

CITY OF STANLEY, IDAHO ORDINANCE No. 229

AN ORDINANCE OF THE CITY OF STANLEY, CUSTER COUNTY, IDAHO AMENDING TITLE 17, "ZONING REGULATIONS" OF THE STANLEY CITY CODE AS FOLLOWS: AMENDING CHAPTER 17.08, SECTION 17.08.040 DWELLING: AMENDING THE DEFINITION OF DWELLING; AMENDING SECTION 17.08.070 RECREATIONAL VEHICLES: REMOVING LENGTH REQUIREMENTS; AMENDING SECTION 17.08.100 TINY HOUSE: ADDING A CITATION FROM THE INTERNATIONAL HOUSING CODE; AMENDING CHAPTER 17.08 DEFINITIONS: ADDING A SECTIONS DEFINING A TEPEE, TENT, TENT CABIN, YURT; AMENDING CHAPTER 17.24 COMMERCIAL DISTRICT, SECTION 17.24.010 PERMITTED USES: ADDING CHURCHES; AMENDING CHAPTER 17.26 COMMERCIAL A DISTRICT, SECTION 17.26.010 PERMITTED USES: ADDING CHURCHES AND DAY CARES; AMENDING CHAPTER 17.27 LIMITED COMMERCIAL DISTRICT, SECTION 17.27.010 PERMITTED USES: ADDING CHURCHES; AMENDING CHAPTER 17.32 AIRPORT DISTRICT, SECTION 17.32.010 PERMITTED USES: CHANGING AIRPORT MANAGEMENT REFERENCES; AMENDING SECTION 17.32.020 RESTRICTED USES AND HEIGHTS: SPECIFYING AGENCY RESPONSIBLE FOR REGULATION; AMENDING CHAPTER 17.40 GENERAL USE REGULATIONS, SECTION 17.40.032 HILLSIDE PROVISIONS: REMOVING BUILDING PERMIT INFORMATION; AMENDING CHAPTER 17.44 RESIDENTIAL C DISTRICT, SECTION 17.44.010 PERMITTED USES: ADDING CHURCHES; AMENDING CHAPTER 17.46 RECREATIONAL VEHICLES, SECTION 17.46.020 PERMITTED USES: AMENDING REQUIREMENTS OF PERMIT, FEES SET BY RESOLUTION, AND SETTING PENALTY; REPEALING SECTION 17.46.030 ISSUANCE OF PERMIT; REPEALING SECTION 17.46.040 CONTENTS OF PERMIT; AMENDING CHAPTER 17.48 SIGNS, SECTION 17.48.030 ILLUMINATION, ADVERTISING AND TEMPORARY SIGNS; COMMERCIAL, COMMERCIAL A, LIMITED COMMERCIAL, MUNICIPAL AND AIRPORT DISTRICTS: REMOVING SECTION ON TEMPORARY SIGNS; ADDING SECTION 17.48.050 TEMPORARY SIGNS: PROVIDING FOR A PERMITTED TEMPORARY SIGN; ADDING SECTION 17.48.060 FEES: FEES TO BE SET BY COUNCIL RESOLUTION; AMENDING CHAPTER 17.50 WIRELESS COMMUNICATION FACILITIES, SECTION 17.50.070 SUPPLEMENTARY MATERIALS: REMOVING MONITORING REQUIREMENTS; AMENDING CHAPTER 17.52 CONDITIONAL USES, SECTION 17.62.015 NO PRECEDENT CREATED; NON-TRANSFERABLE: CHANGING REFERENCE TO SPECIAL USE PERMITS TO CONDITIONAL USE PERMITS; AMENDING CHAPTER 17.70 VACATION RENTALS, SECTION 17.70.010 DEFINITIONS: REPEALING THE DEFINITION OF RECREATIONAL VEHICLE AND AMENDING THE DEFINITION OF SHORT-TERM VACATION RENTAL; AND AMENDING SECTION 17.70.020 GENERAL: PROVIDING A BUSINESS LICENSE SHALL BE OBTAINED AND ADDING (5) PROVIDING AN IDAHO STATUE CITATION.

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

WHEREAS, The City Council of the City of Stanley finds it necessary to update its City Code to clarify certain procedures, to remove unnecessary provisions, and to add new provisions in furtherance of the health, safety and welfare of the City of Stanley.

Section 1: That Title 17, Chapter 17.08, Section 17.08.040 of the Stanley Municipal Code is hereby amended as follows:

17.08.040: DWELLING:

"Dwelling" means a building or portion thereof designed or used for residential occupancy, including tiny houses, but not including hotels, boarding houses and lodging houses, accessory buildings, trailers, or mobile homes, tepees, tents, tent cabins, yurts, and recreational vehicles.

Section 2: That Title 17, Chapter 17.08, Section 17.08.070 of the Stanley Municipal Code is hereby amended as follows:

17.08.070: RECREATIONAL VEHICLES:

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

Section 3: That Title 17, Chapter 17.08, Section 17.08.104 of the Stanley Municipal Code is hereby established and amended as follows:

~~17.08.100:~~ 17.08.104: TINY HOUSE:

A tiny house is a dwelling not to exceed six hundred (600) square feet ~~that is four hundred (400) or fewer square feet (37 m²)~~ in floor area, excluding lofts. This includes park model recreational vehicles, as defined by Idaho Code section 49-117(2) that are permanently placed.

Section 4: That Title 17, Chapter 17.08, Section 17.08.100 of the Stanley Municipal Code is hereby amended as follows:

17.08.100: TEPEE:

A portable conical tent made of skins, cloth, or canvas or other material on a frame of poles.

Section 5: That Title 17, Chapter 17.08, of the Stanley Municipal Code is hereby amended by the addition a of a new section 101 as follows:

17.08.101: TENT:

A collapsible shelter of fabric (such as nylon or canvas) stretched and sustained by poles and generally used for camping outdoors. Does not include tents used for events.

Section 6: That Title 17, Chapter 17.08 of the Stanley Municipal Code is hereby amended by the addition a of a new section 102 as follows:

17.08.102: TENT CABIN:

A style of tent with vertical walls giving a cabin-like appearance.

Section 7: That Title 17, Chapter 17.08, of the Stanley Municipal Code is hereby amended by the addition a of a new section 104 as follows:

17.08.103: YURT:

A circular tent of felt, skins, or canvas on a collapsible or permanent framework.

Section 8: That Title 17, Chapter 17.24, Section 17.24.010 of the Stanley Municipal Code is hereby amended as follows:

17.24.010: PERMITTED USES:

Permitted uses in the Commercial District are:

Banks.

Beauty shops and barbershops.

Churches.

Daycare facilities.

Doctor and dentist offices.

Emergency services.

Gas stations.

Grocery stores.

Hobby, gift, and craft shops.

Home occupations.

Hotels, motels, lodges, and apartments.

Medical clinics.

Multi-family dwellings.

Municipal government.

Municipal library.

Offices.

One-family dwellings.

Restaurants, bars, and other eating and drinking establishments.

Retail and general mercantile stores.

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

Tiny house parks.

Section 9: That Title 17, Chapter 17.26, Section 17.26.010 of the Stanley Municipal Code is hereby amended as follows:

17.26.010: PERMITTED USES:

Permitted uses in the Commercial A District are:

Banks.

Beauty shops and barbershops.

Churches.

Daycare facilities.

Doctor and dentist offices.

Emergency services.

Gas stations.
Grocery stores.
Hobby, gift, and craft shops.
Home occupations.
Hotels, motels, lodges, and apartments.
Medical clinics.
Multi-family dwellings.
Municipal government.
Municipal library.
Offices.
One-family dwellings.
Restaurants, bars, and other eating and drinking establishments.
Retail and general mercantile stores.
Short-term vacation rentals of one-family and multi-family dwellings.
Tiny house parks.

Section 10: That Title 17, Chapter 17.27, Section 17.27.010 of the Stanley Municipal Code is hereby amended as follows:

17.27.010: PERMITTED USES:

Permitted uses in the Limited Commercial District are:

Churches.

Home occupations.

One-family dwellings.

Short-term vacation rentals of one-family dwellings.

Section 11: That Title 17, Chapter 17.32, Section 17.32.010 of the Stanley Municipal Code is hereby amended as follows:

17.32.010: PERMITTED USES:

Permitted uses in the airport district are those uses compatible with aircraft operations, which do not interfere with radio communication of aircraft, which do not impair visibility or otherwise interfere with or endanger the landing, takeoff, or maneuvering of aircraft using the city Idaho Transportation Department, Division of Aeronautics airport.

Section 12: That Title 17, Chapter 17.32, Section 17.32.020 of the Stanley Municipal Code is hereby amended as follows:

17.32.020: RESTRICTED USES AND HEIGHTS:

~~All uses within the airport district shall be subject to the city airport zoning ordinance relating to restricted uses and heights within the vicinity of the municipal airport.~~
The Idaho Transportation Department, Division of Aeronautics controls all rules concerning access to and the use of the airport located in the City of Stanley. Any violations or damage shall be reported to them or to the Custer County Sheriff.

Section 13: That Title 17, Chapter, 17.40, Section 17.40.032 of the Stanley Municipal Code is hereby amended as follows:

17.40.032: HILLSIDE PROVISIONS:

A. The provisions of this section shall apply to any building site where the topographic slope of said building site exceeds fifteen percent (15%) grade.

B. Cut and fill slopes shall comply with the following development standards:

1. Fill areas shall be prepared by removing organic material, such as vegetation and rubbish, and any other material which is determined by the soils engineer to be detrimental to proper compaction or otherwise not conducive to stability; no rock or similar irreducible material with a maximum dimension greater than eight inches (8") shall be used as fill material in fills that are intended to provide structural strength.

2. Fills shall be compacted to at least ninety five percent (95%) of maximum density, as determined by AASHTO T99 and ASTM D698.

3. Cut slopes shall be no steeper than two (2) horizontal to one vertical; subsurface drainage shall be provided as necessary for stability.

4. Fill slopes shall be no steeper than two (2) horizontal to one vertical; fill slopes shall not be located on natural slopes two to one (2:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top of an existing or planned cut slope.

5. Tops and toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3') plus one-fifth ($1/5$) of the height of the cut or fill, but need not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures a distance of six feet (6') plus one-fifth ($1/5$) the height of the cut or fill, but need not exceed ten feet (10').

6. The maximum horizontal distance of disturbed soil surface shall not exceed seventy five feet (75').

7. All cut and fill slopes shall be revegetated and/or rehabilitated with retaining walls to eliminate unsightly hillside scarring and erosion. In those instances when it is necessary to disturb naturally vegetated slopes during construction of dwellings and other associated improvements, the disturbed slope areas shall be repaired and revegetated. Temporary or permanent watering systems shall be installed and maintained during revegetation to ensure adequate growth on revegetated existing or new cut and fill slope areas. Revegetation shall consist of drought tolerant ground cover plantings, dry land grasses, shrubs, and trees combined with rock groupings, retaining walls or other similar designs or methods to prevent soil erosion and unsightly views. Plants and materials used in the revegetation shall not be of a type or variety to cause an environmental threat or concern to the local or forest environment and shall not include any plants listed as noxious weeds by Custer County.

C. Revegetation as defined in subsection B for all cut and fill slopes shall be completed no later than twelve (12) months from the expiration date of the building permit or within twelve (12) months of building completion, whichever is earlier.

D. Retaining walls are limited to eight feet (8') in height above finished grade of retaining wall unless otherwise approved by the city council. For areas or slopes exceeding eight feet (8') in height above the finished grade, or as required by engineering or other circumstances, stair stepped or offset retaining walls shall be constructed. Unless approved otherwise by the city council, the horizontal distance between the stepped or

offset wall shall not be less than one-half (1/2) the retaining wall height. Retaining walls shall be constructed of durable or permanent materials, which are attractive earth tone or natural material, or otherwise screened. Types of approved retaining wall materials include keystone block, large rock, natural rustic wood, railroad ties or other similar natural material. A "retaining wall" shall be defined as a structure built of approved materials, whose purpose shall be to stabilize existing or manufactured slopes for both the prevention of erosion and the creation of a building site. A retaining wall, which is an integral part of a building's structural design, and is attached to the building shall be considered as part of that building's "viewable facade", with the provision that its total length does not exceed twenty percent (20%) of the length of the main building, and therefore not subject to the eight foot (8') height limitation.

E. No building shall have a viewable facade that exceeds twenty eight feet (28') in height, unless a daylight basement is approved by the City Council, in which case the viewable facade as viewed from no more than three (3) sides shall not exceed thirty eight feet (38') in height. A "daylight basement" shall exist when at least one side of the basement level is totally or partially excavated or backfilled into a hillside, and at least two (2) other sides significantly excavated or backfilled into a hillside. At least one side must have a viewable facade of no more than twenty-eight feet (28') in height. The "viewable facade" of a structure shall be defined as the total visible portion of that structure from any particular side, from lowest point to rooftop.

F. Construction of dwellings and associated improvements should take into consideration the need for erosion control facilities and techniques during and after construction. Silt fences, straw bales, berms and ditches are examples of temporary techniques to control erosion. Under no circumstances shall uncontrolled erosion be allowed to deposit eroded materials on any adjacent lot, roadway, stream or wetland area. Existing or new cut and fill slopes should be protected from erosion potential. Permanent erosion control facilities should be incorporated in the design of the dwelling, lot grading, landscaping and other improvements.

~~G. Building permit holders shall be notified by the City at least thirty (30) days prior to a permit expiration date. Any person not completing the work described in a valid building permit by the termination date on the permit and who has not applied for a successor building permit shall be fined fifty dollars (\$50.00) per month until a successor building permit is approved. In addition, the incomplete construction may be declared a public nuisance. Any person violating any other provision of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to such penalties as provided by law.~~

Section 13: That Title 17, Chapter, 17.44, Section 17.44.010 of the Stanley Municipal Code is hereby amended as follows:

17.44.010: **PERMITTED USES:**

Accessory buildings
Churches
Mobile home spaces
Mobile homes

Multi-family dwellings
Offices
One-family dwellings
Recreational vehicle spaces
Recreation vehicles
Short-term vacation rental of one-family and multi-family dwellings.

Section 14: That Title 17, Chapter 17.46, Section 17.46.020 of the Stanley Municipal Code is hereby amended as follows:

17.46.020: USE BY PERMIT ONLY:

A. ~~Parking Of Recreational Vehicle:~~ Upon issuance of a ~~special use permit~~ by the City Council, the owner of any lot shall be allowed to park upon the lot, ~~for a period exceeding five (5) days,~~ one recreational vehicle for use for human occupancy reasonably related to the provision of temporary employee housing for employment by the lot owner or for temporary use during the construction period of a permitted structure; ~~provided, however, in no event may said use exceed a total of twelve (12) months.~~ If the lot owner is not the employer they must submit a letter approving use of their property to the city to be included along with the application. The permit to be renewed annually. The purpose of the temporary housing permit is to provide temporary employee housing when no other reasonable accommodations are available. This chapter shall not be used to encourage or allow substandard employee housing or additional rental opportunities. The Council may issue a permit if use does not constitute a health hazard or other nuisance, does not constitute a de facto variance or avoidance of the intent of the applicable zoning regulations, and does not impose an undue burden on other landowners or interested persons. Unless exempted by permit, adequate off street parking for passenger vehicles must be provided on the lot. The area around the recreational vehicle must be kept clear of debris, garbage or the storage of any items. In the permit, the Council shall state the permitted duration of the use and may impose additional conditions to ensure the use is compatible with surrounding uses.

~~B. Permit By Council Approval; Temporary Housing:~~ Upon issuance of a permit thereof by the City Council, the owner of a lot shall be allowed to park upon the lot one recreational vehicle for temporary human occupancy reasonably related to the provision of temporary employee housing for employment by the lot owner or for temporary use during the construction of a permitted structure; ~~provided, however, in no event may said use exceed a total of twelve (12) months.~~

~~C. Permit By Council Approval; Temporary Housing Conditions:~~ Upon issuance of a permit thereof by the City Council, the owner of a lot may be allowed to park upon the lot, for a period exceeding ten (10) days in a calendar year, one recreational vehicle for temporary human occupancy so long as said use, in the Council's discretion, is genuinely temporary and transient in nature, does not constitute a health hazard or other nuisance, does not constitute a de facto variance or avoidance of the intent of the applicable zoning regulations, and does not impose an undue burden on other landowners or interested persons. Unless exempted by permit, adequate off street parking for passenger vehicles must be provided on the lot. The area around the recreational vehicle must be kept clear

~~of debris, garbage or the storage of any items. In said permit, the Council shall state the permitted duration of the use and may impose additional conditions to ensure the use is compatible with surrounding uses.~~

~~D. B.~~ Display of Permit: A copy of the permit authorizing the use of the recreational vehicle as set forth in this chapter shall be conspicuously displayed upon the vehicle at all times.

~~E. C~~ Compliance With Other Requirements; Certification By Lot Owner: As conditions of issuance of all permits hereunder, adequate arrangements for sanitation must be made by the lot owner and the placement and size of the recreational vehicle must satisfy all setback and height requirements for the zone within which the recreational vehicle is located as conditions of issuance of the permit. Adequate arrangements for sanitation must be verified with a letter from the sewer association stating that a permit has been ~~applied for~~ obtained and a qualified sewer hookup exists. The lot owner shall certify compliance with all conditions on the permit application.

~~F. D.~~ Fees By Resolution: Fees for recreational vehicle use permits shall be set by City Council resolution. ~~The Council is authorized to establish fees for issuance of the permits described herein by resolution.~~

~~G. E.~~ Enforcement: If a property owner fails Failure to obtain a permit, or follow the conditions of the permit, they shall be guilty of an infraction and fined fifty dollars (\$50) for the first seven (7) days and one hundred dollars (\$100) for the subsequent seven (7) days, with each day being a separate offense. After 15 days the property owner shall be guilty of a misdemeanor. result in an administrative fine set by resolution of the City Council. Failure to pay an administrative fine imposed for a violation of this chapter shall be a misdemeanor.

Section 15: Repeal. That Title 17, Chapter 17.46, Section 17.46.030 of the Stanley Municipal Code is hereby repealed.

Section 16: Repeal. That Title 17, Chapter 17.46, Section 17.46.040 of the Stanley Municipal Code is hereby repealed.

Section 17: That Title 17, Chapter 17.48, Section 17.48.030 of the Stanley Municipal Code is hereby amended as follows:

17.48.030: ~~ILLUMINATION, AND ADVERTISING AND TEMPORARY SIGNS;~~ COMMERCIAL, COMMERCIAL A, LIMITED COMMERCIAL, MUNICIPAL AND AIRPORT DISTRICTS:

In the Commercial, Commercial A, Limited Commercial, Municipal, and Airport Districts, permanent exterior signs shall not be self-illuminating, but shall be illuminated only by the reflector method. Interior neon or other types of self-illuminating signs not exceeding four (4) square feet in area are permitted. Off property signs are only allowed on properties along State Highways 21 and 75, and may only advertise City of Stanley businesses not located on State highway frontage. A business not located along State

Highways 21 or 75 may place not more than one sign off site from the business location. Each property owner along State Highways 21 or 75 may erect only one sign advertising a business other than their own. Off property signage shall be rustic in nature as required for permanent signs described in section 17.48.010 of this chapter, and may be freestanding or on posts. ~~Signs advertising short term sales and other temporary signs are allowed either indoors or outdoors for no more than one month at a time. Such signs may be vinyl coated fabric, colored fabric or banners, but flashing or revolving bulbs, lights, or beacons, balloons, flags or other similar attention getting materials shall be prohibited. Temporary signs shall be restricted to the property on which the business being advertised is located.~~

Section 18: That Title 17, Chapter 17.48, of the Stanley Municipal Code is hereby amended by the addition of a new section 050 as follows:

17.48.050 TEMPORARY SIGNS:

One temporary sign is allowed for each business upon application and issuance of a temporary sign permit by the City Clerk. The sign shall be restricted to the property on which the business being advertised is located and may only be displayed during the hours in which the business being advertised is open. Signs may be vinyl coated fabric, colored fabric or banners, but flashing or revolving bulbs, lights, or beacons, balloons, flags or other similar attention getting materials shall be prohibited. The term of all temporary sign permits shall be June 1 through May 31 of the following year.

Section 19: That Title 17, Chapter 17.48 of the Stanley Municipal Code is hereby amended by the addition of a new section 060 as follows :

17.48.070 FEES:

Fees for permanent and temporary signs shall be set by City Council Resolution. Failure to obtain a permit shall result in an administrative fine as set by City Council resolution. Failure to pay an administrative fine imposed for a violation of this chapter shall be a misdemeanor.

Section 20: That Title 17, Chapter 17.50, Section 17.50.070 of the Stanley Municipal Code is hereby amended as follows:

17.50.070: SUPPLEMENTARY MATERIALS:

The following information must be submitted with the building permit application:

A. Description Of Services: A description of the services the application proposes to offer at the proposed site, including:

1. Documentation that the applicant has obtained and is in compliance with all applicable licenses, permits or authorization required by the federal communications commission.

2. Location of all existing, proposed and anticipated wireless communication facilities in the applicant's network located in the city, or within one mile of the city limits, in any direction.

3. A description of how the proposed facility fits into, and is a necessary part of, the applicant's network.

4. If the proposal does not include collocation, written documentation of all efforts made to collocate at another site, and a justification for the decision not to collocate.

5. In the instance where a facility is proposed within one hundred feet (100') of any school, child daycare center, hospital or residential dwelling, the applicant shall submit a narrative description of alternative sites considered, if any, and include specific reasons these alternative sites were deemed infeasible.

B. Design: All project applications shall adhere to the following criteria:

1. Location Relative To Schools, Child Daycare Centers, Hospitals, And Residential Dwellings: Drawings shall include the location of all schools, child daycare centers, hospitals, and residential dwellings within one hundred feet (100') from property line to the foot of the antenna array.

2. Height: Wireless communication facilities ("WCFs") shall not exceed twenty eight feet (28') in height above the existing or natural grade or the maximum permissible height of the given zoning district, whichever is more restrictive, unless granted a conditional use permit. No conditional use permit shall be granted that allows a facility within the city of Stanley or its area of impact to exceed a maximum of forty five feet (45') in height. See section 17.50.080 of this chapter for exceptions to the height requirement for roof and facade attached WCFs.

3. Minimal Visual Impact: All wireless communication facility applicants shall employ all practical means to conceal or minimize the number of facilities and reduce their visual impact, including:

a. Most Diminutive Technology: Use of the smallest components necessary to provide service that is used or proposed for use within Custer County.

b. Most Efficient Technology: Use of the most efficient components to serve the city of Stanley. In this context, "most efficient" technology is that which allows the applicant to use the fewest number of wireless communication installations to serve the city of Stanley.

c. Stealth Design: The wireless communication facility shall be designed to visually and operationally blend into the surrounding area, in a manner compatible with the local community character. The facility shall use the quietest cooling equipment and "whisper" emergency generating apparatus. Artificial "trees" may be permitted in exceptional circumstances but are highly disfavored and discouraged. When artificial trees are proposed, all paint, materials and colors shall be listed by manufacturer and color number. When an artificial tree is proposed, the applicant shall provide sufficient samples, models or other information to demonstrate that alternative designs have been considered and rejected, and the reasons for the rejections.

d. Landscaping: In the event portions of the facility will be exposed to public view, and if additional plantings would further minimize the visual impact of the facility, the applicant shall provide a landscape plan, with an emphasis on native, drought tolerant plants. When existing mature landscaping is proposed to be removed or trimmed for the installation or operation of a wireless communication facility, the applicant shall identify the location of said landscaping by species and size on the landscape plan. In such an instance, trimming or removal of existing landscaping shall be minimal and subject to approval by the city.

e. Setbacks: Wireless communication facilities shall comply with all setback requirements for structures within the applicable zoning district. However, where the proposed location would reduce visual impact, improve safety, or otherwise exhibit superior design attributes, the applicant may propose to locate any wireless communication facility component within a required setback.

f. Engineering: All facilities shall be professionally engineered with a stamped drawing documenting that the facility has been professionally engineered for the location in Stanley and all of the extremes of the natural phenomena in the area.

C. Operational Plan: All applications for wireless communication facilities shall include written assurance that the facilities shall be operated in accordance with the following:

1. Security Lighting: Security lighting shall be kept to a minimum in every instance and should only be triggered by a motion detector where practical. Security lighting potentially impacting residential districts and prominent view areas shall be minimized and all lighting shall be compliant with the city's exterior lighting regulations.

2. Maintenance: All facilities, landscaping, and related equipment shall be maintained in good working order and free from trash, debris, and graffiti and designed to discourage vandalism. Any damaged equipment shall be repaired or replaced within thirty (30) calendar days. Damaged, dead or decaying plant materials shall be removed and replaced within thirty (30) calendar days.

3. Maintenance Hours: Routine maintenance of equipment located in or adjacent to existing residential land uses shall be conducted only during the hours of eight o'clock (8:00) A.M. to five o'clock (5:00) P.M. weekdays, not including holidays. In other areas, routine maintenance may be conducted at any time. Emergency repairs and maintenance shall be conducted only in the cases of power outages and equipment failure or malfunction. Equipment "change out" and overhaul may occur any time with thirty (30) days' notice to the city to allow notice to property owners and residents within one hundred feet (100') of the facility, if applicable.

4. ~~Monitoring: At five (5) year intervals from the date when the city issues any permit authorized by this chapter, the applicant shall submit the following information, in writing, to the city council:~~

~~——a. Confirmation that the facility continues to operate in compliance with all terms and conditions of approval by the city.~~

~~——b. Independent field strength or power density measurements taken within the past thirty (30) days that verify that the facility continues to operate in compliance with all terms and conditions and emissions standards imposed by the federal communications commission.~~

~~——c. An evaluation of available equipment that would enhance the safety, efficiency or visibility of the facility or reduce the size of the facility.~~

~~——d. An evaluation of available alternate locations for a potentially more appropriate alternative.~~

~~——e. Confirmation that the facility continues to function as an essential element of the applicant's network.~~

~~——f. Documentation of any complaints received by the applicant since the inception of operations regarding the operation and maintenance of the facility, including the application actions to address the complaints.~~

D. Construction Time, Abandonment, And Decommissioning: All wireless communication facilities which receive a permit under this chapter shall be completed and operational within one hundred eighty (180) calendar days of the issuance of the permit and all related permits or licenses. The construction time may be extended for an additional one hundred eighty (180) calendar days upon a showing of good faith efforts to complete the facility, which shall take into account complications beyond the control of the applicant including season considerations. If the facility is not completed and operational by the end of the extension period, then the permit shall expire, and the applicant must reapply for the permit; however, this provision shall not apply when the applicant demonstrates to the satisfaction of the city council that the operational delay is due entirely to factors beyond the control of the applicant, in which event the council may extend the construction time at their discretion. Any facility that ceases operating for more than ninety (90) consecutive days shall be considered abandoned. In such an event, the applicant must either: 1) apply for all permits required at the time of expiration to reactivate the operation, or 2) remove all elements of the facility and restore the site, as negotiated in the lease contract. In the event the applicant fails to comply with permits or perform the removal and restoration within these ninety (90) days, the property owner may seek another applicant for use of the facility within one hundred eighty (180) days or shall have the facility removed.

Section 21: That Title 17, Chapter 17.62, Section 17.62.015 of the Stanely Municipal Code is hereby amended as follows:

17.62.015: NO PRECEDENT CREATED; NONTRANSFERABILITY NO TRANSFERABILITY:

A conditional use permit shall not be considered as establishing a binding precedent to grant other ~~special-use~~ conditional use permits. Each application shall be considered upon its individual merits and the relevant conditions existing within the city and adjoining affected areas at the time each application is considered. A conditional use permit is not transferable from one parcel of land to another.

Section 22: That Title 17, Chapter 17.70, Section 17.70.010 of the Stanley Municipal Code is hereby amended as follows:

17.70.010: DEFINITIONS:

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

~~RECREATIONAL VEHICLE: A vehicle which is: a) built on a single chassis; b) four hundred (400) square feet or less when measured at the longest horizontal projections; c) designed to be self-propelled or permanently towable by a light duty truck; and d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

SHORT TERM VACATION RENTAL: The rental of a single one-family dwelling or a multi-family dwelling for not more than thirty (30) days at one time.

SINGLE-FAMILY DWELLING: A dwelling constructed without physically independent living units within a single structure. A physically independent living unit has independent kitchen and bath facilities and independent exterior access.

Section 23: That Title 17, Chapter, 17.70, Section 17.70.020 of the Stanley Municipal Code is hereby amended as follows.

17.70.020: GENERAL PROVISIONS:

A. Requirements:

1. ~~A rental agreement shall be required for all short-term vacation rentals. A copy of the proposed rental agreement shall be submitted to the City Clerk. A business license shall be obtained for any short-term rental per Stanley Municipal Code 05.24.~~
2. All parking shall be restricted to the lot occupied by the dwelling.
3. All fire safety equipment in the home, e.g., sprinkler systems, alarms, and fire extinguishers, must be in proper working order.
4. Limit noise and other disruptive activities, e.g., quiet hours after ten o'clock (10:00) P.M.
5. The City may implement reasonable short-term rental restrictions necessary to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rental or vacations rentals operate. (IC67-6539).

Section 24: Repeal. That Title 16, Chapter 16.40 of the Stanley Municipal Code is hereby repealed.

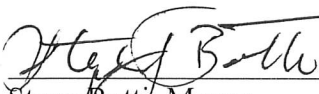
Section 25: Repealer: All ordinances, policies or parts thereof, which are in conflict herewith, are hereby repealed.

Section 26: Severability: Should any part or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such a decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared be unconstitutional or invalid.

Section 27: Effective Date: This ordinance shall be in full force and effective from the date of passage and publication according to law.

Section 28: Codification: The City Clerk is directed to forward the signed and approved ordinance to the codifier for codification.

APPROVED by the Mayor and City Council of the City of Stanley on this 31 day of July, 2025.



Steve Botti, Mayor

ATTEST: 

City Clerk

