


## STAFF REPORT

**TO:** Hailey City Council  
**FROM:** Beth Robrahn, Planning Director   
**RE:** Zoning Ordinance Amendment – Article 2, Definitions, Design Review Terms and Home Occupation  
**HEARING:** May 24, 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 May 5, 2010.

### Proposal

Attached are amendments to Section 2, Definitions of the Zoning Code proposed by the City. These amendments would add definitions related to Design Review and to clarify the definition of Home Occupation.

### Procedural History

Most of the terms have been used within the Design Review Guidelines but have not had definitions associated with them. Definitions would help in the consistent interpretation of the standards in which the terms are used.

The amendments to the Definitions include a modification to the definition of Home Occupation to accompany an amendment to Title 5 Business License that was recently made by the Council.

The Planning and Zoning Commission recommended approval of these amendments on April 5, 2010.

### Department Comments

None

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

#### *5.8 Due Process and Public Input*

*Goal: To develop clear land use and development procedures that protect the public welfare for all development.*

- 3. Policy: Develop and maintain land use regulatory procedures that are efficient, consistent and predictable, but that provide flexibility to deal with unique situations.*

**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;**

The proposed amendments will not create excessive additional requirements at public cost for public facilities and services.

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

NA

**d. Will be in accordance with the welfare of the general public.**

The proposed amendments will clarify inconsistencies in the current standards and will enable more efficient, consistent and predictable application of sidewalk and landscape requirements.

### Summary

The Council is required to 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 will also pass an ordinance making the amendment part of Hailey Zoning Ordinance #532. The draft ordinance is attached.

### Motion Language

#### Approval:

Motion to approve the proposed amendments to Section 2, finding that the amendments are in accordance with the Comprehensive Plan, 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; the proposed uses are compatible with the surrounding area; and 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 proposed amendments to Article 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 Article 2 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, BY AMENDING ARTICLE 2, DEFINITIONS ADDING DEFINITIONS RELATED TO DESIGN REVIEW STANDARDS AND CLARIFYING THE DEFINITION OF 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. Article 2, Definitions, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the following underlined language:

Compatibility. The characteristics of different designs which, despite their differences, allow them to be located near each other in harmony, such as scale, height, materials, fencing, landscaping and location of service areas.

Elevation. A drawing showing the entire height and width of an exterior wall of a building.

Enclosure (sense of). An experience in which a pedestrian feels sheltered in a semi-private realm. Buildings, trees, landscaping and street widths are all factors in creating a sense of enclosure.

Facade. The exterior wall of a building exposed to public view or that can be viewed by persons not within the building.

Fenestration. The arrangement of windows in a building.

Gable. Any triangular-shaped, upper part of a building wall, usually under a pitched roof.

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. ~~Home Occupations are defined for the purpose of this Ordinance as those activities that represent a departure from the daily routine associated with a residential use and could, therefore, impact the neighborhood.~~ 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.

Human Scale. The quality of the physical environment which reflects proportional relationship to human dimensions which contributes to a person's perception and comprehension of the size, scale, height, bulk and/or massing of buildings or other features of the built environment and which creates a comfortable and inviting spaces.

Infill. The placement of new buildings into established urban areas, which usually results in an increase in the existing building stock.

Mass. The combination of the three dimensions of length, height, and depth which give a building its overall shape.

Mural. A painting created directly on a wall or painted directly on a panel(s), or other material and permanently or temporarily applied to a wall.

Pedestrian-oriented. An environment designed to make movement by pedestrians convenient, attractive and comfortable for various ages and abilities; considerations include separation of pedestrian and auto circulation, street furniture, clear directional and informational signage, safety, visibility, shade, lighting, surface materials, trees, sidewalk width, intersection treatment, curb cuts, ramps and landscaping.

Sidewalk. A pathway for non-motorized vehicles, normally designated for pedestrians and which is usually separated from Streets by curb and/or landscaping.

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

Publish: Idaho Mountain Express \_\_\_\_\_, 2010



## STAFF REPORT

**TO:** Hailey City Council  
**FROM:** Beth Robrahn, Planning Director   
**RE:** Subdivision Ordinance Amendment – Sections 4.2.1 and 4.2.3  
**HEARING:** May 24, 2010

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

### Notice

Notice for the public hearing on May 24, 2010 was published in the Idaho Mountain Express and mailed to public agencies and area media on May 5, 2010.

### Proposal

Amendments to Sections 4.2.1 and 4.2.3 of the Subdivision Ordinance proposed by the City. These amendments would further clarify requirements related to sidewalks. Please see the proposed language attached.

### Procedural History

These amendments are being brought forward in order to further clarify requirements related to sidewalks and separate the requirements from building construction since subdivisions can occur without any associated building construction. The Planning and Zoning Commission held public hearings on March 15, and March 29 and recommended the proposed amendments on March 29, 2010.

### Department Comments

None

### Standards of Evaluation

Section 13.4.2 of the Subdivision Ordinance sets forth the standard of evaluation after receiving a recommendation by the Commission.

#### **1. Will generally conform to 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:

#### *5.8 Due Process and Public Input*

*Goal: To develop clear land use and development procedures that protect the public welfare for all development.*

*3. Policy: Develop and maintain land use regulatory procedures that are efficient, consistent and predictable, but that provide flexibility to deal with unique situations.*

**2. Will not create excessive additional requirements at public cost for public facilities and services.**

The proposed amendments will not create excessive additional requirements at public cost for public facilities and services.

**3. Will be in accordance with the welfare of the general public.**

The proposed amendments will keep the subdivision standards consistent with the zoning standards related to sidewalks and will enable more efficient, consistent and predictable application of sidewalk \ requirements.

**Summary**

The Council shall hold a public hearing and determine whether the amendments comply with the standards of evaluation. Upon approval of an amendment, the Council shall pass an ordinance making the amendment part of Hailey Subdivision Ordinance #821. The draft ordinance is attached.

**Motion Language**

**Approval:**

Motion to approve the proposed amendments to Sections 4.2.1 and 4.2.3, finding that the amendments are in accordance with the Comprehensive Plan, will not create excessive additional requirements at public cost for public facilities and services and will be in accordance with the welfare of the general public.

**Denial:**

Motion to deny the proposed amendments to Sections 4.2.1 and 4.2.3, 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 amendments to Sections 4.2.1 and 4.2. to \_\_\_\_\_ [the Council should specify a date].



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

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S SUBDIVISION ORDINANCE, ORDINANCE NO. 821, BY AMENDING SECTIONS 4.2.1 AND 4.2.3 TO CLARIFY LANGUAGE RELATED TO SIDEWALKS; 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 proposed amendments are generally in accordance with the Comprehensive Plan;

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

WHEREAS, the proposed amendments will be in accordance with the 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 4.2.1 of the Hailey Subdivision Ordinance No. 821, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

4.2.1 ~~Sidewalks, curb and gutter shall be required improvements for projects requiring Subdivision approval in the B, LB, TI, A and SCI zoning districts. At a minimum, sidewalks and curb and gutter, where required, shall comply with the City Standards. Sidewalks shall be at least six feet (6') wide or as wide as adjacent sidewalks on the same block, whichever is greater. Sidewalks and drainage improvements are required in all zoning districts, except as otherwise provided herein.~~

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

4.2.1. The length of Sidewalks shall be and drainage improvements constructed along the entire shall be equal to the length of the subject a property line(s) adjacent to any pPublic Street or pPrivate sStreet in all zones, as well as in locations that provide safe pedestrian access to and around a commercial or mixed use building.

4.2.1.3 New sSidewalks shall be planned to provide pedestrian connections to any existing and future sidewalks adjacent to the site.

4.2.1.4 Sites located adjacent to a pPublic Street or pPrivate sStreet that are not currently thru-streets, regardless whether the street may provide a connection to future

streets, shall provide sidewalks to facilitate future pedestrian connections. ~~The requirement for sidewalk may be waived if the cost of the proposed project construction is less than twenty thousand dollars (\$20,000).~~

~~4.2.1.5 For subdivisions in the Townsite Overlay District, t~~The requirement for s~~Sidewalk and drainage improvements may be waived are not required for any l~~Lot l~~Line a~~Adjustment associated with a residential remodel or addition; sidewalks shall be required for new primary dwellings.

Section 2. Section 4.2.3 of the Hailey Subdivision Ordinance No. 821, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

4.2.3 The Developer or City may, ~~at Developer's option,~~ propose alternatives to either the standard sidewalk configuration or location required in Section 4.2.1, or the planned non-vehicular pathway required in Section 4.2.2. 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.

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

Section 5. 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.

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Rick Davis, Mayor, City of Hailey

Attest:

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Mary Cone, City Clerk