

## STAFF REPORT

**TO:** Hailey City Council

**FROM:** Mariel Platt, Planner 

**RE:** Zoning Ordinance Amendment – Article 2, Definitions; Article 4.2, Limited Residential; Article 4.3, General Residential; Article, 4.4, Neighborhood Business; Article 4.5, Limited Business; Article 4.6, Transitional; Article 4.7, Business; Article 4.8, Light Industrial; Article 4.9, Technological Industry; Article 4.11, Airport District; & Article 4.12, Service Commercial Industrial.

**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 Sections 2.2, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.11, and 4.12 of the Zoning Ordinance proposed by the City.

These amendments would allow for roof-mounted solar as an accessory use in all zoning districts, excluding Recreational Green Belt District; urban agriculture as a permitted use in all zoning districts that allow for residential uses; small roof-top wind energy systems and freestanding solar panels as a conditional use in all zoning districts, excluding Recreational Green Belt District; and accessory dwelling units in the Limited Residential District.

### Procedural History

The Planning and Zoning Commission held a public hearing on the proposed amendments on January 20, 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.

The Planning Department has received numerous phone calls in the last year from residents who would like to house chickens on their property. Our ordinance currently does not allow for this. Urban agriculture, such as chickens, reduces the vehicle miles traveled associated with food

production and delivery - the average item of food in the U.S. travels 1,400 miles to the dinner table, this in turn reduces green house gas emissions. It promotes health by allowing individuals the choice to ensure their own foods are safe and high quality, it increases food security and potentially reduces individual food costs. Aside from great tasting fresh eggs, a chicken can consume nine pounds of kitchen waste a month and the chicken's waste can be used as garden fertilizer. All of these benefits have been noticed by numerous municipalities. Boise and Nampa, ID; Portland, OR; San Francisco, CA; Las Vegas, NV; Santa Fe, NM; as well as over 100 other large and small municipalities throughout the U.S. allow chickens to varying degrees.

The City's Ordinance lacks language to address Solar Panels and Small Wind Energy Systems. It is important to provide standards for these in scenarios where a greater impact could occur and to provide language in the ordinance that allows for panels by-right, in instances where little impact is expected to occur. Solar Panels and Small Wind Energy Systems promote development of local, clean, renewable energy source that produces no emissions, requires no mining, damming, combustion, or waste. They also help cut energy costs and increase energy independence. The proposed amendment addressing solar panels, would address the U.S. solar energy trend –the number of homes and businesses that have solar panels has increased by 40% each year since 2005.

Accessory dwelling units (ADU) have numerous benefits to the owner of the unit, as well as to the community at large. ADUs provide an increase in affordable housing, provide a financial benefit to the property owners by providing supplemental income, promote more efficient land use development and infill versus building out and contributing to sprawl, increase the housing diversity, and help reduce vehicle miles traveled. Traffic and parking concerns are often raised when considering ADUs and other infill development. A recent Urban Land Institute study of 12 infill projects in Idaho found that a major concern with fear of increased traffic, however in the cases studied there was no evidence of harmful effects of traffic following completion of a project; in 75% of the cases traffic was flat or down, particularly when the infill was near a town center or neighborhood services.

### **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:

*5.4 Land Use – Land Use Districts*

*5. Policy: Promote land use policies that protect and enhance new existing neighborhoods in residential zoning districts. Encourage a diversity and mix of residential housing throughout the city in order to create a fully integrated community.*

*Implementation:*

*g. Consider allowing accessory dwelling units throughout the limited residential district as a means of promoting a mix of housing options.*

*8.1 Housing – Community and Neighborhood Character*

*Implementation:*

- b. *Allow and encourage, where appropriate, accessory dwelling units in all areas.*

*Implementation:*

- f. *Allow for more variable use of properties by residences, such as accessory dwelling units and appropriate home occupations.*

**5.6 Land Use – Efficient Use of Resources**

*Implementation:*

- a. *Concentrate housing densities within the existing community in order that they may be provided with the most efficient and economical services and commercial necessities*

**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.*

**Environment Section - Greenhouse Gas Emissions**

*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.*

**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.*

- 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 would create additional requirements at public cost.

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

It is anticipated that the proposed accessory uses are compatible with the surrounding area and that the compatibility of the conditional uses 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 will provide increased sustainability.

**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 Section 2.2, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.11, & 4.12, 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 2 AND ARTICLE 4 OF HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 2.2, TO ADD THE DEFINITION OF CHICKEN COOP, HAILEY LANDSCAPING MANUAL, SMALL SCALE WIND ENERGY SYSTEMS, SOLAR PANELS, AND URBAN AGRICULTURE; AMENDING SECTIONS 4.2.2, 4.3.2, 4.5.2, AND 4.6.2, TO ALLOW FOR URBAN AGRICULTURE AS A PERMITTED USE; AMENDING SECTIONS 4.2.3, 4.3.3, 4.4.3, 4.5.3, 4.6.3, 4.7.3, 4.8.3, 4.9.3, 4.11.3, 4.12.2.2, AND 4.12.3.2, TO ALLOW FOR SMALL WIND ENERGY SYSTEMS AND FREESTANDING SOLAR PANELS AS CONDITIONAL USES; AMENDING SECTIONS 4.2.4, 4.3.4, 4.4.4, 4.5.4, 4.6.4, 4.7.4, 4.8.4, 4.9.4, 4.11.4, 4.12.2.3, AND 4.12.3.3, TO ALLOW FOR ROOF-MOUNTED SOLAR PANELS AS AN ACCESSORY USE; AMENDING SECTION 4.2.4, TO ALLOW ACCESSORY DWELLING UNITS AS AN ACCESSORY USE; 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 2.2, Definitions, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

Chicken Coop. A building or enclosed structure, which houses chickens.

Hailey Landscaping Manual. The 2003 Bureau of Land Management, technical publication 1730-3, titled "Landscaping with Native Plants of the Intermountain Region," as adopted by the City and as subsequently amended.

Small Scale Wind Energy System (WES). An electric generator(s) having rated capacities of 2 kilowatts and less, that utilize wind energy to produce clean, emissions-free power.

Solar Panels. A group of connected solar cells, used to either convert light from the sun into electricity or which uses the sun's energy to heat water.

Urban Agriculture. The production of vegetables, fruits and eggs by residents for personal consumption and may include production by members of a neighborhood on one or more vacant lots for personal consumption.

Section 2. Section 4.3.2, General Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.3.2 Permitted Uses.

Permitted uses for the GR District are limited to the following:

- a. Parks.
- b. Single Family Dwellings.
- c. Multi-Family Dwellings.
- d. Churches.
- e. Schools.
- f. Home Occupations.
- g. Day Care Homes.
- h. Day Care Facilities.
- i. Manufactured Homes.
- j. Urban Agriculture.

Section 3. Section 4.3.3, General Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by addition of the underlined language as follows:

4.3.3 Conditional Uses.

Conditional uses for the GR District are limited to the following:

- a. Bed and Breakfast Inns.
- b. Boarding and Rooming Houses.
- c. Day Care Centers provided no more than eighteen (18) children will be cared for at any one time.
- d. Public Service, Public Use and Public Utility Facilities.
- e. Semi-Public Uses.
- f. PWSF's or WCF's, attached to street poles or mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Freestanding and lattice towers are prohibited.)
- g. Above ground flammable and combustible liquid tanks utilized by a public use.
- h. Temporary Structures.
- i. Horses. A maximum of two (2) horses per acre on lots of one (1) acre minimum size.
- j. Small Scale Wind Energy Systems (WES).
- k. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 4. Section 4.3.4, General Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

#### 4.3.4 Accessory Uses.

Accessory uses for the GR District are limited to the following:

- a. Greenhouse/private.
- b. Garages.
- c. Storage buildings.
- d. Swimming pools.
- e. One Accessory Dwelling Unit on lots of 7,000 square feet or larger, accessory to a single family dwelling unit or to a non-residential Principal Building. Primary vehicular access to any accessory dwelling unit shall be from a City street or alley. All Accessory Dwelling Units shall have adequate water and sewer services installed to meet City Standards.
- f. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 5. Section 4.3.5, General Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by addition of the underlined language as follows:

#### 4.3.5 Bulk Requirements. For other supplementary location and bulk regulations, see Article VII.

- a. Minimum Lot size - six thousand (6,000) square feet except as follows:
  1. Townhouse sub-lots shall have an aggregate density of no more than ten lots per acre.
- b. Maximum Multi-Family Residential Density - One (1) dwelling unit for each one-tenth (1/10) of an acre.
- c. Minimum Lot Width - fifty (50) feet except as follows:
  1. Townhouse sub-lots shall conform to the standards established in the IFC.
- d. Maximum Building Height - thirty five (35) feet.
- e. Minimum Front Yard Setback - twenty (20) feet.
- f. Minimum Side and Rear Yard Setback - ten (10) feet except as follows:
  1. Townhouse Units shall be allowed zero setbacks from the lot lines created by a Townhouse Sub-Lot; and
  2. The separation of the buildings containing Townhouse Units in a Townhouse Development parcel shall be not less than six (6) feet as measured between any wall or any projection of a building, including but not limited to eaves, cornices, canopies or other similar roof overhang features, pergolas, chimney chases, bay windows, decks, steps, wainscot, and utility meters; or the minimum distance required by the IBC and IFC, whichever is greater.
- g. Detached Accessory Dwelling Units shall have a minimum gross floor area of 300 square feet and a maximum gross floor area of 950 square feet.
- h. Total lot coverage of all buildings on any property which includes an accessory detached dwelling unit shall not exceed 40%.
- i. Riparian Setback. Unless otherwise provided for herein, all permanent buildings and structures shall have a one hundred foot (100') wide Riparian Setback from

the Mean High Water Mark of the Big Wood River. Removal of live vegetation or excavation within the Riparian Setback is prohibited, except for any tree that has been recommended for removal by a certified arborist, in writing, because the tree has been found to potentially endanger the resident(s) of the property on which it is located or any member of the public, or has become hazardous to any street, alley or other public right-of-way or public utility, or because the removal of a tree would substantially improve the health of other trees on the property.

Pruning of trees and planting of riparian trees, shrubs and ground cover within the Riparian Setback are allowed, provided however, that all plantings conform to the criteria for evaluation in Section 4.10.7.2(k) of this Ordinance. Where the application of the one hundred foot (100') Riparian Setback and other applicable setbacks will result in a building site of one thousand (1000) square feet or less, the Riparian Setback may be reduced to such an extent that the building site is one thousand (1000) square feet; provided however, the Riparian Setback shall not be less than fifty feet (50').

- j. Residents of Single Family Dwellings are allowed up to five chickens (roosters are prohibited), provided the owner provides a Chicken Coop, subject to the same setbacks required by the zoning district. The Chicken Coop or the property must be fenced in some manner that the chickens are confined to the boundaries of the property.

Section 6. Section 4.5.2, Limited Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion addition of the underlined language as follows:

#### 4.5.2 Permitted Uses.

Permitted uses in the LB District are limited to the following:

- a. Single Family Dwelling.
- b. Multiple-Family Dwellings.
- c. Dwelling Units within Mixed Use Buildings.
- d. Home Occupations.
- e. Lodging Establishments.
- f. Professional Offices, excluding veterinarians.
- g. Churches.
- h. Schools and other educational services.
- i. Health care and social assistance.
- j. Real estate and property management companies.
- k. Catering Services.
- l. Arts, entertainment and recreation uses (indoor and outdoor).
- m. Personal Services where retail sales are clearly incidental to the principal use and no outside storage yard or facility is required.
- n. All Day Care Businesses.
- o. Manufactured Homes.
- p. Semi-Public Uses.

- q. PWSF's or WCF's, attached to street poles, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- r. Government offices and public administration, except correctional institutions.
- s. Parks.
- t. Urban Agriculture.

Section 7. Section 4.5.3, Limited Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.5.3 Conditional Uses.

Conditional uses in the LB District are limited to the following:

- a. Gasoline Stations and Automotive Repair and Maintenance.
- b. Restaurants.
- c. Wholesale distributors.
- d. Convenience Stores.
- e. Public Service, Public Use and Public Utility Facilities.
- f. Medical and personal care stores.
- g. Finance and insurance firms.
- h. Construction contractors' offices with no exterior storage.
- i. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.)
- j. Above ground flammable liquid tanks utilized by a public use.
- k. Temporary Structures.
- l. Small Scale Wind Energy Systems (WES).
- m. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 8. Section 4.5.4, Limited Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.5.4 Accessory Uses.

Accessory uses in the LB District are limited to the following:

- a. Greenhouses/private.
- b. Garages.
- c. Storage buildings.
- d. One Accessory Dwelling Unit, on lots of 7,000 square feet or larger, accessory to a single family dwelling unit or to a non-residential Principal Building. Primary vehicular access to any accessory dwelling unit shall be from a City street or alley. All Accessory Dwelling Units shall have adequate water and sewer services installed to meet City Standards.
- e. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA

of this Ordinance.

- f. Above ground combustible liquid tanks.
- g. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 9. Section 4.5.5, Limited Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.5.5 Bulk Requirements. For other supplementary location and bulk regulations, see Article VII.

- a. Minimum Lot size - six thousand (6,000) square feet except as follows:
  - 1. Townhouse sub-lots shall have an aggregate density of no more than twenty (20) lots per acre.
- b. Maximum Multi-family and Mixed Use Residential Density - One (1) dwelling unit for each one-twentieth (1/20) of an acre.
- c. Minimum Lot Width - fifty (50) feet except as follows:
  - 1. Townhouse sub-lots shall conform to the standards established in the IFC.
- d. Maximum Building Height - thirty five (35) feet.
- e. Minimum Front Yard Setback - twenty (20) feet.
- f. Minimum Side and Rear Yard Setback - ten (10) feet except as follows:
  - 1. Townhouse Units shall be allowed zero setbacks from the lot lines created by a Townhouse Sub-Lot; and
  - 2. The separation of the buildings containing Townhouse Units in a Townhouse Development parcel shall be not less than six (6) feet as measured between any wall or any projection of a building, including but not limited to eaves, cornices, canopies or other similar roof overhang features, pergolas, chimney chases, bay windows, decks, steps, wainscot, and utility meters; or the minimum distance required by the IBC and IFC, whichever is greater.
- g. Maximum Floor Area - Buildings or structures containing an Individual Retail/Wholesale Trade or a Grouped Retail/Wholesale Trade shall be limited to an aggregate gross floor area of 36,000 square feet.
- h. Residents of Single Family Dwellings are allowed up to five chickens (roosters are prohibited), provided the owner provides a Chicken Coop, subject to the same setbacks required by the zoning district. The Chicken Coop or the property must be fenced in some manner that the chickens are confined to the boundaries of the property.

Section 10. Section 4.6.2, Transitional District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.6.2 Permitted Uses.

Permitted uses for the TN District are limited to the following:

- a. Single Family Dwellings.
- b. Mixed Use Buildings.
- c. Home Occupations.
- d. Professional Offices
- e. Day Care Homes.
- f. Day Care Facilities.
- g. Manufactured Homes.
- h. Churches.
- i. Parks.
- j. Urban Agriculture.

Section 11. Section 4.6.3, Transitional District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.6.3 Conditional Uses.

Conditional uses in the TN District are limited to the following:

- a. Multi-Family Dwellings.
- b. Non-profit recreation center.
- c. Bed and Breakfast Inn.
- d. Day Care Centers.
- e. Personal Services.
- f. Public Service, Public Use and Public Utility Facilities.
- g. Semi-Public Uses.
- h. PWSF's or WCF's, attached to street poles and mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Freestanding towers are prohibited.)
- i. Above ground flammable and combustible liquid tanks utilized by a public use.
- j. Temporary Structures.
- k. Small Scale Wind Energy Systems (WES).
- l. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 12. Section 4.6.4, Transitional District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.6.4 Accessory uses.

Accessory uses in the TN District are limited to the following:

- a. Greenhouse/private.
- b. Storage buildings.
- c. One Dwelling Unit on lots of 7,000 square feet or larger, accessory to a Single Family Dwelling Unit or to a non-residential Principal Building. Primary vehicular access to any Accessory Dwelling Unit shall be from a City street or alley. All Dwelling Units

shall have adequate water and sewer services installed to meet City Standards.

- d. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 13. Section 4.6.5, Transitional District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the addition of the underlined language as follows:

#### 4.6.5 Bulk Requirements.

For other supplementary location and bulk regulations, see Article VII.

- a. Minimum Lot size - six thousand (6,000) square feet except as follows:
  1. Townhouse sub-lots shall have an aggregate density of no more than ten lots per acre.
- b. Maximum Multi-Family and Mixed Use Residential Density - One (1) Dwelling Unit for each one-tenth (1/10) of an acre.
- c. Minimum Lot Width - fifty (50) feet except as follows:
  1. Townhouse sub-lots shall conform to the standards established in the IFC.
- d. Maximum Building Height - thirty five (35) feet.
- e. Minimum Front Yard Setback - twenty (20) feet.
- f. Minimum Side and Rear Yard Setback - ten (10) feet except as follows:
  1. Townhouse Units shall be allowed zero setbacks from the lot lines created by a Townhouse Sub-Lot; and
  2. The separation of the buildings containing Townhouse Units in a Townhouse Development parcel shall be not less than six (6) feet as measured between any wall or any projection of a building, including but not limited to eaves, cornices, canopies or other similar roof overhang features, pergolas, chimney chases, bay windows, decks, steps, wainscot, and utility meters; or the minimum distance required by the IBC and IFC, whichever is greater.
- g. Maximum lot coverage – 30% except as follows: 40% lot coverage shall be allowed where at least 75% of required parking spaces are enclosed within a structure.
- h. Residents of Single Family Dwellings are allowed up to five chickens (roosters are prohibited), provided the owner provides a Chicken Coop, subject to the same setbacks required by the zoning district. The Chicken Coop or the property must be fenced in some manner that the chickens are confined to the boundaries of the property.

Section 14. Section 4.2.2, Limited Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

#### 4.2.2 Permitted Uses.

Permitted uses for the LR District are limited to the following:

- a. Parks.
- b. Single Family Dwellings.
- c. Churches.
- d. Home Occupations.
- e. Day Care Homes.
- f. Manufactured Homes.
- g. Urban Agriculture

Section 15. Section 4.2.3, Limited Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.2.3 Conditional Uses.

Conditional uses for the LR District are limited to the following:

- a. Public Service, Public Use and Public Utility Facilities.
- b. Day Care Facilities.
- c. PWSF's or WCF's, attached to street poles or mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Freestanding and lattice towers are prohibited.)
- d. Above ground flammable and combustible liquid tanks utilized by a public use.
- e. Temporary Structures.
- f. Horses. A maximum of two (2) horses per acre on lots of one (1) acre minimum size.
- g. Small Scale Wind Energy Systems (WES).
- h. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 16. Section 4.2.4, Limited Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.2.4 Accessory Uses.

Accessory uses for the LR District are limited to the following:

- a. Greenhouse/private.
- b. Garages.
- c. Storage buildings.
- d. Swimming pools.
- f. One Accessory Dwelling Unit, accessory to a Single Family Dwelling or to a non-residential Principal Building. Primary vehicular access to any Accessory Dwelling Unit shall be from a City street or alley. All Accessory Dwelling Units shall have adequate water and sewer services installed to meet City Standards.
- g. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 17. Section 4.2.5, Limited Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.2.5 Bulk Requirements. For other supplementary location and bulk regulations, see Article VII.

- a. Minimum Lot Size. LR1 - eight thousand (8,000) square feet.  
LR2 - twelve thousand (12,000) square feet.
- b. Minimum Lot Width - seventy five (75) feet.
- c. Maximum Building Height - thirty (30) feet.
- d. Minimum Front Yard Setback - twenty five (25) feet.
- e. Minimum Side and Rear Yard Setback – the setback from the adjacent property line shall be one (1) foot for every two (2) feet of building height for all portions of the building exceeding 20 feet in height, provided, however, no side or rear yard setback shall be less than ten (10) feet.

- f. Riparian Setback. Unless otherwise provided for herein, all permanent buildings and structures shall have a one hundred foot (100') wide Riparian Setback from the mean high water mark of the Big Wood River. Removal of live vegetation or excavation within the Riparian Setback is prohibited, except for any tree that has been recommended for removal by a certified arborist, in writing, because the tree has been found to potentially endanger the resident(s) of the property on which it is located or any member of the public, or has become hazardous to any street, alley or other public right-of-way or public utility, or because the removal of a tree would substantially improve the health of other trees on the property. Pruning of trees and planting of riparian trees, shrubs and ground cover within the Riparian Setback are allowed, provided however, that all plantings conform to the criteria for evaluation in Section 4.10.7.2(k) of this Ordinance. Where the application of the one hundred foot (100') Riparian Setback and other applicable setbacks will result in a building site of one thousand (1000) square feet or less, the Riparian Setback may be reduced to such an extent that the building site is one thousand (1000) square feet; provided however, the Riparian Setback shall not be less than fifty feet (50').
- g. Residents of Single Family Dwellings are allowed up to five chickens (roosters are prohibited), provided the owner provides a Chicken Coop, subject to the same setbacks required by the zoning district. The Chicken Coop or the property must be fenced in some manner that the chickens are confined to the boundaries of the property.

Section 18. Section 4.7.3, Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.7.3 Conditional Uses.

Conditional uses for the B District are limited to the following:

- a. Public Service, Public Use and Public Utility Facilities.
- b. Parking lots and parking garages not associated with a permitted use.
- c. Auto dealerships.
- d. Automotive Repair and Maintenance.
- e. Hybrid Production Facilities.
- f. Outpatient Animal Services.
- g. Churches.
- h. PWSF's and WCF's, mounted on any proposed freestanding tower upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.)
- i. Above ground flammable liquid tanks utilized by a public use.
- j. Temporary Structures.
- k. Small Scale Wind Energy Systems (WES).
- l. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 19. Section 4.7.4, Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.7.4 Accessory Uses.

- a. Storage buildings.
- b. Garages.
- c. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- d. Above ground combustible liquid tanks.
- h. One Accessory Dwelling Unit on lots of 7,000 square feet or larger, accessory to a non-residential Principal Building.
- i. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 20. Section 4.12.2.2, Service Commercial Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.12.2.2 Conditionally Permitted uses for the **SCI - SO** sub-district include the following:

- a. Dance and martial art studios, fitness facilities.
- b. Day care businesses.
- c. Hotels or motels with or without attached restaurants.
- d. Laundromat, dry cleaning and laundry.
- e. Pet grooming, training and veterinarians, with no outdoor kenneling
- f. Public service facilities, public utility facilities and public uses.
- g. Restaurants. Drive-through service windows are not allowed.
- h. Restaurants attached to or adjacent to hotels or motels. Drive-through service windows are not permitted.
- i. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.)
- j. Temporary Structures.
- k. Small Scale Wind Energy Systems (WES).
- l. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 21. Section 4.12.2.3, Service Commercial Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.12.2.3 Accessory Uses within the **SCI - SO** sub-district are limited to the following:

- a. One accessory dwelling unit, accessory to a non-residential Principal Building.
- b. Storage buildings.
- c. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- d. Sales incidental to a non-retail Principal Use.
- e. Offices accessory to a non-office Principal Use.
- f. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 22. Section 4.12.3.2, Service Commercial Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.12.3.2 Conditionally Permitted uses for the **SCI - I** sub-district include the following:

- a. Convenience stores, in conjunction with Gasoline Stations that have no more than 1800 square feet of gross floor area. Drive-through service windows are not allowed.
- b. Gasoline Stations, including card-lock stations.
- c. Public utility facilities, public service facilities and public uses.
- d. Restaurants. Drive-through service windows are not allowed.
- e. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited)
- f. Temporary Structures.
- g. Small Scale Wind Energy Systems (WES).
- h. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 23. Section 4.12.3.3, Service Commercial Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.12.3.3 Accessory Uses within the **SCI-I** sub-district are limited to the following:

- a. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- b. Shipping containers utilized for storage. These containers must be shielded from view by fencing or landscaping, and shall require a building permit.
- c. Storage buildings.
- d. Sales incidental to a non-retail Principal Use.
- e. Offices accessory to a non-office Principal Use.
- f. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 24. Section 4.8.3, Light Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.8.3 Conditional Uses.

Conditional uses for the LI District are limited to the following:

- a. Veterinary clinics and animal hospitals.
- b. Indoor recreational facilities primarily for instruction.
- c. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.).
- d. Temporary Structures.
- e. Small Scale Wind Energy Systems (WES).
- f. Freestanding Solar Panels, subject to the maximum building height for the applicable

district.

Section 25. Section 4.8.4, Light Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.8.4 Accessory Uses.

Accessory uses in the LI District are limited to the following:

- a. Storage buildings.
- b. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIII A of this Ordinance.
- c. Above Ground Combustible Liquid Tanks.
- d. Above Ground Flammable Liquid Tanks.
- e. Offices.
- f. Shipping containers utilized for storage. These containers must be shielded from view by fencing or landscaping, and shall require a building permit.
- g. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 26. Section 4.11.3, Airport District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.11.3 Conditional Uses.

Conditional Uses for the A District are limited to the following:

- a. Temporary Structures
- b. Hotels
- c. Business parks
- d. PWSFs and WCFs, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIII A of this Ordinance. (Lattice towers are prohibited.)
- e. Small Scale Wind Energy Systems (WES).
- f. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 27. Section 4.11.4, Airport District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.11.4 Accessory Uses.

Accessory Uses for the A District are limited to the following:

- a. Automobile parking areas
- b. Storage buildings
- c. Control tower
- d. Fire protection and emergency preparedness areas
- e. Lighting and aircraft approach aids.
- f. Above Ground Combustible Liquid Tanks.
- g. Above Ground Flammable Liquid Tanks.

- h. All PWSFs or WCFs, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- i. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 28. Section 4.9.3, Technological Industry District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.9.3 Conditional Uses:

Conditional uses of the TI District are limited to the following:

- a. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.(Lattice towers are prohibited.)
- b. Above ground flammable liquid tanks utilized by a public use.
- c. Temporary Structures.
- d. Physical fitness facilities.
- e. Small Scale Wind Energy Systems (WES).
- f. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 29. Section 4.9.4, Technological Industry District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.9.4 Accessory Uses.

Accessory uses in the TI District are limited to the following:

- a. Storage buildings.
- b. All PWSF's or WCF's mounted on existing buildings or structures upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- c. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 30. Section 4.4.3, Neighborhood Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.4.3 Conditional Uses.

Conditional uses for the NB District are limited to the following:

- a. Mercantile (wholesale and retail).
- b. Churches.
- c. Professional Offices, excluding veterinarians.
- d. Semi-Public uses.
- e. Restaurants which may or may not include the sale of alcoholic beverages.
- f. Catering Services.
- g. Laundromats and dry cleaners.
- h. Temporary Structures

- i. PWSFs or WCF's, attached to street poles or mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Freestanding and lattice towers are prohibited.)
- j. Small Scale Wind Energy Systems (WES).
- k. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 31. Section 4.4.4, Neighborhood Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.4.4 Accessory Uses.

- a. Garages and Storage buildings.
- b. One Accessory Dwelling Unit on lots of 7,000 square feet or larger, accessory to a non-residential Principal Building.
- c. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 32. 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 33. Repealer Clause. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 34. 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

## STAFF REPORT

**TO:** Hailey City Council  
**FROM:** Mariel Platt, Planner *MP*  
**RE:** Zoning Ordinance Amendment – Article 6A, Design Review  
**HEARING:** June 8, 2009

---

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

### Notice

Notice for the public hearing was published in the Wood River Journal and mailed to public agencies and area media on May 20, 2009.

### Proposal

Attached are amendments to Sections 6A.7.2.1.(B)(4), 6A.7.2.2.(B)(4), 6A.7.2.3.(B)(4), 6A.7.2.4.III.(C)(1), 6A.7.2.1.(C)(2), 6A.7.2.2.(C)(3), 6A.7.2.3.(C)(3), 6A.7.2.4.III.(C)(10), 6A.7.2.1.(D)(1), 6A.7.2.2.(D)(1), 6A.7.2.3.(D)(1), & 6A.7.2.4.III.(C)(10) of the Zoning Ordinance proposed by the City.

These amendments would prohibit non-residential and multi-family design review applications from using non-drought tolerant and non-native plants in their landscaping, it would reduce the restrictions on roof-top screening requirement for small rooftop wind energy systems, and it would increase energy efficiency in buildings through design and technologies.

### 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.

Studies have shown that the valley is potentially facing a water shortage. Using water intensive plantings creates additional demand on scarce water resources. By limiting these types of plantings to single family residential landscaping only, we will curtail our future water consumption and demand.

Small wind energy systems, where wind opportunities exist and when appropriately located through the conditional use process, can improve energy independence, reduce the demand on non-renewable energy sources, and provide a financial benefit to the owner of such systems. It has been shown in numerous case studies that the viability of wind energy systems relies upon whether a system's placement allows for unobstructed wind access. In order to obtain this there must be no screens or blockages between the wind and the system.

Incorporating energy efficient building designs and technologies will reduce the cost of operation, by reduced energy use, and will have less of a negative impact on the natural environment for the life of the building. When incorporated into the site design and building design, these benefits can be achieved at little to no additional cost. In two separate studies conducted by Bonneville Power Administration and the City of San Jose, California, the solar orientation of a building alone, was shown to decrease the cost of heating and cooling by 10-40%. In addition to economic and environmental benefits, simple design techniques, such as day lighting, provide greater occupancy comfort, allowing for more access to natural light, with little to no additional cost. These are just a few of the options that could be employed to ensure that new structures, which will most likely be around for decades, will reduce their environmental impacts and energy costs.

### **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:

*5.6 Land Use – Efficient Use of Resources*

*Goal: To emphasize efficient use of resources, including all infrastructure, and the land itself.*

*Implementation:*

- c. Consider landscaping requirements that would conserve water used for irrigation, such as a use of drought –tolerant and native plantings.*

*4. Policy: Encourage energy efficient design in the use of land through sound land use planning policies.*

*Implementation:*

- a. New development should maximize solar exposure and protect solar access for existing residential developments.*

*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. Policy: Promote design feature that conserve energy and natural resources.*

*Implementation:*

- a. Consider possible incentives for site design and/or design features in buildings that result in energy and resource conservation.*

*3. Policy: Promote water conservation.*

*Implementation:*

- c. Promote water efficient landscaping, such as drought tolerant or native plantings.*

*8.1 Housing – Community and Neighborhood Character*

*Implementation:*

- d. Ordinances and codes should encourage the use of energy conservation techniques and alternative energy sources in new residential construction and in rehabilitation of older homes.*

*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.*

*Environment Section - Water Conservation (adopted in 2007, but not published)*

*Goal: Continue implementing a water conservation program to minimize water waste and reduce water use during peak demand periods.*

*1. Policy: Promote the conservation of water resources through water quality protection, public education and monitoring policies that promote appropriate water usage.*

*Implementation:*

- a. Support zoning and subdivision ordinance standards that require low-water use landscaping that is compatible with native vegetation in the Wood River Valley for all residential and commercial development.*

**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 would create additional requirements at public cost.

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

It is anticipated that the proposed amendments are compatible with the surrounding area.

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

All of these proposed amendments increase our sustainability as a community; they provide financial, environmental, and healthful benefits. The proposed amendments will help conserve water and decrease irrigation costs, decrease energy costs and the carbon footprint for the life of

all new buildings, allow for viable wind energy systems, which will decrease our carbon footprint and potentially save on energy costs.

**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 6A.7.2.1.(B)(4), 6A.7.2.2.(B)(4), 6A.7.2.3.(B)(4), 6A.7.2.4.III.(C)(1), 6A.7.2.1.(C)(2), 6A.7.2.2.(C)(3), 6A.7.2.3.(C)(3), 6A.7.2.4.III.(C)(10), 6A.7.2.1.(D)(1), 6A.7.2.2.(D)(1), 6A.7.2.3.(D)(1), & 6A.7.2.4.III.(C)(10). 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 6A OF HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTIONS 6A.7.2.1(B)(4), 6A.7.2.2(B)(4), 6A.7.2.3(B)(4), AND 6A.7.2.4.III(C)(1), TO INCREASE ENERGY EFFICIENCY IN BUILDINGS THROUGH DESIGN AND TECHNOLOGIES; AMENDING SECTIONS 6A.7.2.1(C)(2), 6A.7.2.2(C)(3), 6A.7.2.3(C)(3), AND 6A.7.2.4.III(C)(10), TO EXCLUDE SMALL WIND ENERGY SYSTEMS FROM ROOFTOP SCREENING REQUIREMENTS; AMENDING SECTIONS 6A.7.2.1(D)(1), 6A.7.2.2.(D)(1), 6A.7.2.3(D)(1), AND 6A.7.2.4.III(C)(10), TO PROHIBIT THE PLANTING OF NON-DROUGHT TOLERANT SPECIES IN NON-RESIDENTIAL AND MULTI-FAMILY PROJECTS; AND 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 6A 7.2.1(B) (4), Design Review Guidelines for Non-Residential Buildings, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

**B. Building Design.**

**4. All buildings are encouraged to shall minimize energy consumption, by utilizing alternative energy sources and/or consider passive solar techniques.**

~~The use of~~ At least three (3) of the following techniques or an approved alternative, shall be used ~~can lead to~~ improve energy cost savings and provide a more comfortable and healthy living space:

- a. ~~Solar access~~ a. 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.
- b. 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.
- c. Double glazed windows.
- d. Windows with Low Emissivity glazing.
- e. ~~Deciduous shade trees~~

- f. Earth berming against exterior walls
- ~~g. Good ventilation~~
- h. Alternative energy. Solar energy for electricity or water heating, wind energy or another approved alternative shall be installed on-site.
- ~~i. Efficient lighting~~
- j. Day lighting-Exterior light shelves. All windows on the southern most facing side of the building shall have external light shelves installed.

Section 2. Section 6A 7.2.1(C) (2), Design Review Guidelines for Non-Residential Buildings, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

**C. Fences and Equipment/Utilities.**

- 2. **All roof projections including, but not limited to air conditioning units, all mechanical equipment and solar panels, excluding Wind Energy Systems, should be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent properties.**

The use of alternative energy sources is encouraged, however, the hardware associated with these features should be incorporated as an integral part of the building's design rather than as an add-on which detracts from the building and its surroundings. Special consideration should be taken for communications facilities to insure that the number and design of them not conflict with each other.

Section 3. Section 6A 7.2.1(D) (1), Design Review Guidelines for Non-Residential Buildings, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language as follows:

**D. Landscaping.**

- 1. ~~At least 50% of the landscaped area shall utilize drought tolerant and/or xeriscape specific plant materials. Drought tolerance and hardiness shall be considered when selecting plant species. Only native, drought tolerant plant species and/or xeriscape specific plant materials shall be used wherever possible to reduce water, as specified by the Hailey Landscaping Manual or an approved alternative consumption. And all species should shall be hardy to the Zone 4 environment.~~

~~High water demand plant materials should be kept to a minimum. Elements for the xeriscape plan should include but are not limited to: plant materials proposed to be used, timeline for establishment of the plantings, maintenance of the planting beds and the type of irrigation proposed. All species should be hardy to the Zone 4 environment.~~

Section 4. Section 6A 7.2.2.(B) (4), Design Review Guidelines for Non-Residential Buildings in Light Industrial (LI), Service Commercial Industrial (SCI), Technological Industrial (TI), and Airport (A), of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

## B. Building Design.

4. All buildings are encouraged to shall minimize energy consumption, by utilizing alternative energy sources and/or consider passive solar techniques.

~~The use of~~ At least three (3) of the following techniques or an approved alternative, shall be used ~~can lead to~~ improve energy cost savings and provide a more comfortable and healthy living space:

- a. ~~Solar access~~ a. 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.
- b. 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.
- c. Double glazed windows.
- d. Windows with Low Emissivity glazing.
- e. ~~Deciduous shade trees~~
- e. Earth berming against exterior walls
- f. ~~Good ventilation~~
- f. Alternative energy. Solar energy for electricity or water heating, wind energy or another approved alternative shall be installed on-site.
- g. ~~Efficient lighting~~
- g. Day lighting-Exterior light shelves. All windows on the southern most facing side of the building shall have external light shelves installed.

Section 5. Section 6A 7.2.2.(C) (3), Design Review Guidelines for Non-Residential Buildings in Light Industrial (LI), Service Commercial Industrial (SCI), Technological Industrial (TI), and Airport (A), of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

## C. Accessory Structures, Fences and Equipment/Utilities.

3. All roof projections including, but not limited to air conditioning units, all mechanical equipment and solar panels, excluding Wind Energy Systems, shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent properties.

The use of alternative energy sources is encouraged, however, the hardware associated with these features should be incorporated as an integral part of the building's design rather than as an add-on which detracts from the building and its surroundings. Special consideration should be given to communications facilities to insure that the number and design of them not conflict with each other

Section 6. Section 6A 7.2.2.(D) (1), Design Review Guidelines for Non-Residential Buildings in Light Industrial (LI), Service Commercial Industrial (SCI), Technological Industrial (TI), and Airport (A), 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:

#### D. Landscaping.

~~1. At least 50% of the landscaped area shall utilize drought tolerant and/or xeriscape specific plant materials. Drought tolerance and hardiness shall be considered when selecting plant species. Only native, drought tolerant plant species and/or xeriscape specific plant materials shall be used wherever possible to reduce water, as specified by the Hailey Landscaping Manual or an approved alternative consumption. All species should shall be hardy to the Zone 4 environment.~~

~~High water demand plant materials should be kept to a minimum. Elements for the xeriscape plan should include but are not limited to: plant materials proposed to be used, timeline for establishment of the plantings, maintenance of the planting beds and the type of irrigation proposed. All species should be hardy to the Zone 4 environment.~~

Section 7. Section 6A 7.2.3. (B) (4), 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 amended by the deletion of the stricken language and the addition of the underlined language as follows:

#### B. Building Design.

~~4. All buildings are encouraged to~~ shall minimize energy consumption, by utilizing alternative energy sources and/or consider passive solar techniques.

~~The use of~~ At least three (3) of the following techniques or an approved alternative, shall be used ~~can lead to~~ improve energy cost savings and provide a more comfortable and healthy living space:

- a. ~~Solar access~~ a. 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.
- b. 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.
- c. Double glazed windows.
- d. Windows with Low Emissivity glazing.
- e. ~~Deciduous shade trees~~
- e. Earth berming against exterior walls
- f. ~~Good ventilation~~
- f. Alternative energy. Solar energy for electricity or water heating, wind energy or another approved alternative shall be installed on-site.
- g. ~~Efficient lighting~~
- g. Day lighting ~~Exterior light shelves. All windows on the southern most facing side of the building shall have external light shelves installed.~~

Section 8. Section 6A 7.2.3. (C) (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 amended by the addition of the underlined language as follows:

**C. Fences and Equipment/Utilities.**

- 2. All roof projections including, but not limited to air conditioning units, all mechanical equipment and solar panels, excluding Wind Energy Systems, should be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent properties.**

The use of alternative energy sources is encouraged, however, the hardware associated with these features should be incorporated as an integral part of the building's design rather than as an add-on which detracts from the building and its surroundings. Special consideration should be taken for communications facilities to insure that the number and design of them not conflict with each other.

Section 9. Section 6A 7.2.3. (D) (1), 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 amended by the deletion of the stricken language and the addition of the underlined language as follows:

**D. Landscaping.**

- 1. ~~At least 50% of the landscaped area shall utilize drought tolerant and/or xeriscape specific plant materials. Drought tolerance and hardiness shall be considered when selecting plant species. Only native, drought tolerant plant species and/or xeriscape specific plant materials shall be used wherever possible to reduce water, as specified by the Hailey Landscaping Manual or an approved alternative consumption. And~~ all species should shall be hardy to the Zone 4 environment.**

~~High water demand plant materials should be kept to a minimum. Elements for the xeriscape plan should include but are not limited to: plant materials proposed to be used, timeline for establishment of the plantings, maintenance of the planting beds and the type of irrigation proposed. All species should be hardy to the Zone 4 environment.~~

Section 10. Section 6A 7.2.4.III.(C) (1), Design Review Guidelines For Residential And Non-Residential Buildings In The Townsite Overlay District (TO), of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

**C. Specific Guidelines**

**1. Site Planning**

Site planning encompasses a variety of issues related to the platting of the neighborhoods, building placement on the lot, circulation, light and air, and solar access. Old Hailey has developed with a distinct grid pattern, with the original lots in the neighborhood being

proportionately shorter along the street side and rectangular in shape. This lot and block platting pattern has been reinforced by the alignment of buildings on the lots within that grid. The creation of alleys in the early platting of Old Hailey allowed service vehicles to use the back half of the property. This predominant grid pattern has been a strong influence on the site planning of lots in Old Hailey.

Another key element of site planning is the relationship of the building size to the lot. Traditionally, buildings in Old Hailey were proportionally smaller than seen today. A clear front and back yard were visible on the site. The front of the house was easily recognizable. This pattern of front and back yards contributed to a fairly consistent sense of open space in the neighborhoods. This open space makes a valuable contribution to the character of Old Hailey neighborhoods.

**Guideline: The pattern created by the Old Hailey town grid should be respected in all site planning decisions.**

- A rectangular lot shape is preferred to a square one, as the rectangular lot pattern is more in keeping with Old Hailey, and most often results in more useable and visible open spaces.

**Guideline: Site planning for new development and redevelopment shall address the following:**

- **scale and massing of new buildings consistent with the surrounding neighborhood;**
- **building orientation that respects the established grid pattern of Old Hailey;**
- **clearly visible front entrances;**
- **use of alleys as the preferred access for secondary uses and automobile access;**
- **adequate storage for recreational vehicles;**
- **yards and open spaces;**
- **solar access on the site and on adjacent properties where feasible, and where such decisions do not conflict with other Design Guidelines;**
- **snow storage appropriate for the property;**
- **underground utilities for new dwelling units.**

**Guideline: The use of energy-conserving designs that are compatible with the character of Old Hailey are encouraged. The visual impacts of passive and active solar designs should be balanced with other visual concerns outlined in these Design Guidelines.**

- Glass areas should reflect the composition, layout and window-to-wall ratio of windows seen traditionally in Old Hailey versus large continuous surfaces of glass.
- Solar energy collection devices should be integrated into the overall building design.
- Designers should be aware of the solar exposures of neighboring properties, and should, where possible, avoid blocking these exposures with buildings or solar collectors.
- Roof-mounted solar collection panels shall not extend above the ridge line of the roof. They should be integrated into the structure, and as close to the roof angle as feasible.
- Free-standing solar collection panels should be subordinate in size and placement to the structure they serve, and should generally not be located in areas visible from the street.

**Guideline: 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:
  - a. 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.
  - b. 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.
  - c. Double glazed windows
  - d. Windows with Low Emissivity glazing.
  - e. Earth berming against exterior walls
  - f. Alternative energy. Solar energy for electricity or water heating, wind energy or another approved alternative shall be installed and used on-site.
  - g. Exterior light shelves. All windows on the southern most facing side of the building shall have external light shelves installed.

Section 11. Section 6A 7.2.4.III (C) (10), Design Review Guidelines For Residential And Non-Residential Buildings In The Townsite Overlay District (TO), of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

**10. Non-residential and Multi-family Uses**

Non-residential uses and residential uses of three (3) units or greater will be reviewed by the Hailey Planning and Zoning Commission. The Commission will use the Guidelines below and all of the other Guidelines in this document as applicable for these projects, in conjunction with other applicable Design Review Guidelines as set forth in Article 6A of the Hailey Zoning Ordinance.

**Guideline: Non-residential uses in Old Hailey should be designed with a residential, human scale in mind.**

**Guideline: Only native, drought tolerant plant species and/or xeriscape specific plant materials shall be used, as specified by the Hailey Landscaping Manual or an approved alternative and all species shall be hardy to the Zone 4 environment.**

- Elements for the xeriscape plan should include but are not limited to: plant materials proposed to be used, timeline for establishment of the plantings, maintenance of the planting beds and the type of irrigation proposed.

**Guideline: Parking for non-residential uses shall be carefully planned to avoid pedestrian conflicts, and to be subordinate to other design elements on the site.**

- See also Section 4 for other applicable parking guidelines.

**Guideline: Utilities for non-residential and multifamily structures shall be integrated into the site design. Utilities should, in most cases, be fully screened from view.**

- Exhaust hoods, rooftop vents and air conditioner units should be screened from view, either with a parapet wall or by integrating these items into interior roof elements. Small Wind Energy Systems are excluded from these screening requirements.
- Transformers, gas meters and other site infrastructure should be located in a manner to

avoid being seen from entrances, public streets and pedestrian areas. If they cannot be hidden, they should be screened with landscaping, fencing or building walls.

Section 12. 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 13. Repealer Clause All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 14. 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