

STAFF REPORT

TO: Hailey City Council
FROM: Mariel Platt, Planner 
RE: Amendment to Zoning District Map – Lots 1-3, Block 69, Hailey Townsite
HEARING: May 24, 2010

Applicant: City Initiated
Request: Amendment to Zoning District Map
Location: Lots 1-3, Block 69, Hailey Townsite
Current Zoning: General Residential (GR) and Townsite Overlay Districts
Proposed Zoning: Limited Business (LB) and Townsite Overlay Districts
Note: Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Idaho Mountain Express on and mailed to owners within 300 feet and to public agencies and area media on May 17, 2010; and notice was posted on all external boundaries of the property on May 5, 2010.

Application

The City has initiated a zone change of Lots 1-3, Block 69, Hailey Townsite (620 First Avenue North), from General Residential (GR) to Limited Business (LB) to address a recent rezone approval, which resulted in Lots 1-3 becoming an isolated parcel of GR surrounded by LB and B districts. The Council directed staff to initiate the rezone of Lots 1-3 to ensure that the area's zoning is uniform and responds to future potential for development and uses in this area.

Procedural History

On February 8, 2010, the Council approved an application by Ed Uhrig for a rezone from GR to LB of Lots 4-10, Block 69 (the property directly south of Lots 1-3). Lots 1-3 are now sandwiched between the B district to the North and West, and the LB district to the South. The rezone of Lots 4-10 may burden the remaining GR lots on Block 69 (Lots 1-3); therefore the Council directed a city initiated rezone of Lots 1-3, Block 69.

The Planning and Zoning Commission held a public hearing on the proposed amendments on April 5, 2010. The Commission recommended approval of the rezone; two opposed and three in favor.

The review of the rezone of Lots 1-3 was a result of the Council's rezone approval of Lots 4-10. Although the Commission had recommended denial of the rezone of Lots 4-10, due to the

Council's decision to approve the rezone, the Commission determined that it was appropriate to rezone Lots 1-3, to create a more uniform and consistent zoning or land use pattern. The Commission determined that eliminating a pocket of GR that would otherwise be almost completely surrounded by B and LB district zoning, as a result of the Council's decision, would allow for more appropriate uses at this location and if that the rezone is in accordance with the goals of the Comprehensive Plan.

Due to the close proximity to the B district, it is anticipated that public facilities and services are available to support the full range uses permitted by the LB district.

Lots 1-3 are currently sandwiched between the B district to the North and West, and as a result of a recent rezone decision by the Council, the LB district to the South. Depending on the future use of the property to the south (Lots 4-10); the future uses may burden the remaining GR lots on Block 69 (Lots 1-3).

The proposed rezone would create a more uniform and consistent zoning or land use pattern. It would eliminate a pocket of GR that would otherwise be almost completely surrounded by B and LB district zoning. The rezone would help create a buffer or transition between the B district to the north and west and the GR district to the east. No adverse impacts are anticipated.

The Council directed staff to initiate the rezone of Lots 1-3, following their decision to approve the rezone of Lots 1-4. The Council's interpretation was that the vacancies outlined by staff for the B district should not be included in the evaluation of the rezone of Lots 4-10 because the property is proposed for a rezone to LB, not B. The Commission's original interpretation considered the LB and B vacancies. Although the Commission had recommended denial of the rezone of Lots 4-10, due to the Council's decision to approve the rezone, the Commission determined that it was appropriate to rezone Lots 1-3. The Commission applied the same interpretation of Section 14.6.1 to the rezone of Lots 1-3 as the Council did to the rezone of Lots 4-10 by not evaluating B district vacancies.

The applicable vacancy rates in the LB district and distance of the Lots 1-3 from the Central Core Overlay District favor the rezone.

Based upon entire record and the above Findings of Fact, the Commission made the following Conclusions of Law and Recommendation:

1. Adequate notice, pursuant to Section 14.4.1 of the Hailey Zoning Ordinance No. 532 and Idaho Code, Section 67-6511, was provided.
2. The Zoning Map amendment is in accordance with the Hailey 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 the vacancy rates in the LB district and distance from the Central Core Overlay favor a rezone.

For further details please refer to the Commission's findings of fact (attached).

Department Comments

No comments were received.

Analysis and Discussion

The current use of Lots 1-3 is a multi-unit apartment complex (Mountain View Apartments).

Uses adjacent to the subject property include:

South: Storage and fencing materials.

North: Single family residence.

West: Car wash.

East: Single family residences.

The purpose of the current GR District is to provide areas for a variety of residential uses, and a limited number of other uses compatible with this type of residential development. The intent is to preserve the favorable amenities associated with a residential neighborhood.

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

Currently permitted, conditional and accessory uses and bulk regulations in the GR and LB Districts are set forth in Sections 4.3 and 4.5 of the Hailey Zoning Ordinance.

Comparison of permitted, conditional and accessory uses:

Permitted Uses	GR	LB
Single Family Dwellings	X	X
Multiple-Family Dwellings	X	X
Dwelling Units within Mixed Use Buildings		X
Home Occupations	X	X
Lodging Establishments		X
Professional Offices, excluding veterinarians		X
Churches	X	X
Schools and other education services	X	X
Health care and social assistance.		X
Real estate and property management companies		X
Catering Services		X
Arts, entertainment and recreation uses (indoor and		X

outdoor)		
Personal services where retail sales are clearly incidental to the principal use and no outside storage yard or facility is required.		X
Day care homes	X	X
Day Care Facilities	X	X
Day Care Center		X
Manufactured homes	X	X
Semi-public uses		X
PWSF's and WCF's attached to street poles, upon the issuance of a wireless permit		X
Government offices and public administration, except correctional institutions		X
Parks	X	X
Conditional Uses		
Gasoline Stations and Automotive Repair and Maintenance		X
Restaurants		X
Wholesale distributors		X
Convenience Stores		X
Public Services, Public Sue, and Public Utility facilities	X	X
Medical and personal care stores		X
Finance and insurance firms		X
Construction contractor's offices with no exterior storage.		X
PWSF's and WCF's mounted on any proposed freestanding tower, upon the issuance of a wireless permit.		X
Above ground flammable liquid tanks utilized by a public use	X	X
Temporary Structures	X	X
Bed and breakfast inns	X	
Boarding and Rooming Houses	X	
Day care center	X	
Semi-public uses	X	

PWSF's and WCF's attached to street poles, upon the issuance of a wireless permit	X	
Horses	X	
Accessory Uses		
Greenhouses/private	X	X
Garages	X	X
Storage Buildings	X	X
Accessory dwelling unit	X	X
All PWSF's or WCF's mounted on existing buildings or structures upon the issuance of a wireless permit.		X
Above ground combustible liquid tanks.		X
Swimming pools	X	

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

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

In the event that the subject property is removed from the Townsite Overlay boundary the underlying district regulations would apply.

The difference in bulk requirements **without** considering the Townsite Overlay are as follows:

Bulk Regulations	LB	GR
Maximum townhouse sub-lots per acre	20	10
Maximum multi-family residential aggregate density	One (1) dwelling unit per 1/20 of an acre	One (1) dwelling unit per 1/10 of an acre
Maximum aggregate gross floor area for individual retail/wholesale trade or grouped retail/wholesale trade	36,000 square feet	N/A (Not a permitted use)
Riparian setback	N/A (No riparian setback)	Required
Maximum Lot Coverage	N/A (No maximum)	40%
Size of Detached Accessory Dwelling Unit	N/A (No minimum or maximum)	Minimum gross floor area of 300 square feet and a maximum of 950 square feet

The following are the bulk regulation differences between GR and LB **with** consideration of the

Townsite Overlay District, Section 4.13.6 of the Hailey Zoning Ordinance:

Bulk Requirements	LB in Townsite Overlay	GR in Townsite Overlay
Maximum Building Height	35 feet	30 feet
Maximum Lot Coverage	70%	25-40% depending on building height and whether a garage is on-site
Maximum Lot Size	No maximum	18,000 square feet

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

The recent Uhrig rezone was approved by the Council without a Development Agreement. To be consistent and considering that this is a city initiated rezone, a Development Agreement may not be appropriate for this application. The Commission has recommended approval of the rezone without a Development Agreement.

Standards of Evaluation

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

a. The proposed amendment is in accordance with the Comprehensive Plan;
 The Comprehensive Plan Land Use Map reflects suitable projected land uses for the City. It considers existing conditions, trends, and desirable future situations, the objective being a balanced mix of land uses for the community. The Map establishes a basis and direction for the expansion and/or location of business, residential, industrial, institutional and green space areas within and adjacent to the City. The Land Use Map depicts the area proposed for rezone as “Transitional – Mixed use, including residential, providing a buffer between residential neighborhoods and intense business use.”

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
Existing	Transitional	GR (General Residential)	Multi-family dwelling (Mountain View Apartments).
Proposed	No change is proposed	LB (Limited Business)	No change at this time.
North of site	Business/Commercial/Mixed Use	B (Business)	Single family dwelling, mobile home, vacant commercial building, and Sutton and Son’s Auto

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
			Dealership.
South of site	Transitional	LB (Limited Business)	Material Storage/Residential.
East of site	Transitional	GR (General Residential)	Single family residence.
West of site	Business/Commercial/Mixed Use	B (Business)	Car wash bays.

- Land Use Districts, Section 5.4 states, “Encourage integration of compatible land uses in order to retain a compact City comprised of a central downtown, with surrounding diverse neighborhoods, thereby reducing sprawl and traffic, increasing efficiency, and creating neighborhood and community character.”
- Economic Development, Section 6.1 states, “Encourage the infill of the Central Business District...prior to expanding business-zoned areas for commercial development.”
- Due Process and Public Input, Section 5.8 states, “Proactively amend the Hailey Zone District map to resolve significant conflicts between the Land Use Map and the Zoning Map.”

The Council should refer to the goals of the Comprehensive Plan as well as the purpose of the LB District and determine if the rezone is compatible with the Land Use Map given that the property is shown as a “Transitional” area on the Land Use Map and the nature of uses allowed in the LB District. The Council should determine if these uses would be appropriate at this location and if the rezone is in accordance with the goals of the Comprehensive Plan.

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;

Due to the close proximity to the B district, it is anticipated that public facilities and services are available to support the full range uses permitted by the LB district.

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

Lots 1-3 are currently sandwiched between the B district to the North and West, and as a result of a recent rezone decision by the Council, the LB district to the South. Depending on the future use of the property to the south (Lots 4-10), the future uses may burden the remaining GR lots on Block 69 (Lots 1-3).

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

The proposed rezone would create a more uniform and consistent zoning or land use pattern. It would eliminate a pocket of GR that would otherwise be almost completely surrounded by B and LB district zoning. The rezone would help create a buffer or transition between the B district to

the north and west and the GR district to the east. No adverse impacts are anticipated.

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

- a. **Vacancy rates of existing buildings and land within the existing Business (B), Limited Business (LB) or Transitional (T) Zoning Districts. A lower vacancy rate will favor a rezone, while a higher vacancy rate will not favor a rezone.**

Vicinity of LB District	Vacant Lots	Vacant Buildings
South end of Main Street	Lots 1-3 Rick Davis Business Center Subdivision (0.99 acres in total)	Block 128 St. Luke's Family Practice
Intersection of Woodside Blvd. and Winterhaven Dr.	Lots 1A and 2A, Block 61, Woodside Subdivision No. 15 (3.44 acres)	
Intersection of Shenandoah Dr. and Countryside Blvd.	Lot 1 and 2, Block 21, Woodside Subdivision No. 6 (1.2 acres)	
Sweetwater	Sweetwater was approved for development; however, the current status of the undeveloped lots is unknown (13.08 acres currently undeveloped).	Residential units constructed in phase 1
Copper Ranch	Parcel A5, Copper Ranch (1.65 acres)	
	Block 85 Woodside Subdivision No. 24 (2.7 acres)	
	Lot 1, Block 67, Woodside Subdivision No. 18 (1.56 acres)	

Approximately half of the undeveloped land owned by Sweetwater is zoned with a Development Agreement. These portions restrict uses to residential only. Therefore, the undeveloped lots south of Countryside Blvd. are zoned LB, but can only be developed with residential uses. The lots west of Shenandoah Dr. are not restricted and are undeveloped.

The size of the vacant lots zoned LB is 24.92 acres. Of the 24.92 acres, approximately 6.5 acres is zoned with a Development Agreement that allows only residential uses, 23.93 of the vacant acres are located in Woodside, with 0.99 acres located just south of the Townsite Overlay. The location of the LB vacant lots is important to consider because of the inherent differences between the Woodside area and the Townsite area, near the commercial core.

- b. **The distance of the parcel proposed for rezone from the Central Core Overlay District boundary. A shorter distance from the Central Core**

Overlay District boundary will favor a rezone, while a longer distance from the Central Core Overlay District boundary will not favor a rezone.

The subject property is approximately 1,710 feet or 0.32 miles from the Central Core Overlay District.

Summary

The Council shall make a decision, with **findings on the four standards of evaluation** and Section 14.6.1 noted above. If the proposed change is approved, the Council shall pass an ordinance making said amendment part of Hailey Zoning Ordinance #532. The draft ordinance is attached.

Motion Language

Approval:

Motion to approve the City initiated application for a rezone from GR to LB of Lots 1-3, Block 69, Hailey Townsite (620 First Avenue North), finding, after considering vacancy rates and distance from the Central Core Overlay, that the amendments are in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare and adopt Ordinance ____ and authorize the mayor to conduct the first reading by title only.

Denial:

Motion to deny the City initiated application for a rezone from GR to LB of Lots 1-3, Block 69, Hailey Townsite (620 First Avenue North), 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 City initiated application for a rezone from GR to LB of Lots 1-3, Block 69, Hailey Townsite (620 First Avenue North) to _____ [the Council should specify a date].

Table:

Motion to table the City initiated application for a rezone from GR to LB of Lots 1-3, Block 69, Hailey Townsite (620 First Avenue North).

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On April 5, 2010, the Hailey Planning and Zoning Commission considered an application initiated by the City of Hailey for an amendment to the Hailey Zoning Map. The proposed amendment would change the zoning for from General Residential (GR) to Limited Business (LB). The subject property is located on Lots 1-3, Block 69, Hailey Townsite (620 First Avenue North). The Commission, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

Notice

Notice for the public hearing was published in the Idaho Mountain Express on and mailed to owners within 300 feet and to public agencies and area media on March 17, 2010; and notice was posted on all external boundaries of the property on March 29, 2010.

Application

The City has initiated a zone change of Lots 1-3, Block 69, Hailey Townsite (620 First Avenue North), from General Residential (GR) to Limited Business (LB) to address a recent rezone approval, which resulted in Lots 1-3 becoming an isolated parcel of GR surrounded by LB and B districts. The Council directed staff to initiate the rezone of Lots 1-3 to ensure that the area's zoning is uniform and responds to future potential for development and uses in this area.

Procedural History

On February 8, 2010, the Council approved an application by Ed Uhrig for a rezone from GR to LB of Lots 4-10, Block 69 (the property directly south of Lots 1-3). Lots 1-3 are now sandwiched between the B district to the North and West, and the LB district to the South. The rezone of Lots 4-10 may burden the remaining GR lots on Block 69 (Lots 1-3); therefore the Council directed a city initiated rezone of Lots 1-3, Block 69.

Analysis and Discussion

The current use of Lots 1-3 is a multi-unit apartment complex (Mountain View Apartments). Uses adjacent to the subject property include:
South: Storage and fencing materials.
North: Single family residence.
West: Car wash.
East: Single family residences.

The purpose of the current GR District is to provide areas for a variety of residential uses, and a limited number of other uses compatible with this type of residential development. The intent is to preserve the favorable amenities associated with a residential neighborhood.

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

Currently permitted, conditional and accessory uses and bulk regulations in the GR and LB Districts are set forth in Sections 4.3 and 4.5 of the Hailey Zoning Ordinance.

Comparison of permitted, conditional and accessory uses:

Permitted Uses	GR	LB
Single Family Dwellings	X	X
Multiple-Family Dwellings	X	X
Dwelling Units within Mixed Use Buildings		X
Home Occupations	X	X
Lodging Establishments		X
Professional Offices, excluding veterinarians		X
Churches	X	X
Schools and other education services	X	X
Health care and social assistance.		X
Real estate and property management companies		X
Catering Services		X
Arts, entertainment and recreation uses (indoor and outdoor)		X
Personal services where retail sales are clearly incidental to the principal use and no outside storage yard or facility is required.		X
Day care homes	X	X
Day Care Facilities	X	X
Day Care Center		X
Manufactured homes	X	X
Semi-public uses		X
PWSF's and WCF's attached to street poles, upon the issuance of a wireless permit		X
Government offices and public administration, except		X

correctional institutions		
Parks	X	X
Conditional Uses		
Gasoline Stations and Automotive Repair and Maintenance		X
Restaurants		X
Wholesale distributors		X
Convenience Stores		X
Public Services, Public Sue, and Public Utility facilities	X	X
Medical and personal care stores		X
Finance and insurance firms		X
Construction contractor's offices with no exterior storage.		X
PWSF's and WCF's mounted on any proposed freestanding tower, upon the issuance of a wireless permit.		X
Above ground flammable liquid tanks utilized by a public use	X	X
Temporary Structures	X	X
Bed and breakfast inns	X	
Boarding and Rooming Houses	X	
Day care center	X	
Semi-public uses	X	
PWSF's and WCF's attached to street poles, upon the issuance of a wireless permit	X	
Horses	X	
Accessory Uses		
Greenhouses/private	X	X
Garages	X	X
Storage Buildings	X	X
Accessory dwelling unit	X	X
All PWSF's or WCF's mounted on existing buildings or structures upon the issuance of a wireless permit.		X
Above ground combustible liquid tanks.		X

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

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

In the event that the subject property is removed from the Townsite Overlay boundary the underlying district regulations would apply.

The difference in bulk requirements **without** considering the Townsite Overlay are as follows:

Bulk Regulations	LB	GR
Maximum townhouse sub-lots per acre	20	10
Maximum multi-family residential aggregate density	One (1) dwelling unit per 1/20 of an acre	One (1) dwelling unit per 1/10 of an acre
Maximum aggregate gross floor area for individual retail/wholesale trade or grouped retail/wholesale trade	36,000 square feet	N/A (Not a permitted use)
Riparian setback	N/A (No riparian setback)	Required
Maximum Lot Coverage	N/A (No maximum)	40%
Size of Detached Accessory Dwelling Unit	N/A (No minimum or maximum)	Minimum gross floor area of 300 square feet and a maximum of 950 square feet

The following are the bulk regulation differences between GR and LB **with** consideration of the Townsite Overlay District, Section 4.13.6 of the Hailey Zoning Ordinance:

Bulk Requirements	LB in Townsite Overlay	GR in Townsite Overlay
Maximum Building Height	35 feet	30 feet
Maximum Lot Coverage	70%	25-40% depending on building height and whether a garage is on-site
Maximum Lot Size	No maximum	18,000 square feet

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

The recent Uhrig rezone was approved by the Council without a Development Agreement.

To be consistent and considering that this is a city initiated rezone, the Commission determined that a Development Agreement was not appropriate for this application.

Standards of Evaluation

Section 14.6 of the Hailey Zoning Ordinance establishes the standards for proposed zoning ordinance map amendments. For each applicable standard (in bold print), the Commission makes the following Findings of Fact:

a. The proposed amendment is in accordance with the Comprehensive Plan;
The Comprehensive Plan Land Use Map reflects suitable projected land uses for the City. It considers existing conditions, trends, and desirable future situations, the objective being a balanced mix of land uses for the community. The Map establishes a basis and direction for the expansion and/or location of business, residential, industrial, institutional and green space areas within and adjacent to the City. The Land Use Map depicts the area proposed for rezone as “Transitional – Mixed use, including residential, providing a buffer between residential neighborhoods and intense business use.”

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
Existing	Transitional	GR (General Residential)	Multi-family dwelling (Mountain View Apartments).
Proposed	No change is proposed	LB (Limited Business)	No change at this time.
North of site	Business/Commercial/Mixed Use	B (Business)	Single family dwelling, mobile home, vacant commercial building, and Sutton and Son’s Auto Dealership.
South of site	Transitional	LB (Limited Business)	Material Storage/Residential.
East of site	Transitional	GR (General Residential)	Single family residence.
West of site	Business/Commercial/Mixed Use	B (Business)	Car wash bays.

- Land Use Districts, Section 5.4 states, “Encourage integration of compatible land uses in order to retain a compact City comprised of a central downtown, with surrounding diverse neighborhoods, thereby reducing sprawl and traffic, increasing efficiency, and creating neighborhood and community character.”
- Economic Development, Section 6.1 states, “Encourage the infill of the Central Business

District...prior to expanding business-zoned areas for commercial development.”

- Due Process and Public Input, Section 5.8 states, “Proactively amend the Hailey Zone District map to resolve significant conflicts between the Land Use Map and the Zoning Map.”

The Commission referred to the goals of the Comprehensive Plan as well as the purpose of the LB District and considered if the rezone was compatible with the Land Use Map given that the property is shown as a “Transitional” area on the Land Use Map and the nature of uses allowed in the LB District.

FINDING: The review of this city initiated application for a rezone of Lots 1-3, is a result of the Council’s rezone approval of Lots 4-10. Although the Commission had recommended denial of the rezone of Lots 4-10, due to the Council’s decision to approve the rezone, the Commission determined that it was appropriate to rezone Lots 1-3, to create a more uniform and consistent zoning or land use pattern. The Commission determined that eliminating a pocket of GR that would otherwise be almost completely surrounded by B and LB district zoning, as a result of the Council’s decision, would allow for more appropriate uses at this location and if that the rezone is in accordance with the goals of the Comprehensive Plan.

- 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;**

FINDING: Due to the close proximity to the B district, it is anticipated that public facilities and services are available to support the full range uses permitted by the LB district.

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

FINDING: Lots 1-3 are currently sandwiched between the B district to the North and West, and as a result of a recent rezone decision by the Council, the LB district to the South. Depending on the future use of the property to the south (Lots 4-10), the future uses may burden the remaining GR lots on Block 69 (Lots 1-3).

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

FINDING: The proposed rezone would create a more uniform and consistent zoning or land use pattern. It would eliminate a pocket of GR that would otherwise be almost completely surrounded by B and LB district zoning. The rezone would help create a buffer or transition between the B district to the north and west and the GR district to the east. No adverse impacts are anticipated.

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

- a. Vacancy rates of existing buildings and land within the existing Business (B), Limited Business (LB) or Transitional (T) Zoning Districts. A lower vacancy**

rate will favor a rezone, while a higher vacancy rate will not favor a rezone.

Vicinity of LB District	Vacant Lots	Vacant Buildings
South end of Main Street	Lots 1-3 Rick Davis Business Center Subdivision (0.99 acres in total)	Block 128 St. Luke's Family Practice
Intersection of Woodside Blvd. and Winterhaven Dr.	Lots 1A and 2A, Block 61, Woodside Subdivision No. 15 (3.44 acres)	
Intersection of Shenandoah Dr. and Countryside Blvd.	Lot 1 and 2, Block 21, Woodside Subdivision No. 6 (1.2 acres)	
Sweetwater	Sweetwater was approved for development; however, the current status of the undeveloped lots is unknown (13.08 acres currently undeveloped).	Residential units constructed in phase 1
Copper Ranch	Parcel A5, Copper Ranch (1.65 acres)	
	Block 85 Woodside Subdivision No. 24 (2.7 acres)	
	Lot 1, Block 67, Woodside Subdivision No. 18 (1.56 acres)	

Approximately half of the undeveloped land owned by Sweetwater is zoned with a Development Agreement. These portions restrict uses to residential only. Therefore, the undeveloped lots south of Countryside Blvd. and east of Shenandoah Dr. are zoned LB, but can only be developed with residential uses. The lots west of Shenandoah Dr. are not restricted and are undeveloped.

The size of all of the vacant lots' zoned LB in Hailey is 24.92 acres. Of the 24.92 acres, approximately 6.5 acres are zoned with a Development Agreement that allows only residential uses, 23.93 of the vacant acres are located in Woodside, with 0.99 acres located just south of the Townsite Overlay. The location of the LB vacant lots is important to consider because of the inherent differences between the Woodside area and the Townsite area, near the commercial core.

- b. The distance of the parcel proposed for rezone from the Central Core Overlay District boundary. A shorter distance from the Central Core Overlay District boundary will favor a rezone, while a longer distance from the Central Core Overlay District boundary will not favor a rezone.**

The subject property is approximately 1,710 feet or 0.32 miles from the Central Core Overlay District.

The Council directed staff to initiate the rezone of Lots 1-3, following their decision to approve the rezone of Lots 1-4. The Council's interpretation was that the vacancies outlined by staff for the B district should not be included in the evaluation of the rezone of Lots 4-10 because the

property is proposed for a rezone to LB, not B. The Commission's original interpretation considered the LB and B vacancies. Although the Commission had recommended denial of the rezone of Lots 4-10, due to the Council's decision to approve the rezone, the Commission determined that it was appropriate to rezone Lots 1-3. In their evaluation of Section 14.6.1, the Commission applied the same interpretation of Section 14.6.1 to the rezone of Lots 1-3 as the Council did to the rezone of Lots 4-10. The Commission did not evaluate B district vacancies.

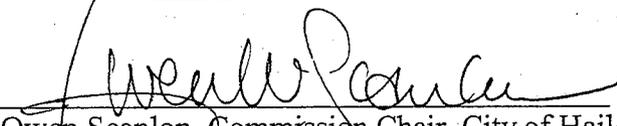
FINDING: The applicable vacancy rates in the LB district and distance of the Lots 1-3 from the Central Core Overlay District favor the rezone.

RECOMMENDATION

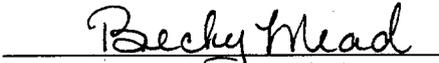
Based upon the above Findings of Fact, the Commission makes the following recommendation: The Zoning Map amendment to change the zoning for Lots 1-3, Block 69, Hailey Townsite (620 First Avenue North) from General Residential (GR) within the Townsite Overlay Limited Business (LB) within the Townsite Overlay is hereby recommended for approval, finding that the following has been met:

1. Adequate notice, pursuant to Section 14.4.1 of the Hailey Zoning Ordinance No. 532 and Idaho Code, Section 67-6511, was provided.
2. The Zoning Map amendment is in accordance with the Hailey 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 the vacancy rates in the LB district and distance from the Central Core Overlay favor a rezone.

Signed this 19th day of APRIL, 2010.


Owen Scanlon, Commission Chair, City of Hailey

Attest:


Becky Mead, Deputy Clerk

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, AND THE OFFICIAL ZONING MAP INCORPORATED THEREIN, BY CHANGING THE ZONING DISTRICT DESIGNATION OF THE HAILEY ZONING MAP, LOTS 1, 2, AND 3, BLOCK 69, HAILEY TOWNSITE, FROM GENERAL RESIDENTIAL (GR) TO LIMITED BUSINESS (LB); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

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

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

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

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

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

Section 1. Hailey Ordinance No. 532 and Hailey Official Zoning Map incorporated therein are hereby amended by changing the zoning district designation of Lots 1, 2, and 3, Block 69, Hailey Townsite, from General Residential (GR) to Limited Business (LB).

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

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

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

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

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

STAFF REPORT

TO: Hailey City Council
FROM: Beth Robrahn, Planning Director 
RE: Zoning Ordinance Amendment – Article 6A
HEARING: May 24, 2010

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 the Zoning Code, Article 6A (Title 17 of the Municipal Code) were originally drafted by staff in order to remove redundancy and clarify standards and guidelines. While there are a lot of changes, there are few that alter the essence of the design review standards and guidelines. The modifications that are a change to what has been allowed or prohibited under the current standards are described as part of the Procedural History. The Planning and Zoning Commission recommended approval of these amendments on April 5 and April 19, 2010.

Due to the amount of changes to the Design Review section, it is anticipated the Council will want to review the amendments over the course of several meetings or decide to schedule a special meeting. While the amendment to Article 6A, in its entirety, is attached, the May 24 public hearing will be dedicated to an overview of the changes. The details of the amendments can be discussed at subsequent hearings.

Procedural History

The existing design review standards are a combination of “should” and “shall” statements, making it difficult to discern what is intended to be required and what is preferred but not actually required. This project was originally conceived as amendments to Sections 6A.7.2.1 (guidelines for non-residential buildings), 6A.7.2.2 (guidelines for non-residential buildings in the LI, SCI, TI, and A districts) and 6A.7.2.3 (guidelines for multi-family buildings) in order to remove redundancy, clarify and reorganize the design review standards.

The proposed changes to the design review standards themselves were prepared in three steps.

1. Compared the existing 3 sets of design review standards in table format
2. Identified “should” and “shall” statements, then copied “should” statements to a narrative section and “shall” statements into a standards section
3. Reorganized standards by combining different standards that dealt with the same issue, grouping standards that were common to each building type to eliminate repetition of the same standard multiple times and editing standards to clarify, but did not create or eliminate any standards, some standards that had multiple items were broken out into separate standards which added to the overall number of standards.

In addition to changes to the design review standards, the draft ordinance recommended by the Commission and presented to the Council for consideration includes the following:

- Housekeeping changes to the administrative sections of Article 6A to coincide with the changes proposed to the three sections containing design review standards - 6A.7.2.1 (guidelines for non-residential buildings), 6A.7.2.2 (guidelines for non-residential buildings in the LI, SCI, TI, and A districts) and 6A.7.2.3 (guidelines for multi-family buildings).
- Allow Public Uses and Public Utilities to have chain link fences.
- Exemption of murals from design review standards; the Arts Commission's designated staff liaison will draft amendments to the appropriate section of the Municipal Code to add standards for murals and amend the Arts Commission's authority to be able to review and approve mural projects.
- The Area Development Plan was deleted from the requirements. The Area Development Plan requirement was a result of concern over how a large unplatted parcel of land within the Business zoning district at the north end of town would be developed. The August 2, 2004 staff report on the issue explained why the requirement was applied to all zoning districts including residential. A concern over the requirement being applied to any owner of contiguous parcels doing any work to their property lead to the Commission discussion of applying the requirement only to parcels 18,000 square feet or greater (the equivalent of half a platted Townsite block) or greater and discussed whether the requirement could be changed to a Development Agreement. After much discussion and consultation with the City Attorney, it was determined the requirement was not appropriate as a Design Review requirement.
- "Conformance with the Comprehensive Plan" was also deleted as one of the criteria of evaluation in keeping with the recent discussion regarding the types of applications the Comprehensive Plan should be evaluated for (rezones, text amendments, annexations, large subdivisions, and PUDs).

Motion Language

Continuation:

Motion to continue the public hearing upon the proposed amendment to Article 6A to _____ [the Council should specify a date].

The Council could also opt to table the amendment for additional research or drafting.

HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE 6A, DESIGN REVIEW, TO CLARIFY AND REORGANIZE DESIGN REVIEW REQUIREMENTS; TO ALLOW PUBLIC UTILITY FACILITIES OR PUBLIC USES TO HAVE AND INSTALL CHAIN LINK FENCES; TO ALLOW SIDEWALKS TO BE CONSTRUCTED IN AN ALTERNATIVE LOCATION; TO ADD A PROCEDURE FOR THE RESUBMITTAL OF AN APPLICATION; TO ADD GUIDELINES FOR MURAL PROJECTS; 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 small scale of the historic residences and storefronts is an important characteristic of Hailey. New development should be designed to recognize Hailey's historic architectural heritage. Creative architectural elements are encouraged and should be compatible with existing structures. Building design should engage the interest of pedestrians, bicyclists and drivers at the street level and at intersections in the case of buildings on corner lots.

WHEREAS, building design involves combinations of width and height proportions and architectural elements. The appeal of Hailey's streetscape will be enhanced through the addition of buildings which complement rather than dominate their surroundings. The use of the human scale helps to create a comfortable and friendly atmosphere and a "sense of place". This can be achieved by utilizing voids and masses, as well as details, textures, and colors on building facades. All sides of the building, not just the main façade, should be attractive and interesting. Doors, windows, roof shapes, siding and lighting should all be considered carefully in order to create a pleasant streetscape. Long building walls should incorporate design features that create interest and avoid boxy, bland appearance. The setbacks of walls facing the street should be varied on large projects that occupy several parcels. Extensive repetition of similar forms on large surfaces that would lead to the perception of a massive building is inappropriate. Repeating design elements such as colors, window shapes and building materials of adjoining properties should also be avoided. Buildings that are not human scale are structures that are typically massive, simple forms with little or no undulation, fenestration and detail. Such buildings are not acceptable in Hailey's business districts.

WHEREAS, pedestrian circulation should be an integral part of the site layout and circulation patterns of all buildings. The site should be organized so that buildings frame and reinforce pedestrian circulation; buildings should be welcoming to pedestrians and provide convenient access from all street sides. Pedestrians should be able to walk along building fronts rather than along or across parking lots and drives. The building should relate to the sidewalk and incorporate pedestrian amenities and encourage pedestrian activity. Buildings designed for multi-family residential use should create a neighborhood feeling and have their own identity within the community.

WHEREAS, conflicts between vehicle and pedestrian circulation needs should be minimized. New buildings should be planned with consideration to their relationship to adjacent properties. The use of common or shared streets and circulation patterns is encouraged when ever possible. Delivery trucks should be able to operate safely without blocking pedestrian rights-of-way or other streets.

WHEREAS, existing trees greater than 6” in caliper are considered a resource and the removal should be avoided unless the tree is unhealthy or poses a safety hazard. New construction and landscaping should respect and be compatible with existing vegetation and buildings should be sited in a manner that preserves significant vegetation.

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 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, or develop, or substantially remodel or alter the exterior of~~ the following Buildings without receiving design review approval pursuant to this Article:
- ~~a-1.~~ 1. A building for a non-residential use within any zoning district.
 - ~~b-2.~~ 2. A building for a Public or Semi-Public Use within any zoning district.
 - ~~c-3.~~ 3. A Multi-Family Dwelling of three or more units within any zoning district.
 - ~~d-4.~~ 4. A Single Family Dwelling, Duplex or Accessory Structure within the Townsite Overlay (TO) District.
 - 5. A Historic Structure.

~~Additionally, no person shall substantially remodel or alter the exterior of any such building without receiving design review approval pursuant to this Article, except alterations of existing buildings (which are not Historic Structures) in the Townsite Overlay (TO) District are not subject to design review unless an addition is proposed that adds Floor Area greater than or equal to 50% of the original structure, in which case design review approval is required. A substantial remodel or alteration to the exterior of a Historic Structure shall require design review approval.~~

B. Exemptions.

1. Murals and public art

Section 2. Article 6A.2, Establishment of Guidelines, of the Hailey Zoning Ordinance No. 532, is hereby deleted in its entirety.

Section 3. Article 6A.3, Review of Proposals; Authority of the Administrator, of the Hailey Zoning Ordinance No. 532, is hereby renumbered 6A.2 and amended by the deletion of the stricken language and the addition of the underlined language as follows:

A. All projects to which this Article applies shall be reviewed by the Administrator, Commission, or Hearing Examiner as follows:

a-1. The Administrator has the authority to recommend for approval or denial certain applications for Design Review that the Administrator determines to have no substantial impact on adjacent properties or on the community at large, subject to final approval or denial by the Commission on its consent agenda. Such recommendation for approval or denial shall specify the ordinance and standards used in evaluating the application; the reasons for the approval or denial; and recommended conditions, if any. ~~Any Commissioner may cause any application on the consent agenda to be moved to the regular agenda in order to have a full public hearing of potential impacts of the application.~~ Applications placed on the consent agenda may include, but are not limited to: additions under five-hundred (500) square feet or which are not prominently visible from a public street, façade changes and alterations to parking or other site elements. Such applications may instead be heard by the Hearing Examiner.

b-2. Except as provided herein, applications for projects within the Recreation Green Belt, Limited Residential, General Residential, Limited Business, Business, Service Commercial Industrial (all sub-districts), and Transitional Districts shall receive a public hearing with the Commission. The Commission will review and approve, deny or conditionally approve the application.

~~e. — Except as otherwise provided herein, applications for projects within the Townsite Overlay, Airport, Technological Industry, and Light Industrial Districts shall receive a public hearing with the Hearing Examiner. The Hearing Examiner will review and approve, deny or conditionally approve the application.~~

d-3. Those applications for projects of an emergency nature, necessary to guard against imminent peril, regardless of zoning district, shall receive administrative review and approval, denial, or conditional approval, subject to criteria set forth in subsection 6A.7.B(~~b~~) of this the Zoning Ordinance. The Administrator may, upon the request of the applicant or the direction of any City official, forward the application to the Commission for review ~~as set forth in subsection (b) above.~~

e-4. 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 this Ordinance.

f-5. The Administrator has the authority to recommend exemption of certain projects from the design review requirements, upon finding; the project is minor, will not conflict with

the design review standards of this Chapter and will not adversely impact any adjacent properties. Examples include, but are not limited to minor deck additions, changes to siding materials, changes to an existing window or door, an addition of a window or door, and minor landscape changes. Such recommendation for exemption shall be drafted in the form of Findings of Fact and Conclusions of Law, subject to final decision by the Commission on its consent agenda prior to issuance of a building permit. Should the Commission deny the Administrator's recommendation or should the Administrator determine that the proposal does not meet all of the above evaluation criteria, the project shall be subject to the provisions of this chapter prior to issuance of a building permit.

g-6. The Administrator has the authority to approve minor modifications to projects that have received design review approval by the Commission prior to, and for the duration of a valid Building Permit. The Administrator shall make the determination as to what constitutes minor modifications and may include, but are not limited to changes to approved colors and/or siding materials, changes to site plans that do not significantly increase building footprints or significantly change driveway or road alignment, changes to landscape plans that do not decrease the amount of landscaping, changes to dumpster enclosures, changes to exterior lighting fixtures and location, or changes to windows that do not significantly affect project design, appearance or function. All approved modifications must be documented in a memo to the project file and on the approved set of plans on file with the city. For modifications to design review approval that are determined by the Administrator not to be minor, the Administrator has the authority to recommend approval or denial of such modifications, subject to final decision by the Commission on its consent agenda. Such recommendation for approval or denial shall be drafted in the form of Findings of Fact and Conclusions of Law.

Section 4. Article 6A.4, Permits, of the Hailey Zoning Ordinance No. 532, is hereby renumbered to 6A.3 and amended by the deletion of the stricken language and the addition of the underlined language as follows:

A. No permits shall be issued by any administrative officer or inspector of the City for construction of any building, project, or other improvement requiring a permit before the requirements specified by this ~~Ordinance~~ Article are met and approval is granted.

Section 5. Article 6A.5, Design Review Process, of the Hailey Zoning Ordinance No. 532, is hereby renumbered to 6A.4,

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

A. An application for a ~~proposed~~ design review approval shall follow the procedures and be subject to the requirements established by Section 3.8 of ~~this~~ the Zoning Ordinance, shall be made by at least one (1) holder of any interest in the real property for which the design review approval is proposed, and shall be reviewed by the Commission or Hearing Examiner. ~~All design review plans and drawings shall be prepared by an Idaho licensed architect, except plans~~

~~for single family dwellings may be prepared by an Idaho licensed architect or Idaho licensed structural engineer.~~

B. The following information is required before the project can be reviewed by the Commission or Hearing Examiner.

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

b-2. One (1) full size set of prints and six (6) sets of 11” x 17” copies (two if heard by the Hearing Examiner), prepared in a professional manner and the cover page stamped by an Idaho licensed architect, showing at a minimum the following:

1. 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.

2. 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.

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

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

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

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

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

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

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

10. Area Development Plan, if applicable, pursuant to Section 6A.8 of this Ordinance.

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).

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

e-3. A materials and colors sample board. Each sample should be approximately 12"x12" in size.

d-4. One (1) colored rendering of at least one side of the proposed building.

e-5. 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.

f-6. 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.

g-7. Other information as required by the Administrator, Hearing Examiner or the Commission.

h-8. Payment of fees (established by ordinance).

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

A. The Commission or Hearing Examiner shall determine the following before approval is given:

~~a. The project is in general conformance with the Comprehensive Plan.~~

1.b. The project does not jeopardize the health, safety or welfare of the public.

2.e. The project conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Ordinance, and City Standards.

B. Conditions. The Commission or Hearing Examiner may impose any condition deemed necessary. The Commission or Hearing Examiner may also condition approval of a project with subsequent review and/or approval by the Administrator or Planning Staff. Conditions which may be attached include, but are not limited to those which will:

1. Ensure compliance with applicable standards and guidelines.

2. Require conformity to approved plans and specifications.

3. Require security for compliance with the terms of the approval.

4. Minimize adverse impact on other development.

5. Control the sequence, timing and duration of development.

6. Assure that development and landscaping are maintained properly.

7. Require more restrictive standards than those generally found in the Zoning Ordinance.

C. Security. The applicant may, in lieu of actual construction of any required or approved improvement, provide to the City such security as may be acceptable to the City, in a form and in an amount equal to the cost of the engineering or design, materials and installation of the improvements not previously installed by the applicant, plus fifty percent (50%), which security shall fully secure and guarantee completion of the required improvements within a period of one (1) year from the date the security is provided.

1. If any extension of the one year period is granted by the City, each additional year, or portion of each additional year, shall require an additional twenty percent (20%) to be added to the amount of the original security initially provided.

2. In the event the improvements are not completely installed within one (1) year, or upon the expiration of any approved extension, the City may, but is not obligated, to apply the security to the completion of the improvements and complete construction of the improvements.

Section 8. Article 6A.7.1, Improvements Required, of the Hailey Zoning Ordinance No. 532, is hereby renumbered 6A.7 and amended by the deletion of the stricken language and the addition of the underlined language as follows:

6A.7 Improvements Required.

~~6A.7.1.1 Sidewalk, Curb, and Gutter Sidewalks, curb and gutter shall be required improvements for projects requiring Design Review 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 shall be constructed along the entire length of a property adjacent to any public or private street in all zones, as well as in locations that provide safe pedestrian access to and around a building. New sidewalks shall be planned to provide pedestrian connections to any existing sidewalks adjacent to the site. Sites located adjacent to public or private streets that are not currently thru streets, regardless of whether the street may provide a connection to future streets, shall provide sidewalks to facilitate future pedestrian connections.~~

A. Streets.

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

a. The requirement for sSidewalk and drainage improvements may be waived if the cost of the proposed project construction is less than twenty thousand dollars (\$20,000) five hundred (500) square feet.

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

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

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.

3. 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.

4. 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. 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.

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.

6A.7.1.2 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 9. Articles 6A.7.2, Design Review Guidelines, 6A.7.2.1, Design Review Guidelines for Non-Residential Buildings, 6A.7.2.2, Design Review Guidelines for On-Residential Buildings in Light Industrial (LI), Service Commercial Industrial (SCI), Technological Industry (TI) and Airport (A), and 6A.7.2.3, Design Review Guidelines for Multi-Family Residential Buildings in General Residential (GR), Transitional (TN), Limited Business (LB), Business (B), Neighborhood Business (NB) and Service Commercial Industrial (SCI) of the Hailey Zoning Ordinance No. 532, is hereby deleted in its entirety and replaced with Article 6A.8, 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 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 entrances ~~without being forced to walk within any vehicular circulation areas.~~

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. On-site parking areas shall be located at the rear of the building and screened from the street. Parking and access shall not be obstructed by snow accumulation.

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.

2. Building Design

a. The proportion, size, shape and rooflines of new buildings shall be compatible with surrounding buildings.

b. Standardized corporate building designs are prohibited.

c. At ground level, building design shall emphasize human scale, be pedestrian oriented and encourage human activity and interaction.

d. The front façade of buildings shall face the street and may include design features such as windows, pedestrian entrances, building off-sets, projections, architectural detailing, courtyards and change in materials or similar features to create human scale and break up large building surfaces and volumes.

e. Any addition onto or renovation of an existing building shall be designed to create a cohesive whole.

f. All exterior walls of a building shall incorporate the use of varying materials, textures and colors.

g. Exterior buildings colors and materials shall be integrated appropriately into the architecture of the building and be harmonious within the project and with surrounding buildings.

h. Flat-roofed buildings over two stories in height shall incorporate roof elements such as parapets, upper decks, balconies or other design elements.

i. All buildings shall minimize energy consumption by utilizing alternative energy sources and/or passive solar techniques. At least three (3) of the following techniques, or an approved alternative, shall be used to improve energy cost savings and provide a more comfortable and healthy living space:

i) Solar Orientation. If there is a longer wall plane, it shall be placed on an east-west axis. A building's wall plane shall be oriented within 30 degrees of true south.

ii) South facing windows with eave coverage. At least 40% of the building's total glazing surface shall be oriented to the south, with roof overhang or awning coverage at the south.

iii) Double glazed windows.

iv) Windows with Low Emissivity glazing.

- v) Earth berming against exterior walls
- vi) Alternative energy. Solar energy for electricity or water heating, wind energy or another approved alternative shall be installed on-site.
- vii) Exterior light shelves. All windows on the southern most facing side of the building shall have external light shelves installed.

j. Gabled coverings, appropriate roof pitch, or snow clips and/or gutters and downspouts shall be provided over all walkways and entries to prevent snow from falling directly onto adjacent sidewalks.

k. Downspouts and drains shall be located within landscape areas or other appropriate locations where freezing will not create pedestrian hazards.

l. Vehicle canopies associated with gas stations, convenience stores or drive-through facilities shall have a minimum roof pitch of 3/12 and be consistent with the colors, material and architectural design used on the principal building(s).

m. A master plan for signage is required to ensure the design and location of signs is compatible with the building design and compliance with Article 8.

3. Accessory Structures, Fences and Equipment/Utilities

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

b. Accessory structures shall be located at the rear of the property.

c. Walls and fences shall be constructed of materials compatible with other materials used on the site. The use of chain link is prohibited, except for Public Utility Facilities or Public Uses.

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. 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.

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.

4. Landscaping

a. Only drought tolerant plant species and/or xeriscape specific plant materials shall be used, as specified by the Hailey Landscaping Manual or an approved alternative.

b. All plant species shall be hardy to the Zone 4 environment.

c. At a minimum, a temporary irrigation system that fully operates for at least two complete growing seasons is required in order to establish drought tolerant plant species and/or xeriscape specific plant materials. Features that minimize water use, such as moisture sensors, are encouraged.

d. Landscaped areas shall be planned as an integral part of the site with consideration of the urban environment. A combination of trees shrubs, vines, ground covers and ornamental grasses shall be used. New landscaped areas having more than 10 trees, a minimum of 10% of the trees shall be at least 4-inch caliper, 20% shall be at least 3-inch caliper, and 20% shall be at least 2½ inch caliper and a maximum of 20% of any single tree species may be used in any landscape plan (excluding street trees). New planting areas shall be designed to accommodate typical trees at maturity. Buildings within the LI and SCI-I zoning district are excluded from this standard.

e. Seasonal plantings in planter boxes, pots, and/or hanging baskets shall be provided to add color and interest to the outside of buildings in the LI and SCI-I zoning districts.

f. Plantings for pedestrian areas within the B, LB, TN and SCI-O zoning districts shall be designed with attention to the details of color, texture and form. A variety of trees, shrubs, perennials, ground covers and seasonal plantings, with different shapes and distinctive foliage, bark and flowers shall be used in beds, planter boxes, pots, and/or hanging baskets.

g. Storm water runoff should be retained on the site wherever possible and used to irrigate plant materials.

h. A plan for maintenance of the landscaping areas is required to ensure that the project appears in a well maintained condition (i.e., all weeds and trash removed, dead plant materials removed and replaced).

i. Retaining walls shall be designed to minimize their impact on the site and the appearance of the site.

j. Retaining walls shall be constructed of materials that are utilized elsewhere on the site, or of natural or decorative materials.

k. Retaining walls, where visible to the public and/or to residents or employees of the project, shall be no higher than four feet or terraced with a three foot horizontal separation of walls.

l. Landscaping should be provided within or in front of extensive retaining walls.

m. Retaining walls over 24” high may require railings or planting buffers for safety.

n. Low retaining walls may be used for seating if capped with a surface of at least 12 to 16 inches wide.

B. Non-Residential Building 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.9.A, the following design standards also apply to any non-residential building located within the B, 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.

d. 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.

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

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

h. 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

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.

C. Non-Residential Building Located within the LI, SCI, TI or A. 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.9.A, the following design standards also apply to any non-residential building located within the LI, SCI, TI or A zoning districts.

1. Site Planning

a. Adjoining parcels shall be considered when planning building configuration, vehicular circulation and access, parking, and drainage.

b. Reciprocal vehicular ingress and egress, circulation, and parking arrangements are encouraged when the adjacent site(s) allows in order to facilitate the ease of vehicular movement between adjoining properties.

c. Vehicle circulation, parking and loading shall not block pedestrian access ways.

D. Multi-Family. 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.9.A, the following design standards also apply to any Multi-Family building located within the City of Hailey.

1. Site Planning

a. The location of buildings shall respond to the specific site conditions such as topography, street corners, open space and existing and planned adjacent uses.

b. Site plans shall include a convenient, attractive and interconnected pedestrian system of sidewalks and shared pathways to reinforce pedestrian circulation within a site.

c. Buildings shall be organized to maximize efficient pedestrian circulation and create gathering places.

2. Building Design

a. Buildings shall incorporate massing, group lines and character that responds to single family homes. Buildings may also include the use of varying materials, textures and colors to break up the bulk and mass of large multi-family buildings. Front doors should be individual and visible from the street. Windows should be residential in scale and thoughtfully placed to provide for privacy and solar gain.

b. At ground level, buildings shall present a setting that is visually pleasing to the pedestrian and that encourages human activity and interaction.

Section 10. Article 6A.7.2.4, Design Review Guidelines for Residential and Non-Residential Buildings in the Townsite Overlay District (TO), of the Hailey Zoning Ordinance No. 532, is hereby renumbered 6A.9.

Section 11. Article 6A.8, Area Development Plan, of the Hailey Zoning Ordinance No. 532, is hereby deleted in its entirety.

Section 12. Article 6A.9, Conditions, of the Hailey Zoning Ordinance No. 532, is hereby deleted in its entirety and replaced by Article 6A.6.B.

Section 13. 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 14. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 15. 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

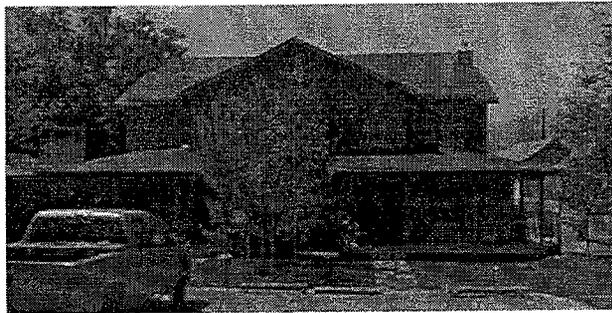
Publish: Idaho Mountain Express _____, 2009

May 16, 2010

RECEIVED
MAY 17 2010
CITY OF HAILEY

Dear City Council and Mayor Davis,

I'm writing in support of the City initiated amendments to Article 6A, Design Review, of Zoning Ordinance No. 532. I believe the adoption of design review guidelines for the Townsite Overlay District (TO) by the City of Hailey several years ago has played a major role in preserving the character and charm of Old Hailey. Evidence of irresponsible development prior to the adoption of TO Design Review, can be seen in several places in Old Hailey, e.g., the townhome duplex on South 2nd Ave.



One of the key components of the TO Design Review Guidelines is the requirement that remodels and new construction conform to the scale of the neighboring buildings. I believe it is extremely important that this component be maintained and, where possible, strengthened. The recommended removal of language in Section 1. Article 6A.1; which, in its present form, allows remodels of buildings in the TO built after 1940 to be excluded from design review if proposed alterations are less than 50% of the Floor Area of the original structure, is important to strengthen the previously mentioned "scale" component. Allowing exemption from design review of remodels in the TO of up to 49% of original Floor Area, provides a sizeable loophole and invites irresponsible development.

Sincerely,

Rob Lonning
415 S. 2nd Ave.,
Hailey

