unless otherwise allowed in this chapter, the number and size of building signs for each individual principal use located within the development shall be based on the portion of the building elevation occupied by the individual principal use, as set forth below, as though they were individual and independent buildings.



(B) Total Allowable Building Sign Area Per Elevation:

(i) If the principal use has no freestanding signs, then the total allowable sign area for building signs shall be as follows:

(a) If the business has a total of three (3) building mounted signs, each sign may be up to seven percent (7%) of the elevation;

(b) If the business has a total of two (2) building mounted signs, up to nine percent (9%) of the elevation; or

(c) If the business has one building mounted sign, the sign may be up to eleven percent (11%) of the elevation.

(ii) If the principal use has one freestanding sign, the total allowable sign area for building signs shall be as follows:

(a) If the principal use has a total of three (3) building signs, each sign may be up to five percent (5%) of the building elevation or thirty (30) square feet, whichever is larger;

(b) If the principal use has a total of two (2) building signs, each sign may be up to seven percent (7%) of the elevation; or

(c) If the business has only one building sign, each sign may be up to nine percent (9%) of the elevation.

(iii) If the principal use has two (2) freestanding signs, then the total allowable building sign area is:

(a) If the principal use has a total of two (2) building signs, each sign may be up to seven percent (7%) of the elevation; or

(b) If the business has only one building sign, each sign may be up to nine percent (9%).

(C) Building Mounted Signs: Building mounted signs shall not extend above the peak, or highest point of the roof.

(D) Projecting Signs:

(i) A projecting sign shall be a substitute for, or in lieu of, one permanent sign for the principal use;

(ii) The sign shall have nine feet (9') of clearance above sidewalk;

(iii) The sign shall not project more than ten feet (10') from building nor be any closer than eighteen inches (18") from curb or driving lane;

(iv) The sign shall not extend above the peak of the roof; and

(v) A two (2) or more story building shall not have projecting signs.

(3) Off Premises Signs: Off premises (off-site) signs are prohibited in all zones and may only be allowed as part of an overall sign program for properties that are part of a contiguous development or subdivision and as approved by the administrator, provided:

(A) The permitted off-premise sign shall not exceed the size, height, and setbacks requirement of the freestanding sign of the lot on which it is located;

(B) The off-premise sign may not be located within fifty feet (50') of any other freestanding sign;

(C) Written evidence of property owner consent must be submitted with the permit application;

(D) Off-premise "Welcome to Star" signs are exempt from this prohibition.

(4) Visual Elements:

ILLUSTRATION 8-8A-11(b)  
VISUAL ELEMENT



(A) One permanent and ground mounted visual element per individual principal use shall be permitted as a substitute for, or in lieu of, one permanent sign allowed for the use;

- (B) The maximum size of the visual element shall be computed by means of the smallest cube that will encompass the extreme limits of the visual element and with maximum cube dimensions of six feet (6') in height, four feet (4') in depth, and four (4) in width;
- (C) Parts of the visual element may not extend more than twenty percent (20%) beyond the limits of the allowable area set forth in subsection C2b(4)(B) of this section;
- (D) Visual elements shall have no parts that move or give the appearance of movement and shall have no apparent motion caused by, but not limited to, the illusion of moving objects, moving patterns or boards of lights, expanding, contracting, or rotating shapes, scrolling, or running messages or other similar animation effects;
- (E) Visual elements must be securely installed or displayed and shall be constructed or designed in a manner which shall cause the sign to be confused or interfere with a traffic sign or other traffic control device; and
- (F) Commercial messages, logos, or symbols shall be limited to two (2) sides of the visual elements and shall not exceed ten (10) square feet.

(5) Landmark Signs:

- (A) Such signs shall be exempt from size, height, and setback regulations, but shall comply with all other regulations set forth in this chapter, and
- (B) Such signs shall not encroach into a public right of way, unless otherwise allowed by an approved entrance permit by the appropriate governing authority.

(6) Accessory Building Signs:

- (A) One building sign on an accessory building shall be permitted in addition to the building signs allowed for the individual principal use;
- (B) The maximum sign area shall not exceed one square foot per linear foot of the building length of and on the elevation on which the sign is located and facing the public street or private accessway if the lot has no public street frontage; and
- (C) Additional accessory building signs may be allowed but shall be in lieu of, the permitted building signs for the individual principal use and shall comply with the maximum number and size of building signs allowed for the individual principal use.

(7) Freestanding Canopy Signs:

- (A) One sign on each canopy elevation (fascia) shall be permitted;
- (B) Such signs shall not exceed eight (8) square feet; and
- (C) Such signs shall be permitted in addition to the building signs allowed for the individual principal use.

(8) LI Signs: Light industrial commercial park (LI) identification signs, provided:

- (A) One sign per public street entrance shall be permitted;
- (B) Such signs shall not exceed forty (40) square feet in area;
- (C) A listing of individual businesses and industries shall be allowed as part of the identification sign; and
- (D) Written evidence of property owner consent must be submitted with the permit application.

D. Murals: The following conditions shall be met for an allowed mural:

1. Remain unaltered for a minimum of two (2) years and be maintained thereafter to its original quality.
2. Shall not exceed height and width of structure.
3. Shall not extend more than six inches (6") from the building facade.
4. Shall not include electrical moving components.
5. Murals are not permitted in residential districts or on residential buildings.
6. Murals and public art installation must comply with city light standards.
7. Digitally printed image murals are allowed for restoration purposes only.
8. Fees for all murals shall be set by resolution.
9. Mural must be of a nature relevant to Star.
10. All murals must be approved by council at a normally scheduled council meeting (no public hearing is required).

**8-8A-12: PERMIT PROCESS AND PROCEDURES:**

A. Permit Required: Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, construct, install, mount, place, apply, paint, attach, affix, expand, enlarge, move, modify, or replace any sign or cause the same to be done, without first obtaining a sign permit.

B. Application and Permit Issuance:

1. If a sign requiring a permit under the provision of this chapter is to be erected, constructed, installed, mounted, placed, applied, painted, attached, affixed, expanded, enlarged, moved,

modified, or replaced on a property, the property owner shall secure a sign permit prior to the construction, placement, erection, or modification of the sign.

2. No sign permit of any kind shall be issued for an existing or proposed sign unless the sign is consistent with the requirements of this chapter (including those protecting existing signs) in every respect and with the sign plan in effect for that property.
3. The following procedures shall govern the application for, and issuance of all sign permits under this chapter and the submission and review of sign plans:
  - a. Sign Plan Required: No permit shall be issued for an individual sign requiring a permit until a sign plan for the property on which the sign will be installed has been submitted to and approved by the administrator as conforming with this section.
  - b. Sign Plan Contents: For any property on which the owner proposes to erect one or more signs requiring a permit, the owner shall submit to the administrator a sign plan containing the following:
    - (1) An accurate plot plan of the property, at such a scale as the administrator may reasonably require with a current legal description in metes and bounds;
    - (2) Location of existing and proposed buildings, structures, parking lots, driveways, and landscaped areas of the property;
    - (3) Computations of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of building and freestanding signs allowed on the property included in the plan under this chapter;
    - (4) An accurate indication on the plot plan of the proposed location of each present and future sign of any type whether requiring a permit or not.

#### C. Fees:

1. Permit Fees: No sign permit shall be issued until all applicable fees have been paid. The fees for sign permits, as adoption by resolution of the city council, may be adjusted by the city as necessary, periodically.
2. Late Fees: In addition to the sign permit fees, the administrator shall also assess a late fee, as adopted by resolution, to any applicant who erects, places, establishes, paints, installs, creates, or in any other way initiates a sign prior to receiving the property permit or approval from the administrator. This fee is in addition to, and not in lieu of, any penalties for violations of the regulations. Payment of this late fee will in no way exonerate or excuse the applicant from applying in an appropriate manner and complying with the normal requirements and standard permit fees for the permission or applicable permit which is needed.

D. Review: The administrator shall review the application for completeness. If the application is complete, the administrator shall process the application. If the application is incomplete, the administrator shall notify the applicant of the deficiencies and reference the appropriate sections of this chapter. Upon correcting the deficiencies, the administrator will process the application.

E. Issuance Of Permits: All sign permit applications shall be reviewed by the administrator or designee allowing submission and/or official acceptance of a complete application, for compliance with these regulations. Once a determination regarding the sign permit application has been made the administrator will:

1. Issue a letter of compliance to the applicant, with conditions if any, if the sign that is the subject of the application conforms in every respect with the requirements of this chapter and the applicable sign plan; or
2. Deny the sign permit and issue a written statement to the applicant, if the sign that is the subject of the application fails in any way to conform with the requirements of this chapter and of the applicable sign plan. In case of a rejection, the administrator shall specify in the rejection the section or sections of this chapter or applicable plan with which the sign is inconsistent.

F. Appeals: All appeals and variances from the requirements of these regulations shall be scheduled for public hearing.

### **8-8A-13: NONCONFORMING SIGNS:**

A. For the purpose of this section, a "nonconforming sign" shall be defined as a sign existing at the effective date hereof which could not be built under the terms of this chapter or under the terms of other applicable local ordinances. The following requirements apply to the continued use of and/or replacement of nonconforming signs:

1. Continued Use: A nonconforming sign may continue to be used by the establishment occupying the structure on the site for which the sign was originally erected, as long as no major structural support element (frame, pole, bracing, etc.) is replaced. If a major structural support element is to be replaced, due to voluntary action by the owner, or due to an act of God or unforeseen circumstance, then the new sign to be erected must be in compliance with this chapter.
2. Replacement: The sign face of a nonconforming sign may be replaced as long as no major structural element of the sign is replaced. As stated above, if a major structural element is to be replaced, then the new sign to be erected must be in compliance with this chapter.
3. Change in Use: Where a change in land use, occupancy, or ownership occurs which necessitates the altering of a sign in any manner, then the altered or changed sign shall be brought into conformance with the requirements of this chapter.

4. Existence of Nonconforming Building Sign: Existence of a nonconforming building sign on the premises will prohibit issuance of further building sign permits while the nonconforming sign exists.
5. Existence of Nonconforming Freestanding Sign: Existence of a nonconforming freestanding sign on the premises will prohibit the issuance of further freestanding sign permits while the nonconforming sign exists.

6. Limitations And Removal Of Nonconforming Signs: In the event a use or establishment ceases operation for a period of thirty (30) days, the sign owner, lessee, or property owner shall immediately remove any nonconforming signs identifying or advertising the business or any product. This requirement shall not apply where, under the provisions of this chapter, an existing, conforming sign may be altered to advertise a new principal use, business, establishment, or product, and there is evidence that a new establishment will be in operation on the premises within thirty (30) days. Where no such evidence exists, the sign face shall be removed, or the message shall be painted over in such a manner as to completely cover up or hide from sight the message. Upon failure of the sign owner, lessee, or property owner to comply with this section, the administrator shall issue a written notice to the owner. The notice shall state that the sign shall be removed within fifteen (15) days. If the owner fails to comply with the written notice to remove the sign, the administrator is hereby authorized to cause removal of the sign. Any expense incidental to the removal of the sign shall be charged to the owner and shall constitute a lien upon the property. For the purpose of dealing with nonconforming signs in this section, the word "remove" shall mean:

- a. The sign face, along with posts, columns, or supports of freestanding signs, shall be taken down and removed from the property;
- b. The sign face and supporting structures of projection, roof or wall signs shall be taken down and removed from the property;
- c. The sign face of painted wall signs shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.

7. Nonconforming animated signs - The property owner of a nonconforming animated sign shall continue to abide by the original standards for approval of the sign including the following: 1. Such sign shall not flash, scroll, chase, rotate, blink or pulsate or have any similar effects of movement; 2. Such sign shall not include any animated images and images which move or give the appearance of movement and shall not have visual messages with apparent motion caused by, but not limited to, the illusion of moving objects, moving patterns or boards of lights, expanding, contracting, or rotating shapes, scrolling or running messages, or other similar animation effects; 3. Such sign shall be programmed so that the text changes no more than every minute, and such changes of text shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving, or similar effects as part of the change; 4. Such signs shall use automated light sensing devices to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards:

- a. Such electronic signs shall have installed automated light sensing devices (e.g., photocell

technology) and shall, at all times, allow such monitors to automatically adjust the brightness level based on ambient light conditions; and

b. Maximum brightness levels for such electronic signs shall not exceed five hundred (500) nits, when measured from the sign face at its maximum brightness, during night and under cloudy or other darkened conditions;

5. The maximum resolution of such signs shall be forty-six-millimeter (46 mm) (1.8 inch) pixel pitch.

6. Any electronic sign which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing, or any other similar effects, shall be repaired or disconnected within forty-eight (48) hours by the owner or operator of such sign.

#### **8-8A-14: VIOLATIONS, ENFORCEMENT, PENALTIES:**

A. Signs Forfeited: Any sign installed or placed on or over public property or right of way after adoption of this chapter, except in conformance with these requirements, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full cost of removal and disposal of the sign.

#### B. Violations:

1. Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided by this chapter and by Idaho state code:

a. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located.

b. To install, create, erect or maintain any sign requiring a permit without such a permit.

c. To fail to remove any sign that is installed, created, erected, or maintained in violation of this chapter, or for which the sign permit has lapsed.

2. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this chapter.

#### C. Enforcement:

1. The city shall have the authority to issue citations for violations of this chapter but shall not have powers of peace officers to make arrests or carry deadly weapons. A person receiving a citation shall appear within a designated time pursuant to the citation.

2. Any violation or attempted violation of this chapter or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. The remedies of the city shall include, but are not limited to, the following:



- a. Issuing a stop work order for any and all work on any signs on the same lot;
- b. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity; and
- c. In the case of a sign that poses an immediate danger to the public health or safety; take such measures as are available to the city under the applicable building codes or other ordinances.
- d. All the remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part hereof, the remedy shall remain available for other violations or other parts of the same violation.

## ARTICLE D. LANDSCAPE AND BUFFER AREA STANDARDS

### 8-8D-1: PURPOSE:

### 8-8D-2: APPLICABILITY:

#### **8-8C-1: PURPOSE:**

- A. The regulations of this article are intended to promote landscaping in the city of Star that will improve the community livability, preserve the quality of life, and enhance the aesthetic quality, economic viability, and environmental health of the city.
- B. The city of Star recognizes that landscaping can be a significant expense to business people and residents. At the same time, landscaping improves the livability of residential neighborhoods, enhances the appearance and customer attraction of commercial areas, increases property values, improves the compatibility of adjacent uses, screens undesirable views, and can reduce air and noise pollution.
- C. The intent of these regulations is to achieve a balance between the right of individuals to develop and maintain their property in a manner they prefer and the rights of residents to live, work, shop, and recreate in pleasant, healthy, and attractive surroundings.
- D. These regulations are intended to promote the use of native and other low water use plant materials and to discourage landscaping that requires high water use for maintenance, such as large expanses of lawn.

#### **8-8C-2: APPLICABILITY:**

- A. A landscape plan shall be required for all development applications requiring an architectural review, including, but not limited to, new residential subdivisions, all non-residential development, redevelopment, additions, and/or site modifications as required by the administrator.

The landscape plan shall be drawn to scale (no smaller than 1-inch equals 30 feet) and shall indicate the following:

1. Boundaries, property lines, and dimensions.
2. Existing trees identified by species and size.
3. The location and design of areas to be landscaped.
4. The location and labels for all proposed plants.
5. Plant lists or schedules with the botanical and common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
6. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas.
7. Planting and installation details as necessary to ensure conformance with all required standards.

- B. Plan Preparation: Preparing a landscape plan requires special skills. Landscaping involves more than a simple arrangement of plants with irrigation; plants are not haphazardly placed in a

way that fills up leftover space. Landscape plans should reflect a theme so that site elements are artfully and technically organized in a way that conveys meaning, coherence, and spatial organization. Landscaping should enhance the physical environment as well as the project's aesthetic character. Therefore, landscape plans to be submitted for approval shall be prepared by or under the responsible control of a licensed landscape architect with said plans to be duly stamped to clearly identify the preparer.

#### C. Landscape As Percent Of Site:

1. Open space shall be designated as a total of 15% of the total gross acreage of the development for residential developments in all zones with densities greater than R-1. A minimum of 10% of the total gross acreage of the development shall be for useable open space. Planter strips on internal streets where detached sidewalks are provided may be counted towards the total open space. Planter strips must meet all requirements of the City and ACHD/CHD4. Uniquely designed subdivision entrances may be considered as a required open space amenity.
2. Hardscape areas, such as plazas, decorative concrete/paver patios that are integrated into the design of the useable landscaped area, may be included in the landscape coverage requirement.
3. All landscape improvements required in this section shall count toward fulfillment of the above minimum percentages.

#### D. Prohibited Materials And Landscaping:

1. No required landscape areas shall include artificial trees, plants, or any carpeting designed as a vegetative substitute, unless otherwise approved by the Administrator and Council.
2. Clear vision triangle shall be complied with in regard to all vegetation.
3. When the city determines that a sight obstruction exists, it shall notify the owner of the property upon which the obstruction is located and order that the obstruction be removed within fifteen (15) days. The failure of the owner to remove the obstruction shall be punishable as provided for in this title.

#### E. Installation And Minimum Standards:

1. Applicants are required to use the Treasure Valley Tree Selection Guide (most recent version);
2. sidewalks along arterial roadways shall be detached and be at least 60 inches in width, unless otherwise approved by council.
3. Accepted nursery standards (American Standard for Nursery Stock – ASNS) and practices shall be followed in the planting and maintenance of landscaped areas.
- 4 Soil and slope stabilization must result after landscape installation. Any disturbed areas within project must have landscaping.
5. Root barriers shall be installed for all new trees planted adjacent to existing or proposed public or private sidewalks and paving (under 8 feet in width for parkways, or as determined by the Transportation Authority).
6. The minimum acceptable size for deciduous trees shall be two-inch (2") caliper, balled and bur lapped, per ASNS standard detail.
7. The minimum acceptable size for evergreen trees shall be six feet (6'), balled and bur lapped, per ASNS standard detail.
8. Planting selection shall adhere to USDA and/or climate zone requirements.
9. It is the responsibility of the developer to insure proper installation of all trees, including the removal of twine and wire, and the rollback of bur lap, prior to Certificate of Completion.

10. a. Certification Of Completion: Upon the completion of the landscape installation, or other improvements subject to architectural review approval, a written certification of completion shall be prepared by the licensed landscape architect responsible for the landscape plan. The certification of completion shall state that the installation of all landscape improvements, and site amenities, if applicable, is in substantial compliance with the city approved landscape plan. This certification shall be submitted prior to the issuance of a certificate of occupancy, signature of a final plat, or release of bond, and is required as a part of, and not in lieu of, the inspections performed, and certificates issued by the city.

b. Report Of Deficiencies: In the event that deficiencies are present after the landscape installation, or other improvements subject to design review approval, the licensed landscape architect shall prepare and file with the city a report noting the deficiencies in the improvements. The city will not accept a certification of completion, or issue a certificate of occupancy, until the licensed landscape architect has verified that the deficiencies have been corrected.

c. Landscape Architect Designee: The licensed landscape architect may, at his or her discretion, appoint an authorized designee to certify the project provided that the designee is a licensed landscape architect.

F. Tree Species Mix:

1. When more than ten (10) trees are to be planted to meet the requirements of these guidelines, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. Species shall be planted in proportion to the required mix. See the table below:

<u>Required Number Of Trees</u>	<u>Minimum Number Of Species</u>
11 - 20	2
21 - 30	3
31 - 40	4
41 plus	5

G. Maintenance:

1. All required landscaping shall be permanently maintained in a healthy growing condition by the property owner or the property owner's representative. This includes the maintenance of street trees and/or other landscape materials within or abutting the public right of way adjacent to the subject property. The property owner shall remove, and if required to meet the standards of these requirements, shall replace any unhealthy or dead plant material immediately or as the planting season permits. In all cases, maintenance and planting within public rights of way shall be with approval from the public and/or private entities owning the property. At no time shall required landscaping be removed from an approved development and not replaced with a similar plant type.

H. Completion Time:

1. The administrator may authorize a delay in the completion of planting due to inclement

weather conditions or other extenuating circumstances, if a surety for one hundred fifty percent (150%) of the cost of incomplete improvements is provided to the city.

I. Irrigation Required: An underground automatic irrigation system is required for all development requiring landscaping.

1. All required landscaped areas must be provided with an automatic underground irrigation system.
2. The system shall be equipped with a reduced pressure backflow prevention device.
3. The system shall be designed and constructed to provide one hundred percent (100%) spray coverage.
4. Wherever feasible, sprinkler heads irrigating lawn or other high-water demand landscape areas shall be circuited so that they are on a separate zone or zones from those irrigating trees, shrubbery or other reduced water demand areas.
5. Sprinkler heads shall be placed as required to reduce direct overthrow onto non-pervious areas (walks, drives, etc.). Drip irrigation is recommended for shrubs and trees.
6. The use of low trajectory spray nozzles is encouraged in order to reduce the effect of wind velocity on the spray system.
7. Use of non-potable water for use in the irrigation of lawn and plant material is required when determined to be available.
8. All non-potable water access points shall be clearly and permanently labeled with markers indicating that the water is not safe for human consumption.
9. Maintain all irrigation systems to ensure proper operation and water conservation.
10. Irrigation drainage run-off from one lot or property shall not encroach onto another lot.

J. Buffer Areas/Common Lots:

1. Definition: Development or buffer area consists of horizontal space (land) and vertical elements (plants, berms, fences, or walls). The purpose of such buffer space is to physically separate and visually screen adjacent land uses which are not fully compatible due to differing facilities, activities, or different intensities of use, such as townhouses and a convenience store, or a high-volume roadway and residential dwellings.

2. Minimum Requirements:

- a. When a commercial or industrial use abuts a residential use, a ten foot (10') wide by six foot (6') high landscaped buffer is required except in the CBD.
- b. When a parking lot abuts a residential activity, a five foot (5') wide by six foot (6') high landscaped buffer is required except in the CBD.
- c. To conceal outdoor storage areas, trash receptacles, exposed equipment associated with any commercial or industrial activity, and off-street loading when adjacent to or in view from a residential activity or public street right of way, a three foot (3') wide by six foot (6') high landscaped buffer is required.

3. Materials:

- a. All buffer areas shall be comprised of, but not limited to, a mix of evergreen and deciduous trees, shrubs, and ground cover.
- b. Height requirements shall be accomplished with plant material, with a fence or decorative wall, or a combination thereof.
- c. The required buffer area shall result in an effective barrier within three (3) years and be maintained such that sixty percent (60%) or more of the vertical surface is closed and prevents

the passage of vision through it.

4. Major Roadways: New residential developments, including, but not limited to, subdivisions and multi-family developments, shall be buffered from streets classified as collectors, arterials, freeways, or expressways, to protect residential communities from noisy, potentially dangerous, high-speed roads. The "buffer area" shall be defined as a common lot located between the residential lots within the subdivision and the right of way line of the adjacent roadway. This buffer is required as part of the common area open space owned and maintained by a homeowners' association. All developments are encouraged to work with the appropriate transportation agency to landscape unused right of way. Any landscaping proposed to be within the public right of way shall not be calculated in the overall open space requirements and shall not be included as a part of the buffer area required below. The height for berming/fencing, as noted below, shall be measured from the elevation of the final grade of the adjacent roadway (measured at the centerline) to the top of the proposed berming/fencing. The required buffer area width, plantings, and fencing are as follows:

a. Any road designated as a collector on the applicable highway district function class map:

A minimum of twenty feet (20') wide buffer area (not including right of way) shall be provided with the following plants per one hundred (100) linear feet of right of way: two (2) shade trees, two (2) evergreen trees. Each required shade tree may be substituted with two (2) flowering/ornamental trees, provided that not more than fifty percent (50%) of the shade trees are substituted.

A minimum five foot (5') high buffer consisting of a berm, wall, fence, or combination thereof shall be provided within the buffer area. The maximum slope for any berm shall be three feet (3') horizontal distance to one foot (1') vertical distance. Unsightly fencing shall not be permitted.

b. Any road designated as a minor arterial on the applicable highway district function class map:

A minimum of thirty (30') wide buffer area (not including right of way) shall be provided with the following plants per one hundred (100) linear feet of right of way: three (3) shade trees, three (3) evergreen trees, eight (8) shrubs. Each required shade tree may be substituted with two (2) flowering/ornamental trees, provided that not more than fifty percent (50%) of the shade trees are substituted.

A minimum five foot (5') high buffer consisting of a berm, wall, fence, or combination thereof shall be provided within the buffer area. The maximum slope for any berm shall be three feet (3') horizontal distance to one foot (1') vertical distance. Unsightly fencing shall not be permitted.

c. Any road designated as a principal arterial on the applicable highway district function class map:

A minimum of forty feet (40') wide buffer area (not including right of way) shall be provided with the following plants per one hundred (100) linear feet of right of way: four (4) shade trees, three (3) evergreen trees, two (2) flowering/ornamental trees, and twelve

(12) shrubs. Each required shade tree may be substituted with two (2) flowering/ornamental trees, provided that not more than fifty percent (50%) of the shade trees are substituted.

A minimum seven foot (7') high buffer consisting of a berm, wall, fence, or combination thereof shall be provided within the buffer area. The maximum slope for any berm shall be three feet (3') horizontal distance to one foot (1') vertical distance. Unsightly fencing shall not be permitted.

5. Common Area Landscapes: New residential subdivision common area landscapes shall be comprised of the following:

- a. Lawn, either seed or sod.
- b. A minimum of one deciduous shade tree per four thousand (4,000) square feet.

6. Design Considerations For Residential Developments:

- a. For design flexibility, half of the required shade trees may be substituted on a two to one (2:1) basis with ornamental and evergreen trees.
- b. Buffer areas should include a variety of species, arranged to create varied and attractive views. Open fences, decorative walls, and berms may be used. Height changes, offset angles, different materials, and other design techniques are required so as to create variety.

K. Parking Lot Landscaping:

1. Visual Impact: Landscaping shall be provided to minimize the visual impact of off-street parking:

Parking should be located to the side and rear of buildings, when possible, and shall be enhanced with landscaping so that it does not dominate the streetscape. Fences, hedges, berms, and landscaping may be used to limit view of parking areas (chain link fencing shall not be permitted). In the design of large parking areas, arrange bays of parking spaces to be separated by landscaping. When parking lots occur on sloping terrain, step the parking lots to follow the terrain rather than allowing the lot surface to extend above natural grade.

2. Parking Lot Landscape Strip: A landscape strip shall be provided when a parking lot is located adjacent to a public right of way. The landscaped strip shall serve to limit views of parked cars to passing motorists and pedestrians, and to establish coordination among architecturally diverse buildings, which creates a pleasing, harmonious appearance along the roadway.

Three (3) options are provided for fulfilling this requirement:

- a. Provide an eight-foot (8') wide landscaped strip between the right of way and the parking lot, and plant with a minimum of one shade tree and eight (8) shrubs per thirty-five (35) linear feet of frontage, excluding driveway openings.
- b. Provide an earth berm of thirty inches (30") minimum height (do not exceed 3:1 slope) within a fifteen foot (15') wide landscaped strip between the right of way and the parking lot, and plant with a minimum of one shade tree per thirty-five (35) linear feet of frontage, excluding driveway openings.
- c. Provide a three foot (3') high fence of wood, brick, stone, or decorative block or concrete along with a four foot (4') wide landscaped strip between the right of way and the parking lot, and plant a minimum of one shade tree and three (3) shrubs per thirty-five (35) linear feet of

frontage, excluding driveway openings.

(1) The administrator may waive the requirement for a wood, brick, stone, decorative block or concrete fence if the board finds the following:

(A) The property is within the CBD; or

(B) Any such proposed design alternative is compatible with the overall site design of the entire project and is compatible with the surrounding area.

3. Parking Lot Perimeter Landscaping: Perimeter landscaping requirements define parking areas and prevent two (2) adjacent lots from becoming one large expanse of paving. This requirement does not hinder the ability to provide vehicular access between lots.

a. Provide a minimum five foot (5') wide perimeter landscaped strip between the property lines and the parking lot, and plant with a minimum of one shade tree per thirty-five (35) linear feet of perimeter, unless the adjacent project has required trees planted, as determined by the administrator.

4. Parking Lot Interior Landscaping:

a. Calculated Amount: Interior parking lot landscaping shall be required on any parking lot with ten (10) spaces and above. The required amount of landscaping is based on a sliding scale, as follows:

<u>Total Number Of Spaces</u>	<u>Percent Of Total Area Of A Lot That Must Be An Interior Landscaped Area</u>
10 - 20	3 percent
21 - 50	5 percent
51+	8 percent

b. Additional Requirements:

(1) No interior planter shall be less than five feet (5') average dimension.

(2) There shall be a landscaped parking island every ten (10) spaces.

(3) Parking islands are to be as evenly spaced as feasible throughout the lot to consistently reduce the visual impact of long rows of parked cars.

(4) Deciduous shade trees and ground covers or low shrubs are recommended as primary plantings in interior landscaped areas. Deciduous shade trees are to be clear branched to a height of six feet (6').

(5) A terminal island for a single row of parking spaces shall be landscaped with at least one tree and shrubs, ground cover, or grass. A terminal island for a double row of parking spaces shall contain not less than two (2) trees and shrubs, ground cover, or grass.

L. Landscaped Commercial Strips:

1. Except in the CBD, landscaped strips shall be provided between all building development and



public rights of way to lend continuity among different architectural styles, screen unsightly views, establish a pleasing view for motorists, and create a safe and pleasant corridor for pedestrians.

a. The landscaped strip shall be five feet (5') wide minimum and planted with one shade tree and five (5) shrubs for every thirty-five feet (35') of street frontage. Two (2) ornamental or two (2) evergreen trees may be substituted for one shade tree.

#### M. Parkway Strips, Separated Sidewalks, And Street Trees:

1. Along arterials and collectors designated on the highway district functional class map and for subdivision entry roads for the first 180 feet, sidewalks shall be separated from the curb. An eight-foot (8') wide minimum parkway planter strip planted with shade class (class II) trees shall be required between the sidewalk and curb.

2. A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage.

3. In all cases, any planting within public rights of way shall be with approval from the public and/or private entities owning the property.

4. Local streets are encouraged to have detached sidewalks.

#### N. Alternative Methods Of Compliance:

1. Project Conditions: It is not the intent of these landscape requirements to inhibit creative solutions to land use problems. Under certain site conditions, a strict interpretation of requirements may be either physically impossible or impractical. Alternative compliance is a procedure that allows certain modifications to existing regulations within this section. Requests for use of alternative landscaping schemes are justified only when one or more of the following conditions apply:

a. The sites involve space limitations or unusually shaped parcels;

b. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;

c. Due to a change of use of an existing site, the required buffer yard is larger than can be provided; and

d. Safety considerations are involved.

e. Requirements from outside agencies or jurisdictions (i.e., Transportation Authority, Irrigation/Drainage Districts, Fire Districts and Utility Companies).

2. Request For Alternative Method Of Compliance: The applicant must provide the city with a written request if an alternative method of compliance is proposed. The request shall state which requirement as set forth within this section is to be modified, what project conditions of this section justify using the proposed alternative, and how the proposed alternative equals or exceeds said requirement.

O. Approved Tree List: Applicants are required to use the Treasure Valley Tree Selection Guide.

P. Changes to Approved Plans: Any changes to the approved landscape plan at any time shall be reviewed and approved by staff prior to installation. A revised landscape plan shall be submitted at the time of the change.