

AGENDA ITEM SUMMARY

DATE: 2/27/2012 **DEPARTMENT:** Comm Dev **DEPT. HEAD SIGNATURE:** _____

SUBJECT: Readings of Ordinance 1097 – Amendments to Zoning Ordinance 6.A

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Following public hearing on February 6, 2012, the Hailey City Council approved proposed ordinance 1097 with minor amendments.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____

Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Benefits Committee |
| <input 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 | _____ |

ADMINISTRATIVE COMMENTS/APPROVAL:

Conduct 2nd Reading of Ordinance 1097

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

ACTION OF THE CITY COUNCIL:

Date 2/27/12

*Mayor conducted 2nd reading
3/5 - 3rd reading and summary*

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

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

HAILEY ORDINANCE NO. 1097

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 6A.1, TO CLARIFY APPLICABILITY; AMENDING SECTION 6A.4 TO CLARIFY THAT ADMINISTRATIVE DECISIONS UNDER SECTION 6A.2 DO NOT REQUIRE A PUBLIC HEARING; AMENDING SECTION 6A.5 TO SPECIFY PLAN SIZE; AMENDING SECTION 6A.7 TO CLARIFY WHEN PEDESTRIAN AMENITIES ARE REQUIRED; AMENDING SECTIONS 6A.8(A) AND 6A.8(B) TO CLARIFY BUILDING AND PARKING AREA LOCATION AND BUFFERING; AMENDING SECTION 6A.9 TO CLARIFY APPLICABILITY OF TOWN SITE GUIDELINES; DELETING SECTION 6A.9(III)(C)(10); RENUMBERING SECTION 6A.9(III)(C)(11) AS SECTION 6A.9(III)(C)(10); 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 adopted Ordinance 1062, which reorganized the design review standards and after a year of working with the new standards clarification is necessary to avoid unintended consequences;

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

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services;

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

WHEREAS, the amendment will be in accordance with the safety and 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. Section 6A.1, Applicability, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

A. No person shall build, develop, or substantially remodel or alter the exterior of the following Buildings without receiving design review approval pursuant to this Article:

1. A building for a non-residential Principal or Conditional ~~Use~~ within any zoning district.

2. A building for a Public or Semi-Public Use within any zoning district.

3. A Multi-Family Dwelling of three or more units within any zoning district.

4. A Single Family Dwelling, Duplex or Accessory Structure within the Townsite

Overlay (TO) District.

5. A Historic Structure.

B. Exemptions.

1. Murals and public art

2. Applications for non-emergency temporary structures are not subject to Design Review, but are subject to the Conditional Use Permit process as set forth in Article XI of the Zoning Ordinance.
3. Projects which qualify under Section 6A.2(A)(3) of this Article.

Section 2. Section 6A.4, Design Review Process, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

A. A pre-application conference with the Planning Staff is recommended. At this meeting, the Planning Staff will familiarize the potential applicant with the review process that will apply to the project and with related City regulations and review criteria that may affect the project. The applicant shall bring site-specific information including conceptual drawings in order to familiarize the Planning Staff with the specifics of the proposal.

B. Detailed design drawings shall be submitted for final planning review. Construction plans or working drawings are not required prior to review. At this stage the applicant must provide architectural drawings showing building materials, details of all exterior features, and other information as set forth in Section 6A.6 of this Ordinance. A minimum scale 1/8" ~~to 1/4"~~ is recommended for the architectural plans.

C. City department heads review all projects ensuring conformance with the underlying zone requirements, City Standards and Design Review Guidelines.

D. Except as otherwise provided herein, applications for design review require a public hearing. Public notice must be provided in a publication of general circulation a minimum of 15 days prior to the public hearing, and for all owners of property within 300 feet, in those cases where a hearing before the Commission is to be held. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of notice may be provided in lieu of mailed notice. Sufficient notice shall be deemed to have been provided if the City provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the City at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site.

1. Applications determined to meet one of the criteria in 6A.2 do not require a public hearing. Notice to property owners within 300 feet of the subject property is required for applications that are determined to have no significant impact; such notice shall inform adjacent property owners comment on the application may be given during a period of ten (10) days beginning the date the notice is post marked.

~~E. The project is reviewed by the reviewing body as set forth in Section 6A.3 above. The reviewing body will approve, deny or conditionally approve the applicant's request based on criteria outlined in Section 6A.6 of this Article.~~

F. In order for a building permit to be issued after final Design Review approval, final construction drawings must be reviewed and approved by the Building Department. Application for a building permit must occur within one year of Design Review approval, or as otherwise provided by agreement authorized by law. The expiration date may be extended once, for an additional six (6) months, upon written request. Such request must be received prior to the expiration date. In the event any Design Review approval is for community housing units, an extension period of up to eighteen (18) months may be granted. The Commission shall review and approve or deny the request for extension.

Section 3. Section 6A.5, Application, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

A. An application for design review approval shall follow the procedures and be subject to the requirements established by Article 3, Section 3.8 of the Zoning Ordinance, and shall be made by at least one (1) holder of any interest in the real property for which the design review approval is proposed.

B. The following information is required with an application for Design Review:

1. The Design Review application form including project name and location, and applicant and representative names and contact information.

2. One (1) full size 24" x 36" set of prints plans and survey and ~~six (6)~~ one (1) sets of 11" x 17" set copies (~~two if heard by the Hearing Examiner~~) showing at a minimum the following:

a. Vicinity map, to scale, showing the project location in relationship to neighboring buildings and the surrounding area. Note: a vicinity map must show location of adjacent buildings and structures.

b. Drainage plan (grading, catch basins, piping, and dry-wells).

c. Utilities plan (location and size of water and sewer mains and services, gas, electric, TV and phone).

d. Site plan, to scale, showing proposed parking (including parking stall dimensions), loading, general circulation, and snow storage. List square footage of subject property including lot dimensions.

e. Landscape plan (existing landscaping on the site shown as retained, relocated or removed; proposed landscaping including species type, size and quantity).

f. Floor plan. List gross square footage for each floor. List occupancy classification and type of construction.

g. Detailed elevations of all sides of the proposed building and other exterior elements (colors, materials).

h. Exterior Lighting plan, pursuant to Article VIII B, of the Zoning Ordinance (location, height, type, and lumen output; spec sheets for fixtures; illuminance levels/photometrics for area lighting).

i. Sign plan (location, dimensions and lighting).

3. Plans and drawings for all buildings, except Single Family Dwellings and Accessory Structures, shall be prepared and stamped by an Idaho licensed architect.

4. A materials and colors sample board. Each sample should be approximately 12"x12" in size.

5. One (1) colored rendering of at least one side of the proposed building.

6. Staging and contractor parking plan. Statement of where staging will occur, and parking plan for contractors. If any staging or parking shall occur off-site, a staging/parking plan must be submitted including materials storage, excavation (backfill) stockpile areas, job trailers, blue rooms, dumpsters, contractor parking, etc.

7. A list of the names and addresses of all property owners and residents within three hundred (300) feet of the exterior boundaries of the subject property, in a format acceptable to the City.

8. Other information as required by the Administrator, Hearing Examiner or the Commission.

9. Payment of applicable fees.

Section 4. Section 6A.7, Improvements Required, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

A. Streets.

1. Sidewalks and drainage improvements are required in all zoning districts, except as otherwise provided herein.

a. The requirement for Sidewalk and drainage improvements may be waived if the proposed project construction is less than five hundred (500) square feet.

b. The requirement for Sidewalk and drainage improvements may be waived for any remodel or addition to Single Family Dwelling and Duplex projects within the Townsite Overlay District; Sidewalk and drainage improvements shall be required for new Principle Building in the Townsite Overlay District.

c. The City may approve and accept voluntary cash contributions in-lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be 110% of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in-lieu contribution shall be paid before the City issues a certificate of occupancy.

2. Sidewalk and drainage improvements shall be located and constructed according to applicable City Standards, except as otherwise provided herein.

a. In the B and LB zoning districts the following are required:

i) A minimum sidewalk width of 10 feet

ii) Street trees with tree grates or a landscape buffer between the sidewalk and curb determined to be adequate.

b. The Developer or City may propose alternatives to either the standard Sidewalk location or configuration required.

i). The Council, Commission or Hearing Examiner shall ensure that the alternative configuration or location shall not reduce the level of service or convenience to either residents of the development or the public at large.

ii). If an alternative location is approved, the cost of construction of the required square footage of sidewalk and lineal feet of drainage improvements and the associated engineering costs, as approved by the City Engineer, shall be paid by the applicant to the City before the City issues a certificate of occupancy, unless otherwise allowed for in an agreement between the City and applicant. The City shall ensure construction of sidewalk and drainage improvements occurs within two years of the date the funds are received from the applicant.

3. The length of Sidewalk and drainage improvements constructed shall be equal to the length of the subject property line(s) adjacent to any Public Street or Private Street.

34. New Sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.

45. Sites located adjacent to Public Streets or Private Streets that are not currently thru-streets, regardless of whether the street may provide a vehicular connection to future streets, shall provide sidewalks to facilitate future pedestrian connections.

5. ~~The Developer or City may propose alternatives to either the standard Sidewalk location or configuration required.~~

~~a. The Hearing Examiner or Commission and Council shall ensure that the alternative configuration or location shall not reduce the level of service or convenience to either residents of the development or the public at large.~~

~~b. If an alternative location is approved, the cost of construction of the required square footage of sidewalk and lineal feet of drainage improvements shall be paid by the applicant to the City. The City shall ensure construction of sidewalk and drainage improvements occurs within two years of the date the Design Review findings of fact, conclusions of law and decision is signed.~~

~~6. The City may approve and accept voluntary cash contributions in lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be 110% of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in lieu contribution shall be paid before the City issues a certificate of occupancy. In lieu contributions for sidewalks shall not be accepted in B, LB, TI and SCI districts.~~

B. Water Line Improvements.

1. In the Townsite Overlay District, any proposal for new construction or addition of a garage accessing from the alley, where water main lines within the alley are less than six (6) feet deep, the developer shall install insulating material (blue board insulation or similar material) for each and every individual water service line and main line between and including the subject property and the nearest public street, as recommended by the City Engineer.

Section 5. Section 6A.8(A)(1), Design Standards, Non-Residential, Multifamily or Mixed Use Buildings, Site Planning, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

A. Non-Residential, Multifamily or Mixed Use Building. The following design standards apply to any non-residential, multifamily or mixed use building located within the City of Hailey.

1. Site Planning

a. The location, orientation and surface of buildings shall maximize, to the greatest extent possible sun exposure in exterior spaces to create spaces around buildings that are usable by the occupants ~~residents~~ and allow for safe access to buildings.

b. All existing plant material shall be inventoried and delineated, to scale, and noted whether it is to be preserved, relocated or removed. Removal of trees larger than 6 inch caliper proposed to be removed require an arborist review. Any tree destroyed or mortally injured after previously being identified to be preserved, or removed without authorization, shall be replaced with a species of tree found in the Tree Guide and shall be a minimum of 4 inch caliper.

c. Site circulation shall be designed so pedestrians have safe access to and through the site and to building.

d. Building services including loading areas, trash storage/pickup areas and utility boxes shall be located at the rear of a building; the side of the building adjacent to an internal lot line may be considered as an alternate location. These areas shall be designed in a manner to minimize conflict among uses and shall not interfere with other uses, such as snow storage. These areas shall be screened with landscaping, enclosures, fencing or by the principal building.

e. Where alleys exist, or are planned, they shall be utilized for building services.

f. Vending machines located on the exterior of a building shall not be visible from any street.

g. Except as otherwise provided herein, ~~On-site~~ parking areas shall be located at the rear of the building and ~~screened-buffered~~ from the sidewalk adjacent to the street. Parking and access shall not be obstructed by snow accumulation.

i) Parking areas located within the SCI zoning district may be located at the side or rear of the building.

ii) Parking areas may be considered at the side of buildings within the B, LB, TI and LI zoning districts provided a useable prominent entrance is located on the front of the building and the parking area is buffered from the sidewalk adjacent to the street.

h. Access to on-site parking shall be from the alley or, if the site is not serviced by an alley, from a single approach to the street to confine vehicular/pedestrian conflict to limited locations, allow more buffering of the parking area and preserve the street frontage for pedestrian traffic.

i. Snow storage areas shall be provided on-site where practical and sited in a manner that is accessible to all types of snow removal vehicles of a size that can accommodate moderate areas of snow.

j. Snow storage areas shall not be less than 25% of the improved parking and vehicle and pedestrian circulation areas.

k. A designated snow storage area shall not have any dimension less than 10 feet.

l. Hauling of snow from downtown areas is permissible where other options are not practical.

m. Snow storage areas shall not impede parking spaces, vehicular and pedestrian circulation or line of sight, loading areas, trash storage/pickup areas, service areas or utilities.

n. Snow storage areas shall be landscaped with vegetation that is salt-tolerant and resilient to heavy snow.

Section 6. Section 6A.8(A)(3), Design Standards, Non-Residential, Multifamily or Mixed Use Buildings, Accessory Structures, Fences and Equipment/Utilities, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

3. Accessory Structures, Fences and Equipment/Utilities

a. Accessory structures shall be designed to be compatible with the principal building(s).

b. Except as otherwise provided herein, ~~A~~-accessory structures shall be located at the rear of the property.

i) Accessory structures may be considered in a location other than the rear on sites determined to have characteristics that prevent location at the rear of the site.

c. Walls and fences shall be constructed of materials compatible with other materials used on the site.

d. Walls and fencing shall not dominate the buildings or the landscape. Planting should be integrated with fencing in order to soften the visual impact.

e. Except as otherwise provided herein, ~~A~~-all roof projections including, roof-mounted mechanical equipment, such as heating and air conditioning units, ~~but excluding solar~~

~~panels and Wind Energy Systems that have received a Conditional Use Permit, shall be shielded and screened from view from the ground level of on-site parking areas, adjacent public streets and adjacent properties. Wind Energy Systems that have received a Conditional Use Permit and solar panels are exempt from this requirement.~~

- f. The hardware associated with alternative energy sources shall be incorporated into the building's design and not detract from the building and its surroundings.
- g. All ground-mounted mechanical equipment, including heating and air conditioning units, and trash receptacle areas shall be adequately screened from surrounding properties and streets by the use of a wall, fence, or landscaping, or shall be enclosed within a building.
- h. All service lines into the subject property shall be installed underground.
- i. Additional appurtenances shall not be located on existing utility poles.

Section 7. Section 6A.8(B), Design Standards, Non-Residential, Multifamily or Mixed Use Buildings, Accessory Structures, Fences and Equipment/Utilities, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

B. Non-Residential and Mixed Use Buildings Located within B, LB, or TN. In addition to the standards applicable to any non-residential, multifamily or mixed use building located within the City of Hailey described in Section 6A.8.A, the following design standards also apply to any non-residential and Mixed Use Buildings located within the B, or LB,~~or TN~~ zoning districts.

1. Site Planning

- a. The site shall support pedestrian circulation and provide pedestrian amenities. Sidewalks shall be provided along building fronts.
- b. Wider sidewalks are encouraged to provide additional amenities such as seating areas and bicycle racks.

2. Building Design

a. The main facade shall be oriented to the street. The main entrance(s) to the building shall be located on the street side of the building. If the building is located on a corner, entrances shall be provided on both street frontages. If the design includes a courtyard, the main entrance may be located through the courtyard. Buildings with more than one retail space on the ground floor are encouraged to have separate entrances for each unit.

b. Multi-unit structures shall emphasize the individuality of units or provide visual interest by variations in roof lines or walls or other human scale elements. Breaking the facades and roofs of buildings softens the institutional image which may often accompany large buildings.

~~c. Buildings located within the Business District shall be located directly at the back of the sidewalk. In other zoning districts buildings may be separated from the sidewalk by landscaping or plazas with benches, bicycle racks, trash containers, and other pedestrian amenities.~~

~~c.~~ Building designs shall maximize the human scale of buildings and enhance the small town "sense of place". This can be achieved by utilizing voids and masses, as well as details, textures, and colors on building facades. Human scale can also be achieved by incorporating structural elements such as colonnades and covered walkways, overhangs, canopies, entries, and landscaping. Particular attention should be paid to creating interest at the street level.

~~d.~~ Buildings that exceed 30 feet in height, the entire roof surface shall not project to the highest point of the roof. The Commission shall review building height relative to the other dimensions of width and depth combined with detailing of parapets, cornices, roof, and other architectural elements.

f.e. Livable outdoor spaces in multi-story buildings that create pleasing elements and reduce the mass of taller buildings are encouraged.

g.f. Fire department staging areas shall be incorporated into the design elements of the building.

h.g. New buildings adjacent to residential areas shall be designed to ensure that building massing and scale provide a transition to adjoining residential neighborhoods. Possible mitigation techniques include, but are not limited to the following:

i) Locating open space and preserving existing vegetation on the edge of the site to further separate the building from less intensive uses;

ii) Stepping down the massing of the building along the site's edge;

and

iii) Limiting the length of or articulating building facades to reflect adjacent residential patterns

3. Landscaping

i.a. When abutting the LR, GR or TN zoning districts, a landscape buffer between the project and the residential property shall be provided. The buffer shall be at least eight foot wide to create a year-round visual screen of at least 6 feet in height. The buffer shall be designed to avoid the appearance of a straight line or wall of uniform plant material and shall be wide enough to accommodate the planted species when mature.

Section 8. Section 6A.9, Design Review Guidelines for Residential and Non-Residential Buildings in the Townsite Overlay District (TO), of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

6A.9 Design Review Guidelines for Residential ~~and Non-Residential~~ Buildings in the Townsite Overlay District (TO).

I. Purpose~~Introduction: What is this document?~~

The Hailey Townsite Design Review Guidelines have been developed to provide standards for development in Old Hailey. The term "Old Hailey" means all land within the Townsite Overlay District. ~~The attached map (see Appendix A) shows the area where these Design Guidelines apply.~~ These Design Guidelines address the basic elements of design related to building location, orientation, function and scale, as well as how the building and improvements relate to the neighborhood. Section III.A of this document outlines the Guiding Principles that provide a framework for the detailed guidelines. These Design Guidelines allow for a wide variety of building styles, while ensuring that each new building respects the neighborhood character of Old Hailey. The Design Guidelines contain some flexibility to allow for individual solutions to site specific issues.

II. Applicability~~How to use this document.~~

Proposals for new Single Family Dwellings, Accessory Dwelling Units, Accessory Structures and Duplexes and additions thereto that add floor area equal to or greater than 50% of the original structure will be reviewed for compliance with these Design Guidelines ~~by an Architectural Hearing Examiner, a Hearing Examiner contracted by the City with specific expertise in site design and architectural issues.~~ Also subject to review are additions that add floor area equal to or greater than 50% of the original structure. A remodel or alteration of the exterior of a Historic Structure that does not add floor area is subject only to 6A.9(III)(C)(10).

~~Decisions of the Hearing Examiner may be appealed by affected parties. Appeals will be heard by the Planning and Zoning Commission. The process for Hearing Examiners and for appeals is outlined in Article III of the Hailey Zoning Ordinance. Nonresidential uses and residential uses of three (3) units or greater will be reviewed by the Hailey Planning and Zoning Commission. The Commission will use the applicable Design Guidelines for these projects.~~

~~Guidelines that contain the word "shall" are mandatory. Guidelines that contain the word "should" are discretionary. This document is organized to include Guidelines and explanatory text that illustrates the intent of the Guidelines. Guidelines are in bold type. Some guidelines contain bulleted sections, also in bold type, which are considered part of the Guideline. Explanatory text is not in bold type. This explanatory text and is not meant to specifically regulate development proposals, but to elaborate on the intent of the Guideline. An example of the formatting of this document these guidelines is provided below.~~

This is the Guideline and:

- **Bold bullets are considered part of the Guideline.**
~ **this further indented bullet is considered part of the Guideline also.**

This is the Guideline.

- This is explanatory text.

~~Guidelines that contain the word "shall" are mandatory. Guidelines that contain the word "should" are discretionary.~~

Section 9. Section 6A.9(III)(C)(10), Non-residential and Multi-family Uses, of the Hailey Zoning Ordinance No. 532, is hereby deleted in its entirety.

Section 10. Section 6A.9(III)(C)(11), Historic Structures, of the Hailey Zoning Ordinance No. 532, is hereby renumbered 6A.9(III)(C)(10).

Section 11. 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 12. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 13. 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 _____, 2012.

Fritz X. Haemmerle, Mayor

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2012

AGENDA ITEM SUMMARY

DATE: 2/27/2012 DEPARTMENT: Comm Dev DEPT. HEAD SIGNATURE: _____

SUBJECT: Readings of Ordinance 1098 – Amendments to Zoning Ordinance 8.2

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Following public hearing on February 6, 2012, the Hailey City Council approved proposed ordinance 1098 pertaining to signs

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Benefits Committee |
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| <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 | _____ |

ADMINISTRATIVE COMMENTS/APPROVAL:

Conduct 2nd Reading of Ordinance 1098

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

ACTION OF THE CITY COUNCIL:

Date 2/27/12

*Mayor conducted 2nd reading by title only
3/5/12 - 3rd reading and summary*

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

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

HAILEY ORDINANCE NO. 1098

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 8.2.4. TO DELETE THE SIGN COMPUTATION FOR MULTI UNIT BUILDINGS; AMENDING SECTION 8.2.9 TO CLARIFY SIGN AREA ALLOWED; AMENDING SECTION 8.2.10 TO CLARIFY STANDARDS FOR MASTER SIGN PLANS; 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 will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services;

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

WHEREAS, the amendment will be in accordance with the safety and 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. Section 8.2.4, Sign Permits, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

A. Applications for permits for Signs shall include the following:

1. 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.

2. A colored rendering and scaled drawing including:

a. color samples,

b. dimensions of all sign faces,

c. descriptions of materials to be used,

d. manner of construction,

e. method of attachment, and

f. if a Master Sign Plan is required, the Unit designation of each sign or the maximum square footage available to each Unit.

3. A copy of a State of Idaho Electrical Installation Permit for any internally lighted or Neon Sign.

4. A sign permit application on the form provided by the City.

5. Appropriate fees as established by separate ordinance of the Hailey City Council.

6. 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~~ proposed at that time.

7. The tenant(s) or owner(s) of an individual Unit within a multi-unit building with

an approved Master Sign Plan, prior to displaying any sign on the exterior of a building, shall submit a 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 which is subject to one (1) sign permit fee.

8 7. 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.

9 8. 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.

B. A complete Master Sign Plan must be submitted at the time of design review application for any a multi-unit or Mixed Use Building.

1. The Master Sign Plan must conform to all applicable sections of 8.2 and is subject to the same application, permitting and fee requirements.

2. ~~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 the separate sign permit application and shall be subject to one (1) sign permit fee.~~

~~3. 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 otherwise proposed in the Master Sign Plan while still complying with the maximum aggregate area of signage available to the building.~~

34. Approval of a Master Sign Plan is required to be in the form of an agreement between the city and the owner of the building specifying that lease agreements will include compliance with the agreed upon sign size and location. In the case of Condominium Units, the condominium declaration shall include provisions to ensure compliance with the master plan.

5. ~~Signage for any business within a multi-tenant or mixed-use building shall be limited to the approved Master Sign Plan.~~

C. 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 a decision in accordance with Section 3.6 of the Hailey Zoning Ordinance.

Section 2. Section 8.2.9, Sign Area Standards, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

A. Except as otherwise provided herein, the tTotal Sign area permitted for any building shall not exceed a total of two square feet of Sign area per linear foot of Building Frontage, ~~except in the following cases:~~

1. A Building with only one Unit that meets or exceeds 75 feet of linear Building Frontage shall not exceed 150 square feet of total sign area.

2. The total Sign area permitted for a multi-unit building shall be determined by the Master Sign Plan. ~~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.C; and are allowed only one Sign per lot.

C. The ~~maximum total~~ 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 total~~ aggregate Sign 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.

F. The size standards in Section 8.2.11, Specific Sign Standards, shall apply and control the total sign area permitted for each type of sign.

Section 3. Section 8.2.10, Sign Standards for Multi-unit Buildings, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

A. All Units with an individual street level entrance are allowed up to two Signs, with no more than one Sign on any one ~~b~~Building ~~f~~Facade.

B. ~~All~~ Each street level interior Units without an individual street level entrance and/or each Units located ~~on a second story or above~~ the ground floor shall be limited to one Sign.

C. The location and placement of which all exterior Signs for all units within a multi-unit Building must shall be determined and shall be consistent with the design, scale and proportion of the Building be approved in a Master Sign Plan for the building and shall be mounted accordingly.

D. The Sign area available for any business within a multi-tenant or Mixed Use Building shall be limited to the amount allocated to the Unit the Business occupies in the approved Master Sign Plan.

E. The Master Sign Plan shall consider the number of units, the Building Façade area and configuration, existing Sign area if applicable and should reasonably provide signage for each Unit.

G. The size standards in Section 8.2.11, Specific Sign Standards, shall apply and control the total Sign area permitted for each type of Sign.

Section 4. 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 5. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 6. 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 _____, 2012.

Fritz X. Haemmerle, Mayor

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2012

AGENDA ITEM SUMMARY

DATE: 2/27/2012 DEPARTMENT: Comm Dev DEPT. HEAD SIGNATURE: _____

SUBJECT: Readings of Ordinance 1099 – Amendments to Zoning Ordinance 2.2

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Following public hearing on February 6, 2012, the Hailey City Council approved proposed ordinance 1099 amending certain definitions within the zoning ordinance

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Benefits Committee |
| <input 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 | _____ |

ADMINISTRATIVE COMMENTS/APPROVAL:

Conduct 2nd Reading of Ordinance 1099

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

ACTION OF THE CITY COUNCIL:

Date 2/27/12
Mayor conducted 2nd Reading by title only
3/5/12 - 3rd Reading

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

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

HAILEY ORDINANCE NO. 1099

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 2.2 TO REVISE THE DEFINITIONS OF ADMINISTRATOR, DAY CARE BUSINESS, HEIGHT OF BUILDING AND HOME OCCUPATION; 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 will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services;

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

WHEREAS, the amendment will be in accordance with the safety and 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. Section 2.2, Definitions, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the following underlined language and to be inserted in alphabetical order:

Administrator. The person designated by the Mayor or City Administrator to oversee the administration of the City zoning code ~~Hailey Planning and Zoning Administrator~~

Day Care Business. The care and supervision, provided for compensation, during part of a twenty-four hour day, for a child or children, under the age of thirteen (13), not related by blood or marriage to the person or persons providing the care, in a place other than the child's own home. This term includes pre-schools, nursery schools, play schools, kinder-care, child care and any like or similar operation. ~~The following definitions apply to Day Care Businesses:~~

- ~~a.~~ Day Care Center. A ~~dDay eCare operation~~ Business providing care for thirteen or more children.
- ~~b.~~ Day Care Facility. A ~~dDay eCare operation~~ Business providing care for ~~no more than~~ seven to twelve children.
- ~~c.~~ Day Care Home. A ~~dDay eCare operation~~ Business providing care for six or fewer children at any one time, having not more than three employees, and operating between the hours of 7:00 a.m. and 6:00 p.m.
- ~~d.~~ Child. ~~Any person under 12 years of age.~~
- ~~e.~~ Employee. Any person working for compensation in any business day-care operation.

Height of Building. The greatest vertical distance measured from the lowest point of Record Grade or finish grade, whichever is lower, within any portion of the building footprint to the highest point of the roof surface thereof, exclusive of cupolas, chimneys up to ten (10) feet above the highest point of the roof surface, steeples, and spires.

Home Occupation. A business-related activity conducted entirely within a dwelling which is incidental and secondary to the use of a dwelling as a residence and does not negatively impact the surrounding neighborhood. A Day Care Business located within a dwelling is not considered a Home Occupation for the purposes of city business licensing. Home Occupations, where permitted, shall meet the following requirements:

1. The home occupation shall not change the residential character of the dwelling or neighborhood.
2. There shall be no exterior advertising.
3. There shall be no sale or rental of stocks, supplies or products conducted on the premises.
4. There shall be no exterior storage on the premises of material or equipment associated with the home occupation.
5. There shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property lines. There shall be no operation of power tools, whether indoors or outdoors.
6. The home occupation shall not create the need for additional parking.
7. The home occupation shall employ no unrelated person who is not a permanent resident of the dwelling.
8. There shall be no significant increase in traffic in the vicinity of the dwelling as a result of the home occupation.
9. Storage of explosive, combustible or hazardous materials shall conform to the regulations and restrictions of the IFC and IBC.

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 _____, 2012.

Fritz X. Haemmerle, Mayor

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2012

AGENDA ITEM SUMMARY

DATE: 2/27/2012

DEPARTMENT: Police/Legislative

DEPT. HEAD SIGNATURE: _____

SUBJECT: Readings of Ordinance 1100 – no smoking or alcohol in certain city parks

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Following public hearing on February 6, 2012, the Hailey City Council approved proposed ordinance 1100 after amending it to adjust language related to possession, in Section 12.12.060.C

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS

Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____

Comments: Signage will reduce ongoing enforcement costs.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Benefits Committee |
| <input 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 | _____ |

ADMINISTRATIVE COMMENTS/APPROVAL:

Conduct 2nd Reading of Ordinance 1100

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

ACTION OF THE CITY COUNCIL:

Date 2/27/12
Mayor conducted 2nd reading by title only
3/5/12 - 3rd reading and summary

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record *Additional/Exceptional Originals to: _____
Copies (all info.): _____ Copies (AIS only)
Instrument # _____

HAILEY ORDINANCE NO. 1100

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, BY AMENDING SECTION 12.12.010 OF THE HAILEY MUNICIPAL CODE, TO ADD DEFINITIONS FOR BEER, JIMMY'S GARDEN, LIQUOR, TOBACCO PRODUCT AND WINE; AMENDING SECTION 12.12.060 OF THE HAILEY MUNICIPAL CODE TO PROHIBIT SMOKING, CHEWING OR INGESTION OF TOBACCO AT THE SKATE PARK FACILITY AND JIMMY'S GARDEN; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN 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 have adopted Chapter 12.12 of the Hailey Municipal Code to regulate the use of City Parks and Trails; and

WHEREAS, in order to promote the health, safety and welfare of minors at parks frequently used by minors, the Mayor and the City Council of the City of Hailey desire to prohibit smoking, chewing and ingestion of tobacco products, and the consumption or possession of liquor, beer and wine by any person, regardless of age, at the Skate Park Facility and Jimmy's Garden.

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

Section 1. Section 12.12.010 of the Hailey Municipal Code is hereby amended by the addition of underlined language and by the deletion of the stricken language as follows:

12.12.010 Definitions. For purposes of this Chapter 12.12, the following words and phrases shall apply as defined herein:

"Beer" shall mean any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and/or other ingredients in drinkable water.

"City Parks" shall mean those parcels of land that are owned or managed by the City of Hailey and are held for public use or as open or green space, including, but not limited to city parks and hillside parcels.

"City Trails" shall mean those parcels of land that are owned or managed by the City of Hailey and are held for non-motorized public use as trails and rights-of-way.

"First Come, First Served Basis" shall mean that procedure whereby requests for parks use permits received first during the calendar year shall have priority over applications received later. All park use permit applications received during the same business day shall be considered to have been received at the same time.

"In-Line Skates" shall mean footwear containing three or more axles mounted in a straight line extending generally from or behind the heel of the footwear to or in front of the toe of the footwear with a single wheel attached to each axle.

“Jimmy’s Garden” shall mean that City Park located adjacent to the intersection of Croy Street and Second Avenue, Hailey, Idaho.

“Liquor” shall mean (a) alcohol which means the product of distillation of any fermented liquor, rectified once or more than once, whatever may be the origin thereof, or synthetic ethyl alcohol; (b) spirits which means any beverage containing alcohol obtained by distillation mixed with drinkable water and other substances in solution, including, among other things, brandy, rum, whiskey and gin; and (c) any liquid or solid, patented or not, containing alcohol, spirits, and susceptible of being consumed by a human being, for beverage purposes, and containing more than four percent (4%) of alcohol by weight.

“Organized Private Event” shall mean a planned private event involving use of one of the City Parks in a manner which will preclude the use of that park, or a portion thereof, by persons other than those participating in such planned event. An Organized Private Event is generally by invitation only and not taking place as a fundraiser.

“Organized Public Event” shall mean a planned public event involving use of one of City Parks in a manner which will preclude the use of that park, or a portion thereof, by persons other than those participating in such planned event. An Organized Public Event is generally open to the general public and/or is taking place as a fundraiser.

“Railroad Right-of-Way” shall mean that certain real property lying within the legal city limits of the city, legally described in attached Exhibit “A.”

“Roller Skates” shall mean footwear containing two axles with two wheels attached to each axle.

“Skate Park Facility” shall mean that City Park located adjacent to the intersection of Airport Way and Highway 75, Hailey, Idaho, and used for Skateboarding, Roller Skating and In-Line Skating.

“Skateboard” shall mean a short board-like object that has two axles attached to the bottom of the board-like object with two wheels attached to each axle and the user rides or stands upon the board-like object.

“Tobacco Product” shall mean any substance that contains tobacco including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco, tobacco papers, or smokeless tobacco.

“Wine” shall mean any alcoholic beverage containing not more than sixteen percent (16%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar whether or not other ingredients are added, and those beverages that are designated or labeled, pursuant to the federal alcohol administration act, as “sherry,” “madeira” or “port,” which contain more than sixteen percent (16%) alcohol by volume, but do not exceed twenty-one percent (21%) alcohol by volume.

Section 2. Section 12.12.060 of the Hailey Municipal Code is amended by the addition of the underlined language, as follows:

12.12.060. Permitted and Prohibited Uses of City Parks and Public Pathways.

A. Except as otherwise provided, City Parks and Trails shall only be used by pedestrians, equestrians, bicycle riders, cross-country skiers and snowshoers, and for all other non-motorized recreational uses. Licensed motorized vehicles are permitted on designated roadways and parking areas within City Parks.

B. Except as otherwise provided, motorized vehicles, including without limitation, automobiles, motorcycles, trail bikes, mopeds, motorized bicycles and motorized scooters, shall not be permitted on City Parks and Trails. Motorized vehicles are permitted for construction of improvements or maintenance of the City Parks and Trails.

C. Smoking, chewing or ingestion of a Tobacco Product by any person, regardless of age, and the consumption or possession of any Liquor, Beer or Wine by any person, regardless of age, at the Skate Park Facility or Jimmy's Garden is prohibited. Possession of a Tobacco Product by a minor at the Skate Park Facility or Jimmy's Garden is prohibited.

Section 3. 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 4. Repealer Clause. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 5. 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 MARCH, 2012.

Fritz X. Haemmerle, Mayor

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2012

AGENDA ITEM SUMMARY

DATE: 2/27/2012

DEPARTMENT: Admin/Legislative

DEPT. HEAD SIGNATURE:

SUBJECT: Readings of Ordinance 1101 – elimination of election runoffs for council seats

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Following public hearing on February 6, 2012, the Hailey City Council approved proposed ordinance 1101 as drafted

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS

Budget Line Item # _____ Caselle # _____
YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____

Elimination of Run-offs will avoid potential \$6000 cost per runoff.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Benefits Committee |
| <input 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 | _____ |

ADMINISTRATIVE COMMENTS/APPROVAL:

Conduct 2nd Reading of Ordinance 1101

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

ACTION OF THE CITY COUNCIL:

Date 2/27/12
Mayor conducted 2nd reading by title only
3/5/12 - 3rd reading (no summary needed)

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

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

HAILEY ORDINANCE NO. 1101

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, BY REPEALING SECTION 2.20.020 OF THE HAILEY MUNICIPAL CODE TO DELETE RUNOFF ELECTIONS FOR CITY COUNCIL MEMBERS; 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 City of Hailey has adopted ordinances providing for election procedures for municipal elections;

WHEREAS, effective January 1, 2011, Idaho law was amended to provide that the county administer all elections within the county including municipal elections and that if there was a runoff election in a municipality, a municipality was responsible for the costs of the runoff election; and

WHEREAS, the Mayor and the City Council find that the repeal of the runoff elections for city council members is consistent with the present requirements for mayoral elections which do not require runoff elections and will reduce election expenses in future years, without jeopardizing the integrity of the electoral process.

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

Section 1. Chapter 2.20 of the Hailey Municipal Code is amended by the repeal of Section 2.20.020.

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 Resolutions 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 MARCH, 2012.

Fritz X. Haemmerle, Mayor

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2012

AGENDA ITEM SUMMARY

DATE: 2/6/12 DEPARTMENT: Legal DEPT. HEAD SIGNATURE: NW

SUBJECT: Community Oversight Committee

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I was advised that the Community Oversight Committee has not been meeting on a regular basis. Their by-laws require them to meet a minimum of 2 times a year, but they have not had any business to conduct. I asked Peter Lobb, the chairman of the committee, whether the committee would like to amend their by-laws or just terminate the committee. After communicating with the committee members, Peter informed me that the committee would recommend dissolution of the committee. Accordingly, I drafted an ordinance which eliminates the Community Oversight Committee.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Caselle # _____
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 Administrator	<input type="checkbox"/> Library	<input type="checkbox"/> Benefits Committee
<input checked="" type="checkbox"/> City Attorney	<input type="checkbox"/> Mayor	<input type="checkbox"/> Streets
<input checked="" 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:

Discuss the merits of eliminating the Community Oversight Committee. If the Council wishes to eliminate the committee, instruct staff to place the proposed ordinance on an upcoming agenda as a public hearing.

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date 2/6/2012 - Council heard as New Business, forwarded to Public Hearing on Feb 27, 2012 as drafted.
2/27/12 - Council adopted Ord. 1102 & conducted First Reading
City Clerk 3/5 - 2nd Reading

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record *Additional/Exceptional Originals to: _____
Copies (all info.): _____ Copies (AIS only) _____
Instrument # _____

HAILEY ORDINANCE NO. 1102

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 11 OF THE HAILEY MUNICIPAL CODE TO REPEAL SECTIONS 11.04.070, 11.08.070 AND 11.12.070 THEREBY ELIMINATING THE COMMUNITY OVERSIGHT COMMITTEE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the voters of Hailey passed an ordinance by initiative entitled "The Hailey Medical Marijuana Act," "The Hailey Lowest Police Priority Act" and "The Hailey Industrial Hemp Act" on November 6, 2007, which have been codified as Chapters 11.04, 11.08 and 11.12 of the Hailey Municipal Code;

WHEREAS, the Community Oversight Committee has been duly appointed and has been continuously acting since 2009;

WHEREAS, the Community Oversight Committee has recommended that it be eliminated because further work by the committee no longer needs to be performed; and

WHEREAS, the Hailey City Council believes the general intent and purpose of The Hailey Medical Marijuana Act, The Hailey Lowest Police Priority Act and The Hailey Industrial Hemp Act can be maintained without the continued existence of the Community Oversight Committee.

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

Section 1. Sections 11.04.070, 11.08.070 and 11.12.070 of the Hailey Municipal Code are repealed in their entirety.

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 Resolutions, including Hailey Resolution No. 2009-05a, 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 _____, 2012.

Fritz X. Haemmerle, Mayor

ATTEST:

Mary Cone, City Clerk

~~medical use is deemed appropriate and is recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, HIV, AIDS, chronic pain, glaucoma, arthritis, migraines, or any other serious condition for which marijuana provides relief. Patients who obtain and use marijuana for medicinal purposes upon the recommendation of a physician shall not be subject to any arrest, prosecution, punishment, or sanction; once a doctor's recommendation has been provided by the patient, any marijuana and/or marijuana paraphernalia charges against the patient shall be dismissed by the prosecuting attorney. Also, physicians who recommend marijuana for their patients shall not be subject to any arrest, prosecution, punishment or sanction. Local enforcement of state law shall be by summons only. All such matters shall only be referred to the Municipal Prosecuting Attorney, and no other prosecuting attorney, and the Municipal Prosecuting Attorney shall not refer the matter to any other prosecutor, agency, or office, unless the individual is also charged with a non-related felony offense arising from the same set of facts and circumstances.~~

11.04.060 Advocacy for Legislative Reform. The City of Hailey is hereby instructed to advocate by official public declaration and through its lobbyist ~~and other~~ city officers, for changes to state law (and laws at other levels of government as necessary) to support the goals and implementation of this ordinance. Legislative changes to be advocated include, but are not limited to, the following:

- a) Amendment of state code to allow for the use of medical marijuana by seriously ill patients;
- b) End any sanctions against physicians who prescribe or recommend medical marijuana to their patients;
- c) Grant local control to cities and counties to license and regulate the use of medical marijuana; and
- d) End the prosecution, arrest, investigation and imprisonment of seriously ill adults who use marijuana for medicinal purposes.

Additionally, the enactment of this initiative by the voters of the city shall constitute said voters' express and official desire for legislative change to the state's medical marijuana laws.

11.04.070 Community Oversight Committee. Upon enactment of this initiative, a Community Oversight Committee shall be appointed to oversee the implementation of the Hailey Medical Marijuana Act. The Committee shall hold regular public meetings and shall solicit input and testimony from members of the public. The Committee will be composed of:

- 1 community member appointed by each member of the Hailey City Council,
- 1 community member appointed by the Mayor of Hailey
- 1 community member appointed by the Hailey Chief of Police,
- 1 representative of the Liberty Lobby of Idaho.

Responsibilities of the seven member Committee shall include:

- a) Ensure timely implementation of this ordinance;

Additionally, the enactment of this initiative by the voters of the city shall constitute said voters' express and official desire for legislative change to the state's marijuana laws.

11.08.070

Community Oversight Committee. Upon enactment of this initiative, a Community Oversight Committee shall be appointed to oversee the implementation of the Hailey Lowest Police Priority Act. The Committee shall hold regular public meetings and shall solicit input and testimony from members of the public. The Committee will be composed of:

- 1 community member appointed by each member of the Hailey City Council,
- 1 community member appointed by the Mayor of Hailey,
- 1 community member appointed by the Chief of Police,
- 1 representative of the Liberty Lobby of Idaho.

Responsibilities of the seven member Committee shall include:

- a) Ensuring timely implementation of this chapter, with the cooperation of the Hailey Police Department and any other Hailey law enforcement agencies in providing needed data;
- b) Receiving any grievances from individuals who believe they were subjected to law enforcement activity contrary to the lowest law enforcement priority policy;
- c) Designing a supplemental report form for Hailey law enforcement officers to use to report all adult marijuana arrests, citations, and property seizure and all instances of officers assisting in state or federal arrests, citations, and property seizures for any adult marijuana offenses. The supplemental report form shall be designed with the goal of allowing the committee to ascertain whether the lowest law enforcement priority policy was followed;
- d) Requesting additional information from any Hailey law enforcement officer who engaged in law enforcement activity relating to one or more marijuana offenses under circumstances which appear to violate the lowest law enforcement priority policy. An officer's decision not to provide additional information may be grounds for discipline; and
- e) Submitting written reports semiannually to the Hailey City Council on the implementation of this ordinance, with the first report being issued nine months after the enactment of this chapter. These reports shall include, but not necessarily be limited to: the number of all arrests, citations, property seizures, and prosecutions for marijuana offenses in Hailey; the breakdown of arrests and citations by race, age, specific charge, and classification as infraction, misdemeanor, or felony; any instances of law enforcement activity that the committee believes violated the lowest law enforcement priority policy; and the estimated time and money spent by the city on law enforcement and punishment for adult marijuana offenses.

Hailey law enforcement officers shall submit to the committee a supplemental report within two weeks after each adult marijuana arrest, citation, or property seizure or instance of assisting in a state or federal arrest, citation or property seizure for any adult marijuana offense in Hailey.

The Committee shall have the power to promulgate rules and regulations not inconsistent with this initiative to govern its own conduct and public meetings. In the event that the voters of the City of Hailey adopt more than one initiative relating to cannabis law reform that contains a provision for a Community Oversight Committee, the committees shall be consolidated for all purposes.

11.08.080 Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

Chapter 11.12

The Hailey Industrial Hemp Act

11.12.010. Title This short title of this initiative shall be and the initiative may be enacted as "The Hailey Industrial Hemp Act."

11.12.020 Findings. The people of Hailey, Idaho find as follows:

WHEREAS industrial hemp can be differentiated from marijuana; and
WHEREAS industrial hemp contains virtually no narcotic or intoxicating properties; and
WHEREAS the reasons for criminalizing the cultivation of industrial hemp appear to be politically motivated with no basis in reason or logic; and
WHEREAS industrial hemp can be used to make a variety of useful products; and
WHEREAS Idaho farmers should have the right to grow industrial hemp; and
WHEREAS in 1996 the Idaho Farm Bureau voted in favor of granting Idaho farmers the right to grow industrial hemp; and
WHEREAS industrial hemp has a long and rich history in the United States as a valuable crop;
THEREFORE the people of the City of Hailey do hereby enact the following ordinance establishing the industrial hemp policy of the city.

11.12.030 Definitions.

"Industrial hemp" means any hemp or hemp product containing one percent or less THC.

11.12.040 Purpose. The purpose of this initiative is:

1. To establish an official policy of the city that is favorable to the growing of industrial hemp.
2. To issue an official declaration advocating changes in Idaho State law, county ordinance, or any other applicable laws to legalize the growth and cultivation of industrial hemp.
3. To stimulate communitywide debate on a public policy issue of great importance.
4. To establish a community panel to oversee the implementation of this initiative.

11.12.050 Official Policy. It shall be the official policy of the City of Hailey that the growth and cultivation of industrial hemp is a positive and beneficial farming activity, and that the legalization of such activity by the state and federal government is favored.

11.12.060 Advocacy for Legislative Reform. The City of Hailey is hereby instructed to advocate by official public declaration and through its lobbyist ~~and other city officers~~, for changes to state law (and laws at other levels of government as necessary) to support the goals and implementation of this ordinance. Legislative changes to be advocated should include, but are not limited to, the following:

- a) Allow for the legalization of industrial hemp by the State of Idaho;
- b) Allow each county or city to decide their own policies with regards to the farming of industrial hemp.

Additionally, the enactment of this initiative by the voters of the city shall constitute said voters' express and official desire for legislative change to the state's industrial hemp laws.

11.12.070 Community Oversight Committee. Upon enactment of this initiative, a Community Oversight Committee shall be appointed to oversee the implementation and enforcement of the Hailey Industrial Hemp Act. The Committee shall hold regular public meetings and shall solicit input and testimony from members of the public. The Committee will be composed of:

- 1 community member appointed by each member of the Hailey City Council,
- 1 community member appointed by the Mayor of Hailey
- 1 community member appointed by the Hailey Chief of Police,
- 1 representative of the Liberty Lobby of Idaho.

Responsibilities of the seven member Committee shall include:

- a) Ensure timely implementation of this ordinance;
- b) Make recommendations to the Hailey City Council regarding appropriate policy decisions to carry out Section [11.12.050] above;
- c) Report regularly to the Council on the implementation of this ordinance;
- d) Any other duty that the Committee deems to be in the best interest of effectuating this initiative.

The Committee shall have the power to promulgate rules and regulations not inconsistent with this initiative to govern its own conduct and public meetings. In the event that the voters of the City of Hailey adopt more than one initiative relating to cannabis law reform that contains a provision for a Community Oversight Committee, the committees shall be consolidated for all purposes. In the event that this initiative is the only cannabis or hemp related proposal adopted by the voters, the committee shall not be formed.

11.12.080 Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

