

STAFF REPORT

TO: Hailey City Council
FROM: Mariel Platt, Planner 
RE: Zoning Ordinance Amendment – Article 9, Parking and Loading Spaces
HEARING: June 8, 2009

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 20, 2009.

Proposal

Attached are amendments to Section 9.3, Off-street Parking Dimensions and 9.4, Parking Space Requirements of the Zoning Ordinance proposed by the City.

These amendments would include the City Standard's parking dimensions, with reduced dimensions, to the Ordinance and would allow for a limited number of on-site compact parking spaces.

Procedural History

The Planning and Zoning Commission held a public hearing on the proposed amendments on January 20 and February 17, 2009. The Commission recommended approval of the proposed amendments.

The impetus for these amendments is to promote sustainability in our Zoning Ordinance. Sustainability integrates economic, social and environmental spheres, the thought being that decisions must not be detrimental to any one sphere or your actions will not be sustainable. A common definition of sustainability is, "to meet the needs of the present without compromising the ability of future generations to meet their own needs". Many cities across the globe are realizing the impacts, either positive or negative, that planning and zoning can have on sustainability. These proposed amendments are an attempt to use Hailey's Zoning Ordinance as a tool to increase opportunities for more sustainable functions within the City of Hailey and beyond.

Allowing compact parking spaces to comprise a limited number of an applicant's parking space requirements reduces the amount of impervious and blacktop surface on a site, which in turn increases water infiltration and decreases the heat island or albedo effect. A reduction in parking dimensions allows for more open space that can be used for other amenities besides parking, such as landscaping. Compact parking spaces promote alternative methods of transportation and the use of compact cars, which creates a reduction in our carbon footprint.

By incorporating the dimensions in the Ordinance, the public will have better access to the City Standards and will have a better understanding of the City's off-street parking requirements.

Standards of Evaluation

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

1. The proposed amendment is in accordance with the Comprehensive Plan;
The Council should consider how the proposed amendments relate to the various policies and implementation items of the Comprehensive Plan, particularly the following:

13.0 Community Design

1. Policy: Maintain a City that emphasizes the human being and places less emphasis on the automobile.

Implementation:

- a. Encourage a compact city form in order to allow interaction, convenience, alternative forms of transportation, and the preservation of green space adjacent to the City.*

10.1 Transportation and Circulation

5. Policy: Promote land development that discourages urban sprawl, connects the community, and encourages multi-modal use.

Implementation:

- b. Balance parking needs with multi-modal transportation needs. Minimize the effect of large parking lots with landscape buffers and islands.*

10.3 Transportation and Circulation

1. Policy: Standards for development should encourage multi-modal transportation.

Implementation:

- b. Review the parking ordinance to establish appropriate minimum and maximum numbers of parking spaces for development. Encourage creative alternatives to larger parking lots, such as shared parking, public transit, special event shuttles, etc. Explore other means to balance parking needs, such as parking meters.*

Environment Section - Air Quality

1. Policy: Reduce stationary and mobile source emissions of pollutants.

Implementation:

- a. Implement standards and support local and regional efforts to reduce air pollutants.*
- b. Adopt zoning and subdivision ordinance amendments to promote air and water quality and water conservation.*
- g. Promote transportation strategies that encourage low emission vehicles and alternatives to traditional fuels.*

Environment Section - Greenhouse Gas Emissions (adopted in 2007, but not published)

Goal: Strive to meet or exceed the Kyoto Protocol target of reducing greenhouse gas emissions seven percent below 1990 levels.

Implementation:

- a. *Identify and implement cost-effective actions that will reduce the community's contribution to total global greenhouse gas emissions.*
- b. *Integrate land use, building code, transportation and energy policies to support this goal.*

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

It is not anticipated that the proposed amendments will create additional requirements at public cost.

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

It is not anticipated that allowing compact parking spaces will jeopardize the compatibility with surrounding uses.

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

By allowing for compact parking spaces to comprise a limited number of required off-street parking, there is potential for a reduction in our carbon footprint, by promoting compact cars. If applicants chose to utilize compact cars spaces for a limited number of required parking spaces they could increase the amount of space that could be used for other amenities, thus providing flexibility. This amendment would also give increasing flexibility to the developer of a site, allowing more on-site space to be utilized in other ways, thereby reducing potential site design conflicts.

Summary

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

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

Motion Language

Motion to approve the proposed amendments to Sections 9.3 and 9.4, 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.

HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING ARTICLE 9 OF HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 9.3, TO CHANGE OFF-STREET TO ON-SITE AND TO ESTABLISH DIMENSIONS FOR ON-SITE PARKING SPACES; AMENDING SECTION 9.4, TO ALLOW FOR A LIMITED NUMBER OF OFF-STREET COMPACT PARKING SPACES; 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; and

WHEREAS, the amendment will be in accordance with the safety and welfare of the general public.

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

Section 1. Section 9.3, Off-street Parking Dimensions, 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:

9.3 ~~Off-street~~On-Site Parking Dimension.

9.3.1 For the purposes of this Ordinance, the dimensions of all parking areas within the City right-of-way shall be in accordance with the City Standards. The dimensions of all on-site parking areas shall be according to the following table:

<u>On-Site Parking Dimensions (shown in feet):</u>			
<u>Parking Angle</u>	<u>Stall Width (S)</u>	<u>Stall Depth (D)</u>	<u>Aisle Width (A)</u>
<u>90</u>	<u>9</u>	<u>18</u>	<u>24</u>
<u>30</u>	<u>9</u>	<u>20</u>	<u>11</u>
<u>45</u>	<u>9</u>	<u>20</u>	<u>13</u>
<u>60</u>	<u>9</u>	<u>21</u>	<u>18</u>
<u>Parallel</u>	<u>8</u>	<u>22</u>	<u>N/A</u>
<u>ADA</u>	<u>11 (+ 5 for ADA aisle)</u>	<u>Same as above</u>	<u>Same as above</u>
<u>*Compact</u>	<u>8</u>	<u>16</u>	<u>Same as above</u>

*Refer to Section 9.4, e. for details

Section 2. Section 9.4, Parking Space Requirements, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

9.4 On-Site Parking Space Requirements.

- a. For the purpose of this Ordinance, the following on-site parking space requirements shall apply as the minimum number of parking spaces which shall be provided on-site by the given use. Where the calculation of parking spaces results in a fraction, the required parking shall be rounded up to the nearest whole number when the calculation equals less than 10 (e.g., if the requirement is "one space per 1000 square feet", an area of 9010 square feet calculates to 9.01 but will require ten parking spaces.); and shall be rounded down to the nearest whole number where total calculation exceeds 10 (e.g., 10,900 square feet calculates to 10.9 but will require 10 parking spaces).
- b. For the purposes of this Section, "gross area" is defined as the total square foot area of a given use, as designated for each use. Storage areas in basements are not included in gross area. "Net area" is defined as the area consistently used by customers, patrons, and employees of the use. Net area does not typically include areas such as hallway and elevator areas, bulk storage and freezer areas, employee break areas, restrooms and machinery rooms.
- c. Where a specific use is not listed, and no similar use is listed, the required minimum number of on-site parking spaces shall be one per 1000 gross square feet.
- d. All uses shall provide handicap accessible parking spaces as required by the IBC, and designed to comply with the standards set forth in ANSI A117.1. Such spaces may be included in the total number of required on-site parking spaces.
- e. Up to 25% of the required on-site parking spaces may be provided with compact parking spaces, but in no case shall more than five (5) spaces be reserved as compact. Compact spaces must be signed as such and shall be spaces closest to the building's entrance, with the exception of ADA spaces.

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

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

Section 5. Effective Date. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2009.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk, City of Hailey

STAFF REPORT

TO: Hailey City Council
FROM: Mariel Platt, Planner *mp*
RE: Zoning Ordinance Amendment – Article 11, Conditional Use Permits
HEARING: June 8, 2009

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 20, 2009.

Proposal

Attached is the addition of Section 11.4.2, Small Scale Wind Energy Systems, to Hailey Zoning Ordinance proposed by the City. These amendments would establish standards for small scale roof-top wind energy systems.

Procedural History

The Planning and Zoning Commission held a public hearing on the proposed amendments on January 20 and February 17, 2009. The Commission recommended approval of the proposed amendments.

The impetus for these amendments is to promote sustainability in our Zoning Ordinance. Sustainability integrates economic, social and environmental spheres, the thought being that decisions must not be detrimental to any one sphere or your actions will not be sustainable. A common definition of sustainability is, "to meet the needs of the present without compromising the ability of future generations to meet their own needs". Many cities across the globe are realizing the impacts, either positive or negative, that planning and zoning can have on sustainability. These proposed amendments are an attempt to use Hailey's Zoning Ordinance as a tool to increase opportunities for more sustainable functions within the City of Hailey and beyond.

Small rooftop wind energy systems promote the development of local, clean, renewable energy source that produces no emissions, requires no mining, damming, combustion, or waste and help increase energy independence. By establishing these standards the City would provide clear standards to protect neighbors from potential nuisance impacts while avoiding overly restrictive, unnecessary provision – such as height limitations that substantially reduce the effectiveness of WESs, which discourage investment in them.

Rooftop or roof-mounted wind energy systems generate little to no noise, are less visually obtrusive, require less wind (they are poorly suited for high wind areas), and although their

capacity to generate energy is smaller than that of larger freestanding systems, they can provide a significant portion of an occupant's energy needs.

Concurrently, amendments have been drafted and are being reviewed to allow for small rooftop wind energy systems as a conditional use in each Zoning District, excluding the Recreational Green Belt district. The permitting process would protect the areas where rooftop WECs might not be appropriate, for instance, in some residential areas. But it would not exclude residential zoning districts completely; recognizing that some residential areas that abut areas with unobstructed air spaces (i.e. not directly next to other homes or buildings), such as along the bike path, could benefit significantly from the increased winds experienced at those locations and could be an appropriate location for rooftop WECs. If approved, this amendment would require the applicant to submit additional materials to show how these standards are met and to provide information for permit review.

Standards of Evaluation

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

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

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

Environment Section - Energy Conservation and Renewable Energy

1. Policy: Implement policies and programs that enhance opportunities for individuals, businesses and public organizations to limit the use of non-renewable energy resources by conserving energy and converting to renewable resources.

Implementation:

- a. Support private decisions to use renewable energy, publicly develop local renewable energy resources where economical and preserve future options for renewable energy so that they may be developed when they become cost effective.*
- b. Improve building codes and regulations to ensure energy and resource efficiency in new construction, remodels and renovation projects. If possible, determine minimum insulation and fenestration requirements for both residential and commercial projects.*

Implementation:

- b. Promote density, location and mix of land uses that decrease the length of required daily trips and encourage the consolidation or related trips.*

3. Policy: Prioritize energy conservation. Support and reward environmentally acceptable, sustainable energy sources, especially renewable resources such as solar, wind, hydroelectric, geothermal, biomass, cogeneration and district heating and cooling.

1.6 Natural Resources – Alternative Energy and Resource Conservation

Goal: Promote the use of alternative renewable energy sources as well as the conservation of natural resources.

- 1. Policy: Protect, enhance, and develop alternative energy sources.*

Implementation:

- a. Promote the study and use of all types of renewable*

resources as alternatives to traditional energy sources.

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

It is not anticipated that this use would create any additional public costs for public facilities or services.

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

The proposed use would be a conditional use and compatibility would be determined on a case by case basis.

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

The proposed amendment would create standards that would protect neighboring properties from nuisances such as noise and vibration. It would also require size and height limitations to provide protection for views. The amendments would allow for small rooftop wind energy systems, where deemed appropriate through the conditional use permit process.

Summary

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

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

Motion Language

Motion to approve the proposed addition of a new section, Section 11.4.2, Small Scale Wind Energy Systems, 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.

HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING ARTICLE 11 OF HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 11.4, TO ESTABLISH A NEW SECTION, SECTION 11.4.2, TO ESTABLISH CONDITIONAL USE PERMIT STANDARDS FOR SMALL WIND ENERGY SYSTEMS; 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; 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. Hailey Zoning Ordinance No. 532, is hereby added with the addition of a new Section 11.4.2, as follows:

11.4.2 Small Scale Wind Energy Systems. For Small Scale Wind Energy Systems, the Commission or Hearing Examiner shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and, if approved, shall find adequate evidence showing that such use at the proposed location:

- a. Will be a rooftop system only.
- b. Will not exceed a maximum height of 15 feet beyond the maximum building height requirement for the applicable district. The measured height shall include the entire system, including the blade radius.
- c. Will comply with the maximum permissible noise level. Every use shall be operated such that the noise level produced does not inherently and recurrently exceed twenty (20) decibels beyond ambient noise levels, during the hours of 7:00 A.M. to 7:00 P.M., or ten (10) decibels beyond ambient noise level decibels from 7:00 P.M. to 7:00 A.M. During the hours of 7:00 A.M. to 7:00 P.M., the noise levels permitted may increase a maximum of five (5) decibels for a period not to exceed fifteen (15) minutes in any one (1) hour.
 1. Measured Along Property Boundary. Noise levels shall be measured at any point along any boundary line of the property on which the use is located.
 2. Measurement Along the Property Owner's building wall. Where there is or could be more than one (1) property ownership in a building (e.g., a

condominium or attached townhome), the noise levels shall be measured along any wall of a property owner.

- d. Will generate no perceptible vibration. Every use shall be operated so that it does not inherently and recurrently generate a ground vibration that is perceptible, without instruments, at any point along any boundary line of the property on which the use is located. Where there is or could be more than one (1) property ownership in a building (e.g., a condominium or attached townhome), this standard shall be measured along any wall of a property owner.

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

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

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

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2009.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk, City of Hailey