

## STAFF REPORT

**TO:** Hailey City Council  
**FROM:** Beth Robrahn, Planning Director   
**RE:** Amendment to Zoning Map – Blocks 128 and 133, Hailey Townsite (Blaine Manor)  
**HEARING:** February 22, 2010

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**Applicant:** City of Hailey  
**Request:** Amendment to Zoning District Map  
**Location:** Blocks 128 and 133, Hailey Townsite (706 S Main St)  
**Current Zoning:** Limited Business (LB) within the Townsite Overlay (TO)  
**Proposed Zoning:** Business (B) within the Townsite Overlay (TO)  
**Note:** Staff analysis is in lighter type.

### Notice

Notice for the public hearing on February 22, 2010 was published in the Idaho Mountain Express on February 3, 2010; the notice was mailed to property owners within 300 feet and to public agencies and area media on February 3, 2010; and notice was posted on all external boundaries of the property on February 13, 2010.

### Application

The city has initiated a request for a zone change of Blocks 128 and 133, Hailey Townsite from Limited Business to Business to facilitate the sale of the property for the benefit of the Croy Canyon Foundation senior care and home facility to replace the Blaine Manor facility operated by the County.

### Procedural History

This rezone is being initiated in association with the effort to establish clear property lines for the Blaine County School District owned Hailey Elementary property, City owned Rodeo Ground/Skate Park property and County owned Blaine Manor property. The City Council directed the initiation of the rezone process for the purpose of assisting the future sale of the property as leverage toward the construction of a new senior care facility being planned in Croy Canyon. This rezone request is primarily on the basis of increasing the allowed density and lot coverage and allowing the greatest flexibility for future possible uses.

The Planning and Zoning Commission held a public hearing on January 4, 2010 and recommend the Council approve the rezone. For further details please refer to the Commission's findings of fact (attached).

**Analysis and Discussion**

**USES**

The subject property is currently the site of the Blaine Manor, a nursing home. A medical clinic was also located on the site until its relocation in November 2009. Uses adjacent to the subject property include:

South: Post Office

North: Office and retail

West: Church

East: School playing fields, rodeo grounds and skate park

The purpose of the current LB District is to provide areas for a wide range of residential uses, restricted business uses, and medical facilities. The LB District is intended to allow for commercial uses that would not detract from the established downtown retail businesses; hence general retail is not allowed.

The purpose of the proposed B District is to provide areas for general business and commercial activities and a limited number of residential uses.

Currently permitted, conditional and accessory uses and bulk regulations in the LB and B Districts are set forth in Section 4.5 and 4.7 of the Hailey Zoning Ordinance.

This table compares permitted, conditional and accessory uses; the differences are noted in bold:

Use	Permitted		Conditional		Accessory	
	LB	B	LB	B	LB	B
Above ground combustible liquid tanks.					X	X
Above ground flammable liquid tanks utilized by a public use.			X	X		
<b>Administrative and support services.</b>		X				
All Day Care Businesses.	X	X				
<b>Arts, entertainment and recreation uses (indoor and outdoor).</b>	X					
<b>Arts, entertainment and recreation uses, except outdoor arenas and amusement parks.</b>		X				
<b>Auto dealerships.</b>				X		
Automotive Repair and Maintenance.			X	X		
<b>Bars</b>		X				
<b>Broadcasting firms, media offices, and related uses.</b>		X				
Catering Services.	X	X				
<b>Churches.</b>	X			X		
<b>Construction contractors' offices with no exterior storage.</b>			X			
<b>Convenience Stores.</b>			X			
Dwelling Units within Mixed Use Buildings	X	X				

Use	Permitted		Conditional		Accessory	
	LB	B	LB	B	LB	B
<b>Finance and insurance firms.</b>		X	X			
Garages.					X	X
<b>Gasoline Stations.</b>		X	X			
Government offices and public administration, except correctional institutions.	X	X				
<b>Greenhouses/private.</b>					X	
Health care and social assistance.	X	X				
Home Occupations.	X	X				
<b>Hybrid Production Facilities.</b>				X		
<b>Laundromats and dry cleaners.</b>		X				
Lodging Establishments.	X	X				
<b>Manufactured Homes.</b>	X					
<b>Medical and personal care stores.</b>			X			
<b>Mercantile (wholesale and retail).</b>		X				
Multiple-Family Dwellings.	X	X				
One Accessory Dwelling Unit on lots of 7,000 square feet or larger					X	X
<b>Outpatient Animal Services.</b>				X		
<b>Parking lots and parking garages not associated with a permitted use.</b>				X		
Parks.	X	X				
<b>Personal Services where retail sales are clearly incidental to the principal use and no outside storage yard or facility is required.</b>	X					
<b>Personal Services.</b>		X				
Professional Offices, excluding veterinarians.	X	X				
Public Service, Public Use and Public Utility Facilities.			X	X		
PWSF's and WCF's, mounted on any proposed freestanding tower upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.)			X	X		
PWSF's or WCF's, attached to street poles, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.	X	X				
PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.					X	X
Real estate and property management companies.	X	X				
<b>Restaurants</b>		X	X			
Schools and other educational services.	X	X				
Semi-Public Uses.	X	X				
<b>Single Family Dwelling.</b>	X					
Storage buildings.					X	X
Temporary Structures.			X	X		
<b>Wholesale distributors.</b>			X			

BULK REGULATIONS

When considering this rezone, the differences between the bulk regulations of the current and proposed zoning district, with and without the Townsite Overlay, are evaluated:

The Townsite Overlay District sets forth bulk regulations and design standards that are layered on top of the regulations of the underlying zoning district. Where the regulations specified in the Townsite Overlay District differ from corresponding regulations specified for the underlying zoning district, the requirements of the Townsite Overlay District apply and control. The Townsite Overlay requirements do not affect the use regulations of the underlying zoning district. In the event that the subject property is removed from the Townsite Overlay boundary, the underlying district regulations would apply.

The following are the differences in bulk regulations **without** considering the Townsite Overlay:

Bulk Regulations	LB	B
Minimum Lot Size	6,000 sq ft	No minimum
Maximum multi-family units per acre	20	20
Maximum aggregate gross floor area for individual retail/wholesale trade or grouped retail/wholesale trade	36,000 sq ft	36,000 sq ft or 50,000 sq ft
Maximum Lot Coverage	No maximum	No maximum
Size of Detached Accessory Dwelling Unit	No minimum or maximum	No minimum or maximum

The following are the differences in bulk regulation **with** consideration of the Townsite Overlay:

Bulk Requirements	LB in Townsite Overlay	B in Townsite Overlay
Minimum Lot Size	4,500 sq ft	No minimum
Minimum Lot Width	37.5 ft	No minimum
Maximum Building Height	35 feet	35 ft 40 ft w/ residential unit(s)
Minimum Setbacks	12 ft from street 6 ft from alley 6-10 ft from other private property	No minimum
Maximum Lot Coverage	70%	No maximum

Section 14.8 of the Hailey Zoning Ordinance allows for the rezone of certain parcels to be made conditional upon the owner or developer of the property making a commitment concerning the use or development of the subject parcel. Development Agreements should only be used if there are unique issues specific to bulk regulations. If there are issues with specific permitted uses allowed in the zoning district being considered, that should be addressed relative to the entire zoning district, not just a single parcel.

**Standards of Evaluation**

**14.6 When evaluating any proposed amendment under this Article, the Hearing Examiner or Commission and Council shall make findings of fact on the following criteria:**

- a. The proposed amendment is in accordance with the Comprehensive Plan;**
  - The Comprehensive Plan Land Use Map reflects suitable projected land uses for the City. It considers existing conditions, trends, and desirable future situations, the objective being a balanced mix of land uses for the community. The Map establishes a basis and direction for the expansion and/or location of business, residential, industrial, institutional and green space areas within and adjacent to the City. The Land Use Map depicts the area proposed for rezone as “Business/Commercial Mixed Use – Dynamic Central Business District; residences incorporated within commercial buildings; infill encouraged”.

	<b>COMP PLAN DESIGNATION</b>	<b>ZONING DESIGNATION</b>	<b>LAND USE</b>
<b>Existing</b>	Business/Commercial/Mixed Use	LB	Health Care and social assistance
<b>Proposed</b>	No change	B	unknown
<b>North of site</b>	Business/Commercial/Mixed Use	B	Medical services, office and retail
<b>South of site</b>	Transitional	LR	Vacant
<b>East of site</b>	Business/Commercial/Mixed Use	LB	Skate park and rodeo grounds
<b>West of site</b>	Business/Commercial/Mixed Use	B	Church

- Land Use Districts, Section 5.4 states,
  - “Encourage integration of compatible land uses in order to retain a compact City comprised of a central downtown, with surrounding diverse neighborhoods, thereby reducing sprawl and traffic, increasing efficiency, and creating neighborhood and community character.” and
  - “Enhance the Central Business District as defined in this plan, maintaining it as Hailey’s primary retail center. Consider ordinance amendments that will support a dynamic and vital downtown core. Expand the Business and like districts in accordance with the established Land Use Map.”
- Due Process and Public Input, Section 5.8 states,
  - “Proactively amend the Hailey Zone District map to resolve significant conflicts between the Land Use Map and the Zoning Map.”

Central Business District is defined as, “that area containing all properties lying within the

Business and Limited Business districts on or adjacent to Main Street, River Street, and First Avenue and between the intersection of Third Avenue and Main Street and the intersection of McKercher Boulevard and Main Street.”

Each district regulates allowed uses, residential density, lot coverage, building bulk and height. Typically a rezone request is on the basis of increasing the allowed density and lot coverage; however, the Comprehensive Plan focuses on changes of use associated with rezones. A summary of the differences in land uses between the LB and B zoning districts is as follows:

### **Permitted Uses**

#### LB Only

- Outdoor arenas
- Churches (Conditional in B)
- Manufactured Homes.
- Personal Services where retail sales are clearly incidental to the principal use and no outside storage yard or facility is required.
- Single Family Dwelling.

#### B Only

- Administrative and support services.
- Broadcasting firms, media offices, and related uses.
- Finance and insurance firms. (conditional in LB)
- Gasoline Stations. (conditional in LB)
- Laundromats and dry cleaners.
- Mercantile (wholesale and retail).
- Personal Services.
- Restaurants (conditional in LB)
- Bars

### **Conditional Uses**

#### LB Only

- Construction contractors' offices with no exterior storage.
- Convenience Stores.
- Medical and personal care stores.
- Wholesale distributors.

#### B Only

- Auto dealerships.
- Hybrid Production Facilities.
- Outpatient Animal Services.
- Parking lots and parking garages not associated with a permitted use.

#### Accessory in LB Only

- Greenhouses/private.

The Council should determine if the rezone is compatible with the Land Use Map given that the property is shown as a “Business/Commercial Mixed Use” area on the Land Use Map and the nature of uses allowed in the B District compared to the LB District.

- b. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;**

Public facilities and services are available to support the full range uses permitted by the B district.

- c. The proposed uses are compatible with the surrounding area; and**

Uses adjacent to the subject property include:

South: Post Office

North: Office and retail

West: Church

East: School playing fields, rodeo grounds and skate park

The similarities and differences in the permitted and conditional uses of the B and LB zoning districts are outlined in the analysis section and under standard 1. Consideration should be given to the relative impacts of the uses and whether there is a difference in the impacts associated with a use permitted in one zone and conditional or prohibited in the other.

**d. The proposed amendment will promote the public health, safety and general welfare.**

The rezone is intended to facilitate the future sale of the property as leverage toward the construction of a new senior care facility being planned in Croy Canyon by the Croy Canyon Ranch Foundation to replace the Blaine Manor facility. The City Council, in initiating this rezone and in previously agreeing to extend service to the project, has deemed the Croy Canyon Ranch Foundation project as a project that would promote the public health, safety and general welfare.

**14.6.1 When evaluating any proposed Zoning Ordinance Map Amendment to rezone property to Business (B) Zoning District, Limited Business (LB) Zoning District or Transitional (T) Zoning District, the Hearing Examiner or Commission and Council shall consider the following:**

- a. Vacancy rates of existing buildings and land within the existing Business (B), Limited Business (LB) or Transitional (T) Zoning Districts. A lower vacancy rate will favor a rezone, while a higher vacancy rate will not favor a rezone.**
- b. The distance of the parcel proposed for rezone from the Central Core Overlay District boundary. A shorter distance from the Central Core Overlay District boundary will favor a rezone, while a longer distance from the Central Core Overlay District boundary will not favor a rezone.**

The intent of 14.6.1 was to address rezone requests from residential zones (GR and LR) to commercial zones (B, LB and T) in accordance with an implementation item under Section 5.4 of the Comprehensive Plan (“evaluate actual adjacent uses when considering any rezone from residential to transitional zoning”). This proposed rezone is from one commercial zoning district to another, LB to B. The analysis demonstrates that the uses and bulk regulations of the LB and B zones are similar.

**Summary**

The Council shall make a decision, with findings on the standards of evaluation noted above. If the proposed change is approved, the Council shall pass an ordinance making said amendment part of Hailey Zoning Ordinance #532. The draft ordinance is attached.

**Motion Language**

Approval:

Motion to approve the city initiated application for a zone change of Blocks 128 and 133, Hailey Townsite from Limited Business to Business, finding that the amendment is in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare and adopt Ordinance \_\_\_\_\_ and authorize the mayor to conduct the first reading by title only.

Denial:

Motion to deny the city initiated application for a zone change of Blocks 128 and 133, Hailey Townsite from Limited Business to Business, finding that \_\_\_\_\_ [the Council should cite which standards are not met and provided the reason why each identified standard is not met].

Continuation:

Motion to continue the public hearing upon the proposed amendment to Section \_\_\_\_\_ to \_\_\_\_\_ [the Council should specify a date].

HAILEY ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, AND THE OFFICIAL ZONING MAP INCORPORATED THEREIN, BY CHANGING THE ZONING DISTRICT DESIGNATION OF THE HAILEY ZONING MAP, BLOCK 128 AND BLOCK 133, HAILEY TOWNSITE, FROM LIMITED BUSINESS (LB) TO BUSINESS (B); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Official Zoning Map will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the Hailey City Council has found that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

WHEREAS, the Hailey City Council has found that the proposed uses are compatible with the surrounding area; and

WHEREAS, the Hailey City Council has found that the amendment will promote the public health, safety and general welfare of the general public.

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

Section 1. Hailey Ordinance No. 532 and Hailey Official Zoning Map incorporated therein are hereby amended by changing the zoning district designation of Block 128 and Block 133, Hailey Townsite, from Limited Business (LB) to Business (B).

Section 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.

\_\_\_\_\_  
Richard L. Davis, Mayor, City of Hailey

Attest:

\_\_\_\_\_  
Mary Cone, City Clerk

Published: Idaho Mountain Express --



## STAFF REPORT

**TO:** Hailey City Council  
**FROM:** Mariel Platt, Planner   
**RE:** Zoning Ordinance Amendment – Section 8.2, Sign Ordinance  
**HEARING:** February 22, 2010

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**Note:** Staff analysis is in lighter type

### Notice

Notice for the public hearing was published in the Idaho Mountain Express and mailed to public agencies and area media on February 3, 2010.

### Proposal

Attached are amendments to Section 8.2 of the Zoning Code proposed by the City. These amendments would revise the Sign Ordinance.

### Procedural History

The impetus for the amendments to Section 8.2 are the following: 1) reduce administrative burdens by simplifying the implementation of the ordinance through various means, 2) reduce interpretation error and inconsistencies through greater clarification, 3) improve the portable sign standards to allow for the continuation of portable signs in the public right-of-way while strengthening the requirements to mitigate their potential impacts, 4) increase the number and type of signs which are exempt from the sign ordinance to reduce unnecessary regulation, 5) address signage standards of multi-unit buildings to ensure fair signage is allocated to each unit, 6) reorganize the format of the ordinance to make it more user friendly for the public, 7) eliminate unnecessary duplication of standards, 8) address second story signage and other potentially unnecessary or ineffective signage, which if unaddressed will lead to sign clutter, and 9) create new and better define existing definitions.

Two workshops, in October 2008 and January 2009, were held with the business community and general public to determine the public's concerns with the existing sign ordinance. The majority of the concerns centered on portable signs in the public right-of-way and signage for multi-unit buildings. Staff has attempted to incorporate some of these issues as well as others into the proposed amendments.

The Planning Department drafted a new sign section that incorporated the issues raised in the previous workshops and addressed the goals listed above. The Commission reviewed this draft during a public workshop on August 17, 2009 and November 16, 2009. The feedback staff received from the public and the Commission at these meetings generated additional changes to the draft amendments. The following are three of the more substantive changes made during this period review:

- The existing standard for portable signs to be moved from the public right-of-way outside of businesses' hours of operation would be eliminated. This current standard is difficult to enforce and inconvenient for business owners. By removing it from the ordinance it allows portable signs to be displayed continuously provided a sign does not pose a safety hazard.
- Allow any city official to remove a portable sign in the public right-of-way if it has fallen down, is obstructing vehicular line of sight or pedestrian traffic, is interfering with snow removal, is not permitted, or is violating the ordinance in any other way. This allows the city to remedy potential hazards and violations without requiring business owners to continuously bring their signs in after their business closes. After removing a portable sign, a city official would call the sign owner and notify them that they can pick up their sign at City Hall.
- Allow food services to display roof and antenna mounted signs.

Currently, the ordinance prohibits “any inflatable object used for promotional or sign purposes.” No changes have made to this existing standard. This would include balloons attached to portable signs, especially along Main Street. Businesses feel the balloons help their signs get noticed by passing traffic and add vibrancy to the city. There are also concerns that balloons have the potential to obstruct vehicular line-of-sight, blow into the sidewalk thereby impeding pedestrian access along the sidewalks, and are often neglected and lay deflated on the ground creating an eyesore. Tom Hellen, Hailey Public Works Director, has stated that the balloons along Main Street are a safety issue and that 3 feet to 7 feet above grade should be kept clear for adequate vehicular line-of-sight.

On November 16, 2009, the general consensus of the Commission was that balloons or other inflatable objects should not be permitted on or attached to signs because they are distracting, pose a threat to vehicular line of sight, impede pedestrian right-of-ways, and are often not well maintained. No feedback from the public was received regarding the use of balloons during the November 16, 2009 workshop.

The Planning and Zoning Commission held a public hearing on the proposed amendments on December 7, 2009. The Commission recommended approval of the amendments.

### Department Comments

#### Standards of Evaluation

**14.6 Criteria for Review. When evaluating any proposed amendment under this Article, the Hearing Examiner or Commission and Council shall make findings of fact on the following criteria:**

**1. The proposed amendment is in accordance with the Comprehensive Plan;**

The Council should consider how the proposed amendments relate to the various policies and implementation items of the Comprehensive Plan, particularly the following:

*Section 3.0 – Special Sites, Areas, and Features*

*1. Goal: The goal of this section is to retain and protect features of special interest to the community, and to protect the scenic value of the Wood River Valley.*

*2. Policy: Preserve the architectural and ambient quality of the Hailey Business*

*district.*

13.0 - Community Design

2. Policy: Encourage and require a Central Business District that adds to community character by maintaining general architectural standards and by retaining a human scale and pedestrian friendly atmosphere with decreased dependency on automobiles.
5. Policy: To enhance visual aesthetics and beautification of the community with specific efforts directed to the central core.

10.0 – Transportation

*I. Goal: Create and maintain a pedestrian and bicycle friendly community that provide safe, convenient and efficient multi –modal transportation for all Hailey residents, that moves people and not just cars, and that preserves and enhances our quality of life.*

2. **Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;**

It is not anticipated that the proposed ordinance would create additional requirements at public cost for public facilities and services.

3. **The proposed uses are compatible with the surrounding area; and**  
The proposed amendments do not affect the uses in the surrounding areas.

4. **The proposed amendment will promote the public health, safety and general welfare.**

The proposed amendment would improve the portable sign standards to allow for the continuation of portable signs in the public right-of-way while strengthening the requirements to mitigate their potential impacts and allow for the removal of signs by any city official that cause potential safety hazards.

**Summary**

The Council shall hold a public hearing and determine whether the proposed amendments are in accordance with the applicable standards of evaluation.

The Council shall make a decision, with **findings on the four standards of evaluation** noted above. If the proposed change is approved, the Council shall pass an ordinance making said amendment part of Hailey Zoning Ordinance #532. The draft ordinance is attached.

**Motion Language**

Approval:

Motion to approve the proposed amendments to Section 8.2, finding that the amendments are in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare; and adopt Ordinance No. \_\_\_\_\_ and authorize the mayor to

conduct the first reading.

**Denial:**

Motion to deny the proposed amendments to Section 8.2, finding that \_\_\_\_\_  
[the Council should cite which standards are not met and provided the reason why each identified  
standard is not met].

**Continuation:**

Motion to continue the public hearing upon the proposed amendment to Section 8.2 to  
\_\_\_\_\_ [the Council should specify a date].

**Table:**

Motion to table the public hearing upon the proposed amendment to Section 8.2.

HAILEY ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, REPEALING SECTION 8.2 OF HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, AND REPLACING SECTION 8.2 WITH A NEW SECTION 8.2, WHICH PROVIDES A PURPOSE SECTION, CREATES DEFINITIONS, ESTABLISHES APPLICABILITY, ESTABLISHES PROCEDURES FOR A SIGN PERMIT, IDENTIFIES EXEMPT AND PROHIBITED SIGNS, CREATES DESIGN GUIDELINES, ESTABLISHES SIGN LIGHTING AND AREA STANDARDS, ESTABLISHES STANDARDS FOR SIGNS FOR MULTI-UNIT BUILDINGS, PROVIDES SPECIFIC SIGN STANDARDS, PROVIDES FOR PROCEDURES FOR UNSAFE AND ILLEGAL SIGNS AND NON-CONFORMING SIGNS, AND CREATES STANDARDS FOR MAINTENANCE OF SIGNS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Zoning Ordinance conform to the Hailey Comprehensive Plan;

WHEREAS, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

WHEREAS, the uses are compatible with the surrounding area; and

WHEREAS, the amendment will promote the public health, safety and general welfare.

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

Section 1. Section 8.2 of the Hailey Zoning Ordinance No. 532, is hereby repealed in its entirety and replaced with the addition of a new Section 8.2, as follows:

8.2. Signs.

8.2.1 Purpose: The purpose of Section 8.2 is to establish standards for the fabrication, erection, and use of Signs, symbols, markings, and advertising devices within the City. These standards are enacted to:

- a. Protect the public health, safety, and welfare of persons within the community.
- b. Aid in the development and promotion of business and industry.
- c. Encourage aesthetic creativity, effectiveness and flexibility in the design of such devices without creating detriment to the general public.
- d. Reduce hazardous situations, confusion and visual clutter caused by proliferation, improper placement or illumination, and/or bulk of Signs which compete for the attention of pedestrian and vehicular traffic.

8.2.2 Definitions: Words and phrases used in Section 8.2 shall have the meanings set forth in this Section 8.2.2 and in Article II of this Ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Animated Sign. Any sign or part of a sign that changes physical position in any way, or which

gives the visual impression of movement or rotation.

Art. All visual forms conceived of any medium, material, or combinations thereof, including but not limited to, a drawing, painting, sculpture, mosaic, or photograph, subject to individual aesthetic interpretation.

Alter. The change or alteration of a sign structure or design, whether by extension, enlargement, or in moving from one location or position to another.

Awning Sign. Any sign attached to or made part of a roof-like structure constructed of canvas, vinyl, or similar material placed over a frame and projecting outward from a building providing a protective or decorative covering for doors, windows and other openings.

Building Frontage. The width of a building facing the street to which the front door of the Unit is oriented. In the case of Units with multiple frontages, frontage shall be determined by taking an average of each frontage.

Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face of the sign.

Copy. Any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof which is intended to advertise, identify, or notify.

Directory Sign. A sign that is attached flat against the façade and is oriented towards pedestrians and used for buildings with multiple-units that do not each have a street level entrance and are accessed through a shared entrance or lobby.

Flag. Any fabric banner or bunting containing distinctive colors, patterns or symbols used as a symbol of a government or political subdivision.

Freestanding Sign. Any sign erected on a freestanding frame, platform, base, mast, or pole(s) and not structurally attached to any building.

Marquee Sign. Any sign attached to or made part of any permanent roof-like structure projecting beyond a building, generally designed and constructed to provide protection from the weather.

Master Sign Plan. A plan which establishes the size, design, location, and tenant designation for all exterior Signs associated with a multi-unit or multi-building development.

Neon Sign. Any sign or portion of a building illuminated or outlined by tubes using electrically stimulated neon or other gas.

Non-conforming Sign. Any sign which was lawfully erected and maintained prior to the effective date of Section 8.2, and which fails to comply to any applicable regulations and restrictions herein.

Pennant. Any lightweight plastic, fabric, or other material whether or not containing a message

of any kind, suspended and designed to move in the wind.

Portable Sign. Any sign not permanently attached to the ground or to a building, and designed to be easily relocated. Also referred to as a sandwich board sign.

Projecting Sign. Any sign affixed to a building, wall, colonnade, or awning in such a manner that it extends more than nine inches beyond the surface of the same.

Roof Sign. A sign affixed on, above or over the roof of a building so that any portion of the sign projects above the roofline.

Sign. Every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition of sign shall also include the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of others.

Temporary Sign. A sign installed on a property for 72 hours or less and displayed no more than four times a year.

Unit. A space that is leased, sold, or rented within a building.

Wall Sign. Any sign attached parallel to, but within nine inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any Building or structure, which is supported by such wall, and which displays only one sign surface.

Window Sign. Any sign installed upon or within three feet of a window for the purpose of viewing from outside the premises. This term does not include merchandise displayed.

### 8.2.3 Applicability

No person shall erect, alter, or relocate any Sign within the City without first obtaining a sign permit from the City, unless the Sign is exempt under Section 8.2.5. Any person who fails to obtain a permit before hanging, posting, or installing a Sign which requires a permit under Section 8.2 shall be in violation of this Ordinance.

### 8.2.4 Sign Permits

Applications for permits for Signs shall include the following:

- a. A site plan which specifies the linear footage of Building Frontage, if applicable, the location of the sign structure, and if the sign is to be mounted on the building, drawings which show the scale of the sign in context with the scale of the building.
- b. A colored rendering and scaled drawing including:
  - color samples,
  - dimensions of all sign faces,
  - descriptions of materials to be used,
  - manner of construction,
  - method of attachment, and
  - if a Master Sign Plan is required, the Unit designation of each sign or the maximum square footage available to each Unit.

- c. A copy of a State of Idaho Electrical Installation Permit for any internally lighted or Neon Sign.
- d. A sign permit application on the form provided by the City.
- e. Appropriate fees as established by separate ordinance of the Hailey City Council.
- f. Multiple Signs may be permitted on one (1) sign permit application, subject to one (1) sign permit fee, provided the application includes all information relevant to all Signs being permitted at that time.
- g. Any sign permit application for a Portable Sign to be placed within the public right-of-way shall include an additional inspection fee as set forth by separate ordinance.
- h. Sign permits for Portable Signs in the public right-of-way shall also be subject to an annual application renewal and inspection permit, for which a fee shall be charged as set forth by separate ordinance.

8.2.4.1 A complete Master Sign Plan must be submitted at the time of design review application for any new construction for multi-unit or mixed use buildings. The Master Sign Plan must conform to all applicable sections of 8.2 and is subject to the same application, permitting and fee requirements. For a new Sign, the tenant(s) or owner(s) of an individual Unit, who occupy a space that has an approved Master Sign Plan, must submit a separate sign permit application, which conforms to the Master Sign Plan. If no Master Sign Plan exists, the owner of a multi-unit building shall submit a Master Sign Plan along with the separate sign permit application and shall be subject to one (1) sign permit fee. The maximum aggregate area of all Signs available to each Unit shall be determined by dividing the total sign area permitted for the building by the number of Units, occupied or unoccupied, unless the building owner or owner's agent submits a Master Sign Plan which allocates signage otherwise while still complying with the maximum aggregate area of signage available to the building.

8.2.4.2 Complete sign permit applications will be reviewed by the Planning Staff, subject to the approval of the Administrator, and either approved, denied, or returned with requested modifications. Any aggrieved applicant has the right to appeal in accordance with Section 3.6 of the Hailey Zoning Ordinance.

- 8.2.5 Exempt Signs. The following Signs shall not be subject to the permit process as defined by Section 8.2.4 and are not included in the total aggregate sign area as defined in Section 8.2.9.
- a. Flags, symbols, or insignias either historic or official of any state or nation, providing the Flag is no larger than sixty square feet and is flown from a pole the top of which is no higher than forty (40) feet from natural grade.
  - b. Signs posted by a government entity.
  - c. Two Temporary Signs per building or if a multi-unit building one per Unit, less than 16 square feet each.
  - d. Signs with areas of four square feet or less.
  - e. Merchandise displayed in windows that does not involve Copy.
  - f. Pennants and wind socks, which in no way identify or advertise a person, product, service, or business.
  - g. Any sign inside a building not visible from the exterior of the building.
  - h. Art located on private property which in no way identify or advertise a person, product, service, or business.
  - i. Historic Signs designated by Hailey City Council as having historical significance to the City or replicas of historic Signs as approved by the Council.

- j. Building identification Signs which identify the name of the building only. These Signs are separate from Signs which identify, advertise, or promote any person, entity, product, or service.

8.2.6 Prohibited Signs. No person shall erect, maintain, or relocate any of the following Signs within the City:

- a. Signs creating traffic hazards. A sign at or near any public street, or at the intersection of any public streets, situated in such a manner as to create a traffic hazard by obstructing vision. Additionally, any sign at any location which would interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- b. Any sign which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety, and welfare of any person or property.
- c. Any sign which contains an intermittent light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.
- d. Changeable Copy Signs.
- e. Roof Signs, except mansard roof Signs provided that the highest portion of any sign attached to a mansard roof is no more than 2/3 the height of the building to which it is attached.
- f. Animated Signs.
- g. Any Pennant, propeller, or similar device which is designed to display movement under the influence of the wind and which contains a message, announcement, declaration, demonstration, display, illustration, or insignia used for promotion or advertisement of a person, product, service, or business.
- h. Any Sign attached to or displayed on outdoor furniture.
- i. Any Sign mounted on wheels.
- j. Signs painted on vehicles parked and visible from the public right-of-way or those mounted on the roof or antenna of automobiles, unless the vehicle is licensed, registered and used as a vehicle in the normal day-to-day operations of the business, with the exception of food delivery services, student driver, and auto transportation services.
- k. Any inflatable object used for promotional or sign purposes, including balloons.
- l. Signs advertising a business that is located outside of the corporate limits of Hailey.
- m. Signs using "day-glo", fluorescent, or reflective colored material that gives the appearance of changing color, or brilliant luminescent colors.
- n. Any Sign covering or obscuring windows, doors, storefronts, building entrances, eaves, cornices, columns, horizontal expression lines, or other architectural elements or details.

8.2.7 Design Guidelines.

- a. Projecting Signs are preferred over Portable or sandwich board Signs. Projecting Signs generally are more effective for increasing visibility to both pedestrians and motorist.
- b. Sign materials and colors should compliment the building façade. Basic and simple color applications are encouraged.
- c. The color of letters and symbols should contrast with the base or background color of the sign to maximize readability.
- d. In multi-unit buildings, a Directory Sign with the names and suite numbers of all Units without individual street level entrances are encouraged to be provided at the shared entrance to those Units.

#### 8.2.8 Sign Lighting Standards.

- a. All lighted Signs shall comply with lighting standards as set forth in Article VIII B of the Hailey Zoning Ordinance.
- b. A Sign may be lit with an internal light source intended to illuminate only translucent portions of the Sign or with an external light source intended specifically to illuminate the Sign.
- c. Any lit Sign is prohibited in the RGB, LR and GR zoning districts.
- d. Internally lit Signs are prohibited in the LB, TN, and NB districts.
- e. Only the Copy portion of internally lit Signs may emit light. All other areas, including background, shall be constructed, treated and colored in a manner which makes those areas opaque.
- f. Neon light used to draw attention to any business or building in any manner is considered a sign. A maximum of 2 Neon Signs per Unit or building shall be allowed, regardless of whether the sign requires a permit.

#### 8.2.9 Sign Area Standards.

- a. Total Sign area permitted for any building shall not exceed a total of two square feet of Sign area per lineal foot of Building Frontage, except in the following cases:
  - i. A building with only one Unit that meets or exceeds 75 feet or linear Building Frontage shall not exceed 150 square feet of total sign area.
  - ii. The size standards in Section 8.2.11, Specific Sign Standards, shall apply and control the total sign area permitted to each Unit or building.
- b. Signs on vacant properties are subject to Section 8.2.11.3.e, and are allowed only one Sign per lot.
- c. The maximum aggregate area of all Signs for any building shall not exceed the total Sign area permitted. All Sign faces displayed that are over four (4) square feet shall be included in determining the maximum aggregate area for a building.
- d. The area of a Sign shall be computed using all faces of a Sign within a perimeter which forms the outside shape, excluding any necessary supports upon which the Sign may be placed. Where a Sign consists of more than one face, section, or module, all areas shall be totaled.
- e. Internally lighted Signs shall not exceed a total of 75 square feet for any building.

#### 8.2.10 Sign Standards for Multi-unit buildings

- a. All Units with an individual street level entrance are allowed up to two Signs, with no more than one Sign on any one building facade.
- b. All street level interior Units without an individual street level entrance and Units located on a second story or above shall be limited to one Sign. The location of which must be approved in a Master Sign Plan for the building.

#### 8.2.11 Specific Sign Standards:

##### 8.2.11.1 Awning and Marquee Signs.

- a. The Copy area is limited to the valances of the awnings.
- b. Only permitted in the following zoning districts: RGB, LR and GR
- c. Shall not project more than six feet (6') from the building wall and shall provide at least eight feet (8') of vertical clearance when projecting over a pedestrian access way, measured from the ground to the lowest part of the supports for the Awning or Marquee

## Sign.

### 8.2.11.2 Changeable Copy Signs.

- a. The Copy on any Changeable Copy Sign shall not be changed more than three times per day. Changeable Copy Signs shall be maintained in a legible and serviceable manner.
- b. Permitted in all zoning districts except the RGB, LR and GR districts.

### 8.2.11.3 Freestanding Signs.

- a. The height shall not be greater than ten feet (10'), measured from natural grade to the top of the Sign.
- b. Permitted in all zoning districts.
- c. Shall provide eight feet (8') of ground clearance if projecting over the public right-of-way.
- d. There shall be only one Freestanding Sign per Building.
- e. Freestanding Signs aligned perpendicular to the adjacent public right-of-way are allowed a maximum sign area of 48 square feet, or 24 square feet per side. Those aligned parallel to the adjacent public right-of-way are allowed a maximum sign area of 32 square feet.

### 8.2.11.4 Portable Signs.

- a. Any Portable Sign is limited to two (2) sign faces or two (2) sides per Portable Sign.
- b. Maximum area allowed is six (6) square feet per side, and limited to three feet (3') in height. If there are supporting legs on a Portable Sign frame, they may be up to six inches (6") in height.
- c. Permitted in all zoning districts, except the RGB district.
- d. One Portable Sign is permitted per Unit.
- e. Portable Signs shall be weighted or anchored in some manner to prevent them from being moved or blown over by the wind.
- f. Portable Signs shall not be located so as to obstruct pedestrian or vehicular traffic, or obstruct sight lines at intersections.
- g. No more than two (2) Portable Signs placed in the public right-of-way shall be permitted per corner.
- h. Portable Signs must be located in a manner that that maintains thirty-six inches (36") of clear width along all public right-of-ways.

### 8.2.11.5 Projecting Signs.

- a. Projecting Signs may be placed on a building or underneath an approved canopy, awning or colonnade, but may not extend, at any point, more than four feet (4') from the surface to which it is attached.
- b. Signs must have at least eight feet (8') of vertical clearance when projecting over a pedestrian access way, measured from natural grade to the bottom of the Sign.
- c. Permitted in all zoning districts, except in the RGB, LR, and GR districts.

### 8.2.11.6 Wall Signs.

- a. Wall Signs may be placed on a structure provided they do not exceed a total of ten percent (10%) of the facade to which they are attached.
- b. Permitted in all zoning districts, except in the LR district.

8.2.11.7 Window Signs.

- a. Permanent Window Signs may be placed in or on any window provided that no more than 50% of the total transparent area of the window is obscured.
- b. Permitted in all zoning districts, except in the RGB, LR, and GR districts.

8.2.12 Unsafe and Illegal Signs. Any Sign which has been determined to be unsafe by the Building Official, Planning and Zoning Administrator, Public Works Director, or other designated City employee, or which has been constructed, erected or maintained in violation of Section 8.2 or any approved sign permit, must be repaired, made safe, or made in conformance with Section 8.2 or any approved sign permit or the owner of any such sign will be considered in violation of Section 8.2. The City reserves the right to remove any sign placed in, projecting into, or otherwise impacting the public right-of-way, without notice and at anytime, if the sign is not permitted or is determined to be violating Section 8.2 or an approved sign permit in any way.

8.2.13 Non-Conforming Signs.

- a. A Non-Conforming Sign shall not be transferred to a new tenant or occupant of the premises on which the Sign is erected and shall be removed at the termination of the tenancy to which it applies.
  - i. Signs existing prior to 1940 shall not be required to comply with the above.
- b. Any Non-Conforming Sign may not be enlarged, extended, reconstructed, moved, or structurally altered so as to increase the degree of non-conformity.
- c. Minor repairs may be done to any portion of a Non-Conforming Sign, provided the repair(s) does not increase the degree of non-conformity.
- d. Any Non-Conforming Sign which has been damaged or destroyed, either by calamity or natural causes may be repaired, provided the repaired and replaced sign does not increase the degree of non-conformity.
- e. Any Non-Conforming Sign removed or not displayed for a period longer than six (6) months, shall thereafter not be replaced or redisplayed.

8.2.14 Maintenance. It is the affirmative obligation of the owner of every Sign within the City to maintain the Sign in a good state of repair at all times. Non-Conforming Signs may be repaired and maintained provided the repairs are for the purpose of maintaining the Sign in its original condition, do not increase the degree of nonconformity in the Sign, and are otherwise in accordance with Section 8.2.

Section 2. Severability Clause. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. Repealer Clause. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. Effective Date. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk, City of Hailey



AGENDA ITEM SUMMARY

DATE: 2/8/2010 DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: NW

SUBJECT:

Annexation Ordinance Amendment

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a proposed ordinance amendment, which would revise the standards of evaluation for an annexation. The proposed amendment eliminates the standard which calls for an analysis of specific comprehensive plan provisions and adds a standard which requires an annexation to be in the best interests of the citizens of Hailey. The Planning Director and I feel that an analysis of specific provisions of the comprehensive plan is not necessarily a productive exercise. In contrast, the general analysis of the comprehensive plan is probably a better planning tool. I have added the standard of best interest as directed at the last meeting.

Ned

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:** Case # \_\_\_\_\_  
Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Staff Contact: \_\_\_\_\_ Phone # \_\_\_\_\_  
Comments: \_\_\_\_\_

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

<input type="checkbox"/> City Attorney	<input type="checkbox"/> Clerk / Finance Director	<input type="checkbox"/> Engineer	<input type="checkbox"/> Building
<input type="checkbox"/> Library	<input checked="" type="checkbox"/> Planning	<input type="checkbox"/> Fire Dept.	_____
<input type="checkbox"/> Safety Committee	<input type="checkbox"/> P & Z Commission	<input type="checkbox"/> Police	_____
<input type="checkbox"/> Streets	<input type="checkbox"/> Public Works, Parks	<input type="checkbox"/> Mayor	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discuss whether the City should amend the annexation ordinance as presented. If the Council wishes to proceed with this amendment, then instruct staff to place the ordinance on the agenda under public hearings at the next convenient meeting.

FOLLOW-UP REMARKS:

2/8 - council authorized moving forward with the public hearings on this item.  
2/22 - public hearings

Hailey Ordinance No. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 14.01 OF THE HAILEY MUNICIPAL CODE, ENTITLED ANNEXATION PROCEDURES, BY AMENDING SECTIONS 14.01.080 AND 14.01.090 TO ADD A STANDARD REQUIRING A FINDING THAT A PROPOSED ANNEXATION WOULD BE IN THE BEST INTERESTS OF THE CITIZENS OF HAILEY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and the City Council of the City of Hailey desire to add a standard of evaluation requiring a finding that a proposed annexation would be in the best interests of the citizens of Hailey; and

WHEREAS, the Mayor and the City Council of the City of Hailey believe it is appropriate to amend Chapter 14.01 to add the requirement that a proposed annexation would be in the best interests of the citizens of Hailey.

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

Section 1. Section 14.01.080 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

**14.01.080 COMMISSION REVIEW.** Subject to its bylaws, the Commission shall conduct a public hearing to review the application for annexation. The Commission shall review the particular facts and circumstances of a proposed annexation for the purpose of determining (1) whether the proposed annexation will be harmonious and in accordance with specific the goals and policies of applicable components of the Hailey Comprehensive Plan, and (2) ~~whether the proposed annexation generally complies with the Hailey Comprehensive Plan~~ whether the proposed annexation would be in the best interests of the citizens of Hailey. The Commission shall also make a recommendation that the property sought to be annexed should be zoned as one or more particular zoning districts, as more fully described in the Hailey Zoning Ordinance. The Commission shall make findings of fact and conclusions of law relating to the application's general compliance with the Hailey Comprehensive Plan and to the Commission's recommendation for zoning. The Commission shall forward those findings and conclusions in writing to the Council and the applicant.

Section 2. Section 14.01.090 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

**14.01.090 COUNCIL REVIEW.**

A. Conduct and Notice of Council Hearing. Upon receipt of the Commission's findings of fact and conclusions of law, the Council shall schedule a public hearing to review the application for annexation. Notice of the public hearing shall be conducted in the same manner as the notice for a Commission hearing pursuant to Section 14.01.070 of this

Chapter. The Council shall have the right to request further information deemed necessary by the Council at any time during the proceedings.

B. Fiscal Impact. To assist the Council in the determination whether an annexation will have any negative fiscal impact, the Council may, in its sole and absolute discretion, require the applicant for annexation, at the applicant's sole expense, to submit a fiscal analysis or an updated fiscal analysis by a qualified and independent person or firm acceptable by the Council and in a format acceptable by the Council, to determine the proposed annexation's impact and to recommend the base amount of annexation fees. The Council retains the right to require further monetary or non-monetary contributions for any annexation. The applicant has the right to seek the City's approval of such a fiscal impact study at any point in the annexation process.

C. Findings. During the public hearing process of the application for annexation, the Council shall make its own findings of fact and conclusions of law to determine:

1) whether the proposed application will be harmonious and in accordance with the specific goals and policies of applicable components of the Hailey Comprehensive Plan, and

2) ~~whether the proposed annexation generally complies with the Hailey Comprehensive Plan, and~~ whether the proposed annexation would be in the best interests of the citizens of Hailey, and

3) to the extent possible, whether the proposed annexation will have a negative fiscal impact upon the existing citizens of Hailey at the time of an annexation and in the future.

If the Council finds general compliance with the Hailey Comprehensive Plan, the Council shall then consider the application for a zoning classification and consider any and all factors it deems, in its sole and absolute discretion, important to determine whether an application for annexation shall be granted or denied. If the Commission made negative findings related to the Comprehensive Plan under Section 14.01.080 and therefore did not make a recommendation on zoning classification for the property sought to be annexed, but the Council subsequently made favorable findings related to the Comprehensive Plan and wishes to proceed with the annexation, the Council shall remand the proceedings to the Commission for its recommendation on zoning classification.

D. Decision. The Council has the sole and absolute discretionary right to approve, approve with conditions or deny an application for annexation. In addition, the Council is authorized to require, as a condition of approval, that the applicant and the City enter into an annexation agreement providing for the terms and conditions of an approved annexation. In the event a subsequent development proposal materially differs from the development shown in approved annexation, the annexation agreement shall provide that the proposed development may be denied, that the applicant shall be responsible for any increased annexation fees and/or that the property may be deannexed. There shall be no right of an appeal by an applicant or by an affected party from an adverse recommendation by the Commission or from an adverse decision of the Council on an annexation application. If the Council elects to approve the application for

annexation with or without conditions, the Council shall also establish the appropriate zoning district(s) for the annexed property in accordance with the procedures set forth in Article XIV of the Hailey Zoning Ordinance.

Section 3. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

**PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED  
BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.**

\_\_\_\_\_  
Richard L. Davis, Mayor, City of Hailey

Attest:

\_\_\_\_\_  
Mary Cone, City Clerk

AGENDA ITEM SUMMARY

DATE: 2/8/2010 DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: NW

**SUBJECT:**

Business License Amendment

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

I am enclosing a proposed ordinance amendment, which would revise the definition of "business" to delete a home occupation. I have been advised that the city has interpreted the business license ordinance and the zoning ordinance to exempt home occupations from the requirements of a business license. To be consistent with that interpretation, I have eliminated language which on its face would require a business license for home occupations.

Ned

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:** Case # \_\_\_\_\_  
Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Staff Contact: \_\_\_\_\_ Phone # \_\_\_\_\_  
Comments: \_\_\_\_\_

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

___ City Attorney	<u>Clerk</u> Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	<u>X</u> Administrator
___ Safety Committee	___ P & Z Commission	___ Police	___
___ Streets	___ Public Works, Parks	___ Mayor	___

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Discuss whether the City should expressly eliminate home occupations from the requirement of obtaining a business license. If the Council wishes to proceed with this amendment, then instruct staff to place the ordinance on the agenda under public hearings at the next convenient meeting.

**FOLLOW-UP REMARKS:**

2/8 - council asked city staff to move forward with these changes.  
2/22 - Public Hearings

HAILEY ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, REVISING CHAPTER 5.02 OF THE HAILEY MUNICIPAL CODE BY AMENDING SECTION 5.02.010 TO REVISE THE DEFINITION OF "BUSINESS" OR "OCCUPATION"; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Mayor and the City Council of the City of Hailey wish to amend the definition of "business" or "occupation" to exempt home occupations from obtaining a business license; and

WHEREAS, the Mayor and City Council find that such an amendment will further the public health, safety and general welfare.

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

Section 1. Section 5.02.010 of the Hailey Municipal Code is amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

"Business" or "occupation" means all activities, trades, and pursuits conducted or engaged in for profit, including without limitation, wholesale businesses, retail businesses, and personal service businesses and professions, and businesses conducted as home occupations in any and all situations where suppliers, vendors, customers, clients, and/or members of the general public visit or frequent the premises where the business or occupation is conducted, but shall not mean home occupations as defined by the Hailey Zoning Ordinance, Hailey Ordinance No. 532, as amended.

Section 2. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 3. Repealer Clause. All ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

**PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL** and approved by the  
Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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Richard L. Davis, Mayor  
City of Hailey

ATTEST:

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Mary Cone, City Clerk



**AGENDA ITEM SUMMARY**

DATE: February 22, 2010

DEPARTMENT: Planning

DEPT. HEAD SIGNATURE: 

**SUBJECT:** First Reading of an ordinance to amend the Hailey Zoning Ordinance and the Official Zoning Map by changing the zoning district designation of Lots 4 – 10, Block 69, Hailey Townsite from GR to LB.

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IFAPPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

On February 8, 2010, the Hailey City Council held a public hearing and approved an application by Ed Uhrig for the rezone of Lots 4 -10, Block 69, Hailey Townsite.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:** Case# # \_\_\_\_\_  
Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Staff Contact: \_\_\_\_\_ Phone # \_\_\_\_\_  
Comments:

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IFAPPLICABLE)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> City Administrator       | <input type="checkbox"/> Library             | <input type="checkbox"/> Safety Committee |
| <input checked="" type="checkbox"/> City Attorney | <input type="checkbox"/> Mayor               | <input type="checkbox"/> Streets          |
| <input type="checkbox"/> City Clerk               | <input type="checkbox"/> Planning            | <input type="checkbox"/> Treasurer        |
| <input type="checkbox"/> Building                 | <input type="checkbox"/> Police              | _____                                     |
| <input type="checkbox"/> Engineer                 | <input type="checkbox"/> Public Works, Parks | _____                                     |
| <input type="checkbox"/> Fire Dept.               | <input type="checkbox"/> P & Z Commission    | _____                                     |

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Review the Ordinance and authorize the Mayor to conduct the first reading by title only.

**ADMINISTRATIVE COMMENTS/APPROVAL:**

City Administrator \_\_\_\_\_ Dept. Head Attend Meeting (circle one) Yes No

**ACTION OF THE CITY COUNCIL:**

Date \_\_\_\_\_

City Clerk \_\_\_\_\_

**FOLLOW-UP:**

\*Ord./Res./Agmt./Order Originals: Record  
Copies (all info.): \_\_\_\_\_  
Instrument # \_\_\_\_\_

\*Additional/Exceptional Originals to: \_\_\_\_\_  
Copies (AIS only)

HAILEY ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, AND THE OFFICIAL ZONING MAP INCORPORATED THEREIN, BY CHANGING THE ZONING DISTRICT DESIGNATION OF THE HAILEY ZONING MAP, LOTS 4 - 10, BLOCK 69, HAILEY TOWNSITE, FROM GENERAL RESIDENTIAL (GR) TO LIMITED BUSINESS (LB); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Official Zoning Map will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the Hailey City Council has found that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

WHEREAS, the Hailey City Council has found that the proposed uses are compatible with the surrounding area; and

WHEREAS, the Hailey City Council has found that the amendment will promote the public health, safety and general welfare of the general public.

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

Section 1. Hailey Ordinance No. 532 and Hailey Official Zoning Map incorporated therein are hereby amended by changing the zoning district designation of Lots 4 - 10, Block 69, Hailey Townsite, from General Residential (GR) to Limited Business (LB).

Section 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.

Richard L. Davis, Mayor, City of Hailey

Attest:

\_\_\_\_\_  
Mary Cone, City Clerk

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