

STAFF REPORT

TO: Hailey City Council
FROM: Beth Robrahn, Planning Director 
RE: Zoning Ordinance Amendment – Comp Plan Criteria
HEARING: July 12, 2010

Note: Staff analysis is in lighter type

Notice

Notice for the public hearing on June 14, 2010 was published in the Idaho Mountain Express and mailed to public agencies and area media on May 26, 2010. The Council continued the public hearing to July 12, 2010.

Proposal

Amendments to Section 10 Planned Unit Development, 11 Conditional Use Permits and 12 Variances of the Zoning Code are proposed by the City. These amendments would eliminate conformance with the Comprehensive Plan as evaluation criteria for Planned Unit Developments, Conditional Use Permits and Variances. Refer to the attached page for the actual proposed language.

Procedural History

In the process of updating the Comprehensive Plan there has been research and discussion of how the Comprehensive Plan fits into the overall planning process. The Comprehensive Plan should guide the development and amendment of standards which are adopted by ordinance into the Municipal Code. Then those adopted standards are used to evaluate applications. Additional evaluation of the Comprehensive Plan should not be necessary at the application stage if the standards of evaluation have already been determined to be consistent with the Comprehensive Plan. Compliance with the Comprehensive Plan is only necessary as an evaluation criterion for Text Amendments, Rezones and Annexation.

The Planning and Zoning Commission held a public hearing on the proposed amendments on May 17 and recommended the proposed amendments only apply to Conditional Use Permits and Variances. The Commission thought the nature of Planned Unit Developments and the waiver requests to standards typically involved warranted review of the Comprehensive Plan to ensure compliance.

At the Council's June 14 public hearing the City Attorney clarified the primary reason for these amendments was to keep our ordinance in compliance with the Urrutia v. Blaine County case and advised the amendment should also apply to PUD applications. The Council directed 10.5.4(c) be included for final action on July 12.

Department Comments

None

Standards of Evaluation

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

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

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

5.8 Due Process and Public Input

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

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

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

The proposed amendment will not require essential public facilities and services.

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

No use or change in use is proposed.

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

The proposed amendment will assist in more effective and clear implementation of the Comprehensive Plan.

Summary

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

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 Options

Approval:

Motion to approve the proposed amendments to Section 10, 11 and 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 and adopt Ordinance _____ and authorize the mayor to conduct the first reading by title only.

Denial:

Motion to deny the proposed amendments to Section 10, 11 and 12, finding that _____ [the Commission should cite which standards are not met and provided the reason why each identified standard is not met].

Continuation:

Motion to continue the public hearing upon the proposed amendment to Section 10, 11 and 12 to _____ [the Commission should specify a date].

Table:

The Council may opt to postpone any action.

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLES 10.5.4(c), 11.4.1 AND 12.4 TO DELETE ANY STANDARD OF EVALUATION OR CRITERIA FOR REVIEW RELATING TO THE HAILEY COMPREHENSIVE PLAN; 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 Idaho Supreme Court in *Urrutia v. Blaine County*, 134 Idaho 355 (2000), has held that a comprehensive plan is intended as a general guide involving zoning decisions such as revising or adopting a zoning ordinance and that the comprehensive plan cannot be used to deny an application based completely on non-compliance with a comprehensive plan; and

WHEREAS, the Hailey City Council intends to amend Hailey's Zoning Ordinance to be consistent with the Idaho Supreme Court's decision in *Urrutia v. Blaine County*.

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

Section 1. Article 10.5.4(c) of the Hailey Zoning Ordinance No. 532 is amended by the deletion of the stricken language and renumbering as follows:

c. Standards of Evaluation:

1. The proposed development can be completed within one (1) year of the date of approval or phased according to a development schedule as submitted in accordance with Article 10.4.5 of this Ordinance and approved by the City; and
2. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic; and
3. The PUD will not create excessive additional requirements at public cost for public facilities and services; and
- ~~4. The PUD is in general conformance with the Comprehensive Plan; and~~
54. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed; and
65. The development plan incorporates the site's significant natural features; and
76. Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner; and
87. One or more amenities as set forth in Article 10.3.8 of this Ordinance shall be provided to ensure a public benefit; and

98. All exterior lighting shall comply with the standards set forth in Article VIII B of this Ordinance; and
109. The proposed PUD Agreement is acceptable to the applicant and the City.

Section 2. Article 11.4.1 of the Hailey Zoning Ordinance No. 532 is amended by the deletion of the stricken language and relettering as follows:

11.4.1. 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, in fact, constitute a conditional use as established for the zoning district involved; and
- ~~b. Will be harmonious with and in accordance with the general objectives or any specific objective of the Comprehensive Plan and requirements of this Ordinance; and~~
- eb. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area; and
- dc. Will not be hazardous or disturbing to existing or future neighboring uses; and
- ed. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, and drainage structure. Agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service; and
- fe. Will not create excessive additional requirements at public cost for public facilities and services; and
- gf. Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, dust, odors, vibration, water or air pollution, or safety hazards; and
- hg. Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares; and
- ih. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature.

Section 3. Article 12.4 of the Hailey Zoning Ordinance No. 532 is amended by the deletion of the stricken language and relettering as follows:

12.4 Criteria for Review.

The Commission or Hearing Examiner shall review the application for variance from this ordinance and shall approve, conditionally approve or deny the variance application. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of

characteristics of the site and the variance is not in conflict with the public interest. Before any variance can be granted, the Commission or Hearing Examiner must make all of the following findings:

- a. ~~That the variance, when granted, will not conflict with, or cause or allow any situation which is in conflict with, the Comprehensive Plan.~~
- ba. That the variance, when granted, will not conflict with, or cause or allow any situation which is in conflict with, any existing federal, state, or local law, or which may result in injury to the public.
- eb. That the variance, when granted, will not effect a change in zoning.
- dc. That the variance, when granted, will not cause damage or significant negative impact to the property of others.
- ed. That without the variance, the property owner shall suffer undue hardship and will be substantially deprived, by ordinance, of the privileges legally enjoyed by property owners of property within the vicinity of the subject property.

Section 4. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 5. Repealer Clause. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 6. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this _____ day of _____, 2010.

Richard L. Davis, Mayor
City of Hailey

ATTEST:

Mary Cone, City Clerk

STAFF REPORT

TO: Hailey City Council
FROM: Mariel Platt, Planner 
RE: Zoning Ordinance Amendment – Article 8B, Outdoor Lighting
HEARING: July 12, 2010

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 26, 2010 and continued at the June 14, 2010 meeting to July 12, 2010.

Proposal

Attached are amendments to Article 8B of the Zoning Code proposed by the City. These amendments would encourage LED and induction lighting for their superior energy efficiency; specify that LED and induction lighting shall be measured using footcandles, not lumens; clarify that the maximum lumens outputs are recommended guidelines, not standards. It would further clarify the maximum lumens outputs for streetlights at specific locations, allow exemptions for playing field lighting, provide consistency of standards throughout Section 8B, and remove language that is no longer applicable or accurate.

Procedural History

The current ordinance has not been updated since its inception in 2002. As a result, there are dates and references to procedures and expired agreements with Idaho Power that need to be removed or amended to reflect accurate and current documents and procedures. In addition, since 2002, energy efficiency of certain types of lighting has progressed and staff suggests that this type of lighting should be encouraged and standards should be created to achieve equivalencies to the standards for traditional lighting types listed in the ordinance.

Other proposed amendments address 1) lighting for playing fields as an exemption and 2) maximum lumens outputs for lights at various mounting heights.

After discussion with Dr. Pauley, a dark sky expert, Paul Stoops, a lighting engineer, and independent research, staff recommends that downcast and fully shielded lights for playing fields are not as crucial for protecting the night sky as other types of lighting that tend to be used more frequently. The proposed language specifies that lights are only to be used during playing field events and that the recommended illuminance levels established by the IESNA Recommended Practices shall not be exceeded. Wood River High School's playing field lights are not downcast or fully shielded, nor are the current rodeo's lights. There is only one manufacturer of downcast and fully shielded playing field lights in the US. As a result, they are currently much more expensive. Other cities' outdoor lighting ordinances researched have also listed playing field

lights as an exemption to their outdoor lighting standards.

The maximum lumens outputs for lights at various mounting heights are referenced as both a standard and a guideline in the current ordinance. Staff suggests clarifying that the maximum lumens outputs be specified as a guideline to allow certain lighting applications greater flexibility. Flexibility would be granted when the need is demonstrated by the applicant that based on design constraints, safety is not adequately provided without exceeding the guideline. Through research staff identified the downcast and fully shielded standard as being the most important standard for mitigating light pollution and light trespass, not the maximum lumens output for various mounting heights. Therefore, the purpose of the Outdoor Lighting Ordinance will still be upheld if this maximum lumens output is referenced as a recommended guideline and not as a standard.

In addition, Idaho Power, who maintains the City's streetlights has asked for clarification on the section of the ordinance that addresses streetlights (pg. 5, Section 8B.4.4 (d) of the attached ordinance). The amendments clarify the locations of certain types of lights and allow for energy efficient lamps to be used in the future if the City determines to do so. It also changes the residential wattage from 70 watts to a maximum of 100 watts. The following are reasons to amend the ordinance to specify that the maximum wattage allowable in residential areas is 100:

- A 30 watt difference in illumination is minimal, especially once all lights become downcast and fully shielded, in accordance with the Street light Master Plan,
- It allows greater flexibility to convert to energy efficient lights in the future,
- All residential street lights are currently 100 watts, and
- It allows greater flexibility to establish the city's energy consumption and cost priorities in the future.

The Planning and Zoning Commission held a public hearing on the proposed amendments on May 17, 2010. The Commission recommended approval of the amendments.

Department Comments

No comments were received.

Standards of Evaluation

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

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

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

5.8 Due Process and Public Input

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

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

- a) **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 amendment is not expected to create excessive additional requirements at public cost for public facilities and services.

- b) **The proposed uses are compatible with the surrounding area; and**
Not applicable.

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

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

Summary

The Council is required to hold a public hearing and determine whether the proposed amendments are in accordance with the applicable standards of evaluation. The Council shall determine whether the proposed amendment be approved or denied, or that a modified amendment be approved.

If the proposed change is approved, the Council shall pass an ordinance making said amendment part of Hailey Zoning Ordinance #532. The draft ordinance is attached.

Motion Language

Approval:

Motion to approve the proposed amendments to Article 8B, finding that the amendments are in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare and adopt Ordinance _____ and authorize the mayor to conduct the first reading by title only.

Denial:

Motion to deny the proposed amendments to Article 8B, finding that _____
[the Council should cite which standards are not met and provided the reason why each identified standard is not met].

Continuation:

Motion to continue the public hearing upon the proposed amendment to Section Article 8B to _____
[the Council should specify a date].

Table:

Motion to table the public hearing upon the proposed amendment to Article 8B.

HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE 8B, OUTDOOR LIGHTING, SECTION 8B.2.2., TO UPDATE THE EXISTING LANGUAGE AND DATES USED; BY AMENDING SECTION 8B.3, TO ADD DEFINITIONS; BY AMENDING SECTION 8B.4.1, TO CLARIFY GENERAL STANDARDS; BY AMENDING SECTION 8B.4.2, TO CLARIFY EXEMPTIONS ALLOWED FOR LUMINAIRES; BY AMENDING 8B.4.3, TO CLARIFY THE STANDARDS FOR THE PLACEMENT AND HEIGHT OF LUMINAIRES; BY AMENDING SECTION 8B.4.4, TO ALLOW THE USE OF LED AND INDUCTION LIGHTING AND TO CLARIFY THE MAXIMUM LUMENS ALLOWED FOR STREETLIGHTS LOCATED IN DIFFERENT AREAS; BY AMENDING SECTION 8B.4.5, TO CLARIFY THE MAXIMUM LUMENS RECOMMENDED FOR VARIOUS MOUNTING HEIGHTS; BY AMENDING SECTION 8B.5, TO ESTABLISH LANGUAGE THAT MATCHES THE CURRENT PROCEDURE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

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

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

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

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

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

Section 1. Section 8B.2.2., Existing Lighting, 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:

8B.2.2 Existing Lighting.

All existing Exterior Lighting installed before the effective date of this Article shall be brought into conformance with this Article, except Section 8B.4.3, within the following time periods:

- a. All existing Exterior Lighting located on a subject property that is part of an application for design review approval, a conditional use permit, subdivision approval, or a building permit is required to be brought into conformance with this Article before issuance of a Certificate of Occupancy, final inspection or final plat recordation, when applicable. For other permits, the applicant shall have a maximum of thirty (30) days from date of permit issuance to bring the Lighting into conformance.

- b. All other existing Exterior Lighting on property used for commercial purposes that is not in conformance with this Article shall be brought into conformance with this Article ~~within thirty-six (36) months from the date of adoption of this Article, by June 19, 2005.~~
- c. All existing Exterior Lighting on property used for residential, institutional, public and semi-public uses, not affected by Section 8B.2.2 (1) above, that does not comply with this Article is required to be brought into conformance with this Article ~~within twelve (12) months from the date of adoption of the Ordinance, by June 19, 2003.~~
- d. All existing Exterior Lighting subject to the Street Lighting Master Lighting Plan, referenced by Hailey Ordinance No. 7531057, shall be brought into conformance with this Article as specified by the Street Lighting Master Plan one year from the date of adoption of this Article, by June 19, 2003.

Section 2. Section 8B.3., Definitions, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the following:

LED (Light Emitting Diode) Lighting. A semiconductor light source available across the visible, ultraviolet and infrared wavelengths, capable of producing a greater number of Lumens per watt and having a longer life span compared to traditional Lamp types.

Induction Lighting. A light source that transmits energy via an electro-magnetic field, without the metal electrical contacts used to conduct electricity from the fixture to the light-emitting gas inside the Lamp, which increases the energy efficiency and life span compared to traditional Lamp types.

Street Lighting Master Lighting Plan. An exterior luminaire plan, established by Hailey Zoning Ordinance No, 1057, for existing luminaires owned and maintained by Idaho Power.

Section 3. Section 8B.4.1., General Standards, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

8B.4.1 General Standards.

- a. All Exterior Lighting shall be designed, located and Lamped in order to prevent:
 - 1. Overlighting;
 - 2. Energy waste;
 - 3. Glare;
 - 4. Light Trespass;
 - 5. Skyglow.
- b. All non-essential exterior commercial and residential Lighting ~~is encouraged to~~ should be turned off after business hours and/or when not in use. Lights should be on a timer ~~are encouraged.~~ ~~Sensor activated Lights are encouraged to replace existing Lighting that is desired for security purposes.~~ Security lighting should be sensor activated.
- c. ~~Canopy lights, such as service station Lighting shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes Glare on public rights of way or adjacent properties.~~
- d. ~~Area Lightss. All Area Lightss are encouraged to be eighty five (85) degree full Cut-Off type Luminaires.~~

- e. ~~c.~~ Idaho Power shall not install any Luminaires after the effective date of this Article that Lights the public right of way without first receiving approval for any such application by the Lighting Administrator.
- d. All Exterior Lighting shall be Full Cut-Off Luminaires with the Light source downcast and fully shielded, unless exceptions are specified in Section 8B.4.2, Type of Luminaires.

Section 4. Section 8B.4.2., Type of Luminaires, 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:

8B.4.2 Type of Luminaires.

All Exterior Lighting shall use Full Cut-Off Luminaires with the Light source downcast and fully shielded, with the following exceptions:

- a. All Luminaires, excluding LED or Induction Lighting, that have a maximum output of four hundred (400) Lumens per fixture, regardless of number of Lamps (equal to one forty [40] watt incandescent Light), may be left unshielded provided the Luminaire has an opaque top or is under an opaque structure. (see Figure 5)
- b. All Luminaires, excluding LED or Induction Lighting, that have a maximum output of one thousand (1,000) Lumens per fixture, regardless of number of Lamps (equal to one sixty [60] watt incandescent Light) may be Partially Shielded provided the Lamp is not visible, and the Luminaire has an opaque top or is under an opaque structure. (See Figure 3)
- c. Floodlights with external shielding shall be angled provided that no Light is directed above a twenty-five (25) degree angle measured from the vertical line from the center of the Light extended to the ground, and only if the Luminaire does not cause Glare or Light to shine on adjacent property or public rights-of-way (see Figure 6). Photocells with timers that allow a floodlight to go on at dusk and off by 11:00 p.m. are encouraged. Floodlights should use photocells with timers and should go on at dusk and off by 11:00 p.m.
- d. Residential Holiday Lighting from November 1st to February 1st. Flashing Holiday Lights on residential properties are discouraged. Holiday Lights are encouraged should to be turned off by 11:00 p.m.
- e. Commercial Holiday Lighting from November 1st to March 15th. Flashing holiday Lights are prohibited. Holiday Lights are encouraged to should be turned off after the close of business.
- f. Sensor activated Luminaires, provided:
 - 1. It is located in such a manner as to prevent Glare and Lighting onto properties of others or into a public right-of-way;
 - 2. The Luminaire is set to only go on when activated and to go off within five minutes after activation has ceased;
 - 3. The Luminaire shall not be triggered by activity off the property.
- g. Vehicular Lights and all temporary emergency Lighting needed by the Fire and Police Departments, or other emergency services.

- h. Uplighting for flags provided the flag is of a government and the maximum Lumen output is one thousand three hundred (1,300) Lumens. Flags ~~are encouraged to~~ should be taken down at sunset to avoid the need for Lighting.
- i. Lighting of radio, communication and navigation towers; provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of Lighting that does not comply with Article VIII B, and that the provisions of Article VIII A.7.4 (d) are otherwise met.
- j. Airport Lighting. Lighting at Friedman Memorial Airport, provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of Lighting that does not comply with this Article.
- k. Neon Lights. Neon Lights permitted pursuant to the sign ordinance, Section 8.2, et seq.
- l. Luminaires used for playing fields, ~~shall be exempt from the height restriction provided all other provisions of this Article are met and~~ provided the Light is used only while the field is in use and Illuminance levels listed in the most current IESNA Recommended Practices are not exceeded. The City of Hailey recognizes that not every playing field will require lighting to the extent listed in the most current IESNA Recommended Practices.

Section 5. Section 8B.4.3., Placement and Height of Luminaires, 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:

8B.4.3 Placement and Height of Luminaires.

- a. Parking area Luminaires shall be no taller than seventeen (17) feet from the ground to their tallest point. Parking Area Lights ~~are encouraged to~~ should be greater in number, lower in height and lower in Light level, as opposed to fewer in number, higher in height and higher in Light level.
- b. Freestanding Luminaires on private property in residential zones shall be mounted at a height equal to or less than the sum of $H=(D/3)+3$, where D is the distance in feet to the nearest property boundary, but shall not be higher than fifteen (15') from ground level to the top of the Luminaire, whichever is less. Example:

<u>Pole Height</u>	<u>Distance to Property Line</u>
15 feet	36 feet (36/3 =12+3=15)
12 feet	27 feet (27/3 =9+3=12)
9 feet	18 feet (18/3=6+3=9)
- c. Streetlights used on arterial roads may exceed twenty-five (250) feet in height, with the recommendation by the ~~City Council~~ City Engineer, and only with a finding that exceeding 205 feet is necessary to protect the safety of the residents of Hailey.
- d. Luminaires used for playing fields, shall be exempt from the height restriction provided ~~all other provisions of this Article are met and~~ the Light is used only while the field is in use. and Illuminance levels listed in the most current IESNA Recommended Practices shall not be exceeded. The City of Hailey recognizes that not every playing field will require Lighting to the extent listed by the most current IESNA Recommended Practices.

Section 6. Section 8B.4.4., Illuminance and Type of Lamp, 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:

8B.4.4 Illuminance and Type of Lamp.

- a. LED, Induction, or some other form of energy efficient Lighting should be used whenever possible.
- b. Illuminance levels for parking lots, sidewalks, and other walkways affected by side-mounted building Lights, and freestanding sidewalk Lights (not streetlights) shall not exceed Illuminance levels listed in the most current IESNA Recommended Practices. The City of Hailey recognizes that not every such area will require Lighting or Lighting to the extent recommended by the most current IESNA Recommended Practices.
- c. Parking lot Lighting shall not exceed an overall average illumination of 1.5 Footcandles.
- d. Streetlights shall be high-pressure sodium, low-pressure sodium or metal halide, ~~unless otherwise determined that another type is or a more energy efficient type.~~ Streetlights along residential streets shall be limited to seventy (70) watt high-pressure sodium (hps) Light with a Lumen output of sixty four hundred (6400): All Street Lights along non-residential streets or at intersections within all zoning districts shall be a maximum of limited to one hundred (100) watts hps, with a or have a maximum Lumen output of ninety-five hundred (9500), except Lights at traffic signal controlled major intersections on state highways shall be limited to a maximum of two hundred fifty (250) watts hps, or a maximum Lumen output of twenty-seven thousand, five hundred (27,500). If a Light type other than high-pressure sodium is used, then the equivalent output shall be the limit maximum for the other Light type (see Table 1). LED and Induction Lights do not have an equivalent Lumens output compared to traditional Light types found in Table 1; therefore, the number of Footcandles shall not exceed those compared to the initial Lumens of existing compliant streetlights with the same placement height.
- e. All existing and/or new Exterior Lighting shall not cause Light trespass and shall protect adjacent properties from Glare and excessive Lighting.

Section 7. Section 8B.4.5., Tables and Information Sheets, 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:

8B.4.5 Tables and Information Sheets.

The attached figures and information sheets shall be incorporated into Article VIII B as guidelines for the public and the City ~~for use in enforcing this Article.~~ The City does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the examples. ~~Additional information is provided at the Hailey Planning Department.~~

Table 2 lists the maximum Lumen levels guidelines at various heights above ground level. ~~It provides specific examples listing the common types of Lighting sources, Lumen levels, and permitted mounting heights.~~ The maximum Lumens levels should only be exceeded if there are design constraints or other site specific factors that would jeopardize safety. A detailed explanation for Lumen amounts in excess of the guidelines shall be provided by the owner/occupant or developer.

Table 2

MOUNTING HEIGHT/LAMP OUTPUT RECOMMENDATIONS

MOUNTING HEIGHT (FEET)	MAX LUMENS
6	1,000
8	600 to 1,600
10	1,000 to 2,000
12	1,600 to 2,400
16	2,400 to 6,000
20	4,000 to 8,000
24	6,000 to 9,000
28	8,000 to 12,000
32	9,000 to 24,000
36	12,000 to 28,000
40 or more	16,000 to 32,000

Table 3
MOUNTING HEIGHT RECOMMENDATIONS PER LAMP TYPE

Low Pressure Sodium

Wattage	180W	135W	90W	55W	35W	18W
Mounting Heights	>40'	30' 32'	28'	24'	16' 20'	10'
Initial Lumens	33000	22500	13500	8000	4800	1800
Mean Lumens	33000	22500	13500	8000	4800	1800
Lamp Wattage	180	135	90	55	35	18
Circuit Wattage	220	180	125	80	60	30
Initial Lum/watt	150	125	108	100	80	60
Mean Lum/watt	150	125	108	100	80	60
Annual KWH use	902	738	513	328	216	123

High Pressure Sodium

Wattage	400W	250W	200W	150W	100W	70W	50W	35W
Mounting Heights	>50'	32 36'	30'	28'	24'	20'	16'	12'
Initial Lumens	50000	28500	22000	16000	9500	6300	4000	2250
Mean Lumens	45000	25700	19800	14400	8550	5470	3600	2025
Lamp Wattage	400	250	200	150	100	70	50	35
Circuit Wattage	465	294	246	193	130	88	66	46
Initial Lum/watt	108	97	89	83	73	72	61	49
Mean Lum/watt	97	87	80	75	66	64	55	44
Annual KWH use	1907	1205	1009	791	533	361	271	189

Metal Halide

Wattage	1000W	400W	250W	175W	150W	100W	70W	50W	32W
Mounting Heights	>60'	>36'	>30'	>28'	>24'	>20'	>16'	>12'	>10'

Initial Lumens	110000	36000	20500	16600	13000	9000	5500	3500	2500
Mean Lumens	88000	28800	17000	10350	8700	6400	4000	2500	1900
Lamp Wattage	1000	400	250	175	150	100	70	50	32
Circuit Wattage	1070	456	295	215	184	115	88	62	43
Initial Lum/watt	103	79	69	77	71	78	63	56	58
Mean Lum/watt	82	63	58	48	47	56	45	40	44
Annual KWH use	4387	1870	1210	882	754	472	361	254	176

Section 8. Section 8B.5., Procedure, 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:

8B.5 Procedure.

- a. All applications for design review, conditional use permits, planned unit developments, subdivision approvals, applicable sign permits, or building permits shall include Lighting plans showing location, type, height, Lumen output, and Illuminance levels in order to verify that Lighting conforms to the provisions of this Article. ~~The Lighting Administrator may waive the requirement for Illuminance level information only, if the Lighting Administrator finds that the Illuminance levels conform to this Article. For all other exterior lights which must conform to the requirements of this Article VIII B, an application shall be made to the Lighting Administrator, showing location, type, height, Lumen output and Illuminance levels.~~
- b. The Lighting Administrator shall review any new Exterior Lighting or any existing Exterior Lighting on subject property that is part of an application for design review, conditional use permit, planned unit development, subdivision approval, applicable sign permits or building permit, to determine whether the Exterior Lighting complies with the standards of this Article VIII B.
- c. The Lighting Administrator shall convey in writing a recommendation whether the Exterior Lighting complies with the standards of this Article VIII B to the Building Official, the Hailey ~~Hearing Examiner Design Review Committee~~, the Hailey Planning & Zoning Commission, or the Hailey Mayor and City Council, as the case may be, ~~before any concurrently with the review~~ or hearing on a building permit, design review, conditional use permit, planned unit development, subdivision application, or applicable sign permit.
- d. For all other Exterior Lighting which must conform to the requirements of Article VIII B, the Lighting Administrator shall issue a decision whether the Exterior Lighting complies with the standards of this Article VIII B. All such decisions may be appealed to the Hailey Planning & Zoning Commission within thirty (30) days of the decision.

Section 9. 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 10. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 11. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

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

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 10

AGENDA ITEM SUMMARY

DATE: June 28, 2010 DEPARTMENT: Planning DEPT. HEAD SIGNATURE: DR

SUBJECT: Second reading of Ordinance 1062

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On June 14, 2010, the Hailey City Council held a public hearing and considered the city initiated amendments to the Zoning Ordinance Article 6A, Design Review. The Council approved the amendments and the first reading of Ordinance 1062 was conducted.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Safety Committee |
| <input checked="" type="checkbox"/> City Attorney | <input type="checkbox"/> Mayor | <input type="checkbox"/> Streets |
| <input type="checkbox"/> City Clerk | <input type="checkbox"/> Planning | <input type="checkbox"/> Treasurer |
| <input type="checkbox"/> Building | <input type="checkbox"/> Police | _____ |
| <input type="checkbox"/> Engineer | <input type="checkbox"/> Public Works, Parks | _____ |
| <input type="checkbox"/> Fire Dept. | <input type="checkbox"/> P & Z Commission | _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Authorize the Mayor to conduct the second reading of Ordinance 1062 by title only.

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date 6/28 - 2nd Reading
7/12 - 3rd Reading

City Clerk _____

FOLLOW-UP:

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

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

HAILEY ORDINANCE NO. 1062

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE 6A, DESIGN REVIEW, TO CLARIFY AND REORGANIZE DESIGN REVIEW REQUIREMENTS AND TO ALLOW SIDEWALKS TO BE CONSTRUCTED IN AN ALTERNATIVE LOCATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the small scale of the historic residences and storefronts is an important characteristic of Hailey. New development should be designed to recognize Hailey's historic architectural heritage. Creative architectural elements are encouraged and should be compatible with existing structures. Building design should engage the interest of pedestrians, bicyclists and drivers at the street level and at intersections in the case of buildings on corner lots;

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

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

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

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

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

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

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

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

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

Section 1. Section 6A.1, Applicability, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

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

~~a-1.~~ 1. A building for a non-residential use within any zoning district.

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

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

~~d-4.~~ 4. A Single Family Dwelling, Duplex or Accessory Structure within the Townsite Overlay (TO) District.

5. A Historic Structure.

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

B. Exemptions.

1. Murals and public art

2. Applications for non-emergency temporary structures are not subject to Design Review, but are subject to the Conditional Use Permit process as set forth in Article XI of the Zoning Ordinance.

3. Projects which qualify under Section 6A.2(3) of this Article.

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

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

6A.32 Review of Proposals; Authority of the Administrator

A. All projects to which this Article applies shall be reviewed by the The Administrator, Commission, or Hearing Examiner has the authority to review and make, or recommend, decisions as follows:

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

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

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

d-2. Those applications for projects of an emergency nature, necessary to guard against imminent peril, regardless of zoning district, shall receive administrative review and approval, denial, or conditional approval, subject to criteria set forth in subsection 6A.7.B(b) of this Article. The Administrator may, upon the request of the applicant or the direction of any City official, forward the application to the Commission for review as set forth in subsection (b) above.

~~e. Applications for non-emergency temporary structures are not subject to Design Review, but are subject to the Conditional Use Permit process as set forth in Article XI of this Ordinance.~~

~~f.3.~~ The Administrator has the authority to recommend exemption of certain projects from the design review requirements, upon finding; the project is minor, will not conflict with the design review standards of this Chapter and will not adversely impact any adjacent properties. Examples include, but are not limited to minor deck additions, changes to siding materials, changes to an existing window or door, an addition of a window or door, and minor landscape changes. Such recommendation for exemption shall be drafted in the form of Findings of Fact and Conclusions of Law, subject to final decision by the Commission on its consent agenda prior to issuance of a building permit. Should the Commission deny the Administrator's recommendation or should the Administrator determine that the proposal does not meet all of the above evaluation criteria, the project shall be subject to the provisions of this chapter prior to issuance of a building permit.

~~g.4.~~ The Administrator has the authority to approve minor modifications to projects that have received design review approval by the Commission prior to, and for the duration of a valid Building Permit. The Administrator shall make the determination as to what constitutes minor modifications and may include, but are not limited to changes to approved colors and/or siding materials, changes to site plans that do not significantly increase building footprints or significantly change driveway or road alignment, changes to landscape plans that do not decrease the amount of landscaping, changes to dumpster enclosures, changes to exterior lighting fixtures and location, or changes to windows that do not significantly affect project design, appearance or function. All approved modifications must be documented in a memo to the project file and on the approved set of plans on file with the city. For modifications to design review approval that are determined by the Administrator not to be minor, the Administrator has the authority to recommend approval or denial of such modifications, subject to final decision by the Commission on its consent agenda. Such recommendation for approval or denial shall be drafted in the form of Findings of Fact and Conclusions of Law.

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

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

Section 5. Section 6A.5, Design Review Process, of the Hailey Zoning Ordinance No. 532, is hereby renumbered to 6A.4 and amended by the deletion of the stricken language and the addition of the underlined language as follows:

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

B. Detailed design drawings shall be submitted for final planning review. Construction plans or working drawings are not required prior to review. At this stage the applicant must provide architectural drawings showing building materials, details of all exterior features, and other information as set forth in Section 6A.6 of this Ordinance. A minimum scale 1/8" to 1/0" is recommended for the architectural plans.

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

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

E. The project is reviewed by the reviewing body as set forth in Section 6A.3 above. The reviewing body will approve, deny or conditionally approve the applicant's request based on criteria outlined in Section 6A.76 of this Ordinance-Article.

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

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

A. ~~An application for a proposed design review approval shall follow the procedures and be subject to the requirements established by Article 3, Section 3.8 of this the Zoning Ordinance, and shall be made by at least one (1) holder of any interest in the real property for which the design review approval is proposed, and shall be reviewed by the Commission or Hearing Examiner. All design review plans and drawings shall be prepared by an Idaho licensed architect, except plans for single family dwellings may be prepared by an Idaho licensed architect or Idaho licensed structural engineer.~~

B. ~~The following information is required before the project can be reviewed by the Commission or Hearing Examiner with an application for Design Review:~~

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

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

~~1. Vicinity map, to scale, showing the project location in relationship to neighboring buildings and the surrounding area. Note: a vicinity map must show location of adjacent buildings and structures.~~

~~2. Site plan, to scale, showing proposed parking (including parking stall dimensions), loading, general circulation, and snow storage. List square footage of subject property including lot dimensions.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

e4. A materials and colors sample board. Each sample should be approximately 12"x12" in size.

d5. One (1) colored rendering of at least one side of the proposed building.

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

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

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

h~~9~~. Payment of applicable fees (~~established by ordinance~~).

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

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

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

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

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

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

1. Ensure compliance with applicable standards and guidelines.

2. Require conformity to approved plans and specifications.

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

4. Minimize adverse impact on other development.

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

6. Assure that development and landscaping are maintained properly.

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

Zoning Ordinance.

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

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

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

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

6A.7 Improvements Required.

~~6A.7.1.1 Sidewalk, Curb, and Gutter Sidewalks, curb and gutter shall be required improvements for projects requiring Design Review approval in the B, LB, TI, A and SCI zoning districts. At a minimum, sidewalks and curb and gutter, where required, shall comply with the City Standards. Sidewalks shall be at least six feet (6') wide or as wide as adjacent sidewalks on the same block, whichever is greater. Sidewalks shall be constructed along the entire length of a property adjacent to any public or private street in all zones, as well as in locations that provide safe pedestrian access to and around a building. New sidewalks shall be planned to provide pedestrian connections to any existing sidewalks adjacent to the site. Sites located adjacent to public or private streets that are not currently thru streets, regardless of whether the street may provide a connection to future streets, shall provide sidewalks to facilitate future pedestrian connections.~~

A. Streets.

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

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

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

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

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

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

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

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

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

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

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

6A.7.1.2 B. Water Line Improvements.

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

Section 9. Sections 6A.7.2, Design Review Guidelines, 6A.7.2.1, Design Review Guidelines for Non-Residential Buildings, 6A.7.2.2, Design Review Guidelines for Non-Residential Buildings in Light Industrial (LI), Service Commercial Industrial (SCI), Technological Industry (TI) and Airport (A), and 6A.7.2.3, Design Review Guidelines for Multi-Family Residential Buildings in General Residential (GR), Transitional (TN), Limited Business (LB), Business (B), Neighborhood Business (NB) and Service Commercial Industrial (SCI) of the Hailey Zoning Ordinance No. 532, is hereby deleted in its entirety and replaced with Section 6A.8, as follows:

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

1. Site Planning

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Building Design

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

- b. Standardized corporate building designs are prohibited.
- c. At ground level, building design shall emphasize human scale, be pedestrian oriented and encourage human activity and interaction.
- d. The front façade of buildings shall face the street and may include design features such as windows, pedestrian entrances, building off-sets, projections, architectural detailing, courtyards and change in materials or similar features to create human scale and break up large building surfaces and volumes.
- e. Any addition onto or renovation of an existing building shall be designed to create a cohesive whole.
- f. All exterior walls of a building shall incorporate the use of varying materials, textures and colors.
- g. Exterior buildings colors and materials shall be integrated appropriately into the architecture of the building and be harmonious within the project and with surrounding buildings.
- h. Flat-roofed buildings over two stories in height shall incorporate roof elements such as parapets, upper decks, balconies or other design elements.
- i. All buildings shall minimize energy consumption by utilizing alternative energy sources and/or passive solar techniques. At least three (3) of the following techniques, or an approved alternative, shall be used to improve energy cost savings and provide a more comfortable and healthy living space:
 - i) Solar Orientation. If there is a longer wall plane, it shall be placed on an east-west axis. A building's wall plane shall be oriented within 30 degrees of true south.
 - ii) South facing windows with eave coverage. At least 40% of the building's total glazing surface shall be oriented to the south, with roof overhang or awning coverage at the south.
 - iii) Double glazed windows.
 - iv) Windows with Low Emissivity glazing.
 - v) Earth berming against exterior walls
 - vi) Alternative energy. Solar energy for electricity or water heating, wind energy or another approved alternative shall be installed on-site.
 - vii) Exterior light shelves. All windows on the southern most facing side of the building shall have external light shelves installed.
- j. Gabled coverings, appropriate roof pitch, or snow clips and/or gutters and downspouts shall be provided over all walkways and entries to prevent snow from falling directly onto adjacent sidewalks.

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

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

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

3. Accessory Structures, Fences and Equipment/Utilities

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

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

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

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

e. All roof projections including, roof-mounted mechanical equipment, such as heating and air conditioning units, but excluding solar panels and Wind Energy Systems that have received a Conditional Use Permit, shall be shielded and screened from view from the ground level of on-site parking areas, adjacent public streets and adjacent properties.

f. The hardware associated with alternative energy sources shall be incorporated into the building's design and not detract from the building and its surroundings.

g. All ground-mounted mechanical equipment, including heating and air conditioning units, and trash receptacle areas shall be adequately screened from surrounding properties and streets by the use of a wall, fence, or landscaping, or shall be enclosed within a building.

h. All service lines into the subject property shall be installed underground.

i. Additional appurtenances shall not be located on existing utility poles.

4. Landscaping

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Site Planning

a. The site shall support pedestrian circulation and provide pedestrian amenities. Sidewalks shall be provided along building fronts.

b. Wider sidewalks are encouraged to provide additional amenities such as seating areas and bicycle racks.

2. Building Design

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

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

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

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

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

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

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

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

- i) Locating open space and preserving existing vegetation on the edge of the site to further separate the building from less intensive uses;
- ii) Stepping down the massing of the building along the site's edge; and
- iii) Limiting the length of or articulating building facades to reflect adjacent residential patterns

3. Landscaping

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

C. Non-Residential Building Located within the LI, SCI, TI or A. In addition to the standards applicable to any non-residential, multifamily or mixed use building located within the City of Hailey described in Section 6A.8.A, the following design standards also apply to any non-residential building located within the LI, SCI, TI or A zoning districts.

1. Site Planning

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

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

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

D. Multi-Family. In addition to the standards applicable to any non-residential, multifamily or mixed use building located within the City of Hailey described in Section 6A.8.A, the following design standards also apply to any Multi-Family building located within the City of Hailey.

1. Site Planning

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

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

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

2. Building Design

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

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

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

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

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

Section 13. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

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

Section 15. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

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

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2009

AGENDA ITEM SUMMARY

DATE: June 28, 2010 DEPARTMENT: Planning

DEPT. HEAD SIGNATURE: 

SUBJECT: Second reading of Ordinance 1063

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On June 14, 2010, the Hailey City Council held a public hearing and considered the city initiated amendments to the Zoning Ordinance Article 8.1, Fences. The Council approved the amendments and the first reading of Ordinance 1063 was conducted.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Casele # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Safety Committee |
| <input checked="" type="checkbox"/> City Attorney | <input type="checkbox"/> Mayor | <input type="checkbox"/> Streets |
| <input type="checkbox"/> City Clerk | <input type="checkbox"/> Planning | <input type="checkbox"/> Treasurer |
| <input type="checkbox"/> Building | <input type="checkbox"/> Police | _____ |
| <input type="checkbox"/> Engineer | <input type="checkbox"/> Public Works, Parks | _____ |
| <input type="checkbox"/> Fire Dept. | <input type="checkbox"/> P & Z Commission | _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Authorize the Mayor to conduct the second reading of Ordinance 1063 by title only.

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date 6/28 - 2nd Reading
7/12 - 3rd Reading

City Clerk _____

FOLLOW-UP:

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

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

HAILEY ORDINANCE NO. 1063

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE 8.1, FENCES, TO ALLOW FENCES FOR PUBLIC USES AND PUBLIC UTILITY FACILITIES IN ANY ZONING DISTRICT TO BE EIGHT FEET HIGH AND TO PROHIBIT CHAIN LINK FENCE EXCEPT FOR PUBLIC USES AND PUBLIC UTILITY USES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

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

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

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

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

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

Section 1. Article 8.1.2., Specific Standards, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

8.1.2 Specific Standards. The following provisions shall apply in addition to those specified in Article 8.1.1.

- a. Except as otherwise provided, ~~F~~for all uses in the LR, GR, LB and TN districts, fences shall not exceed four (4) feet in height when located within the required front yard setback and six (6) feet when located within the required side and rear yard setbacks.
- b. For all uses in the LI, TI, SCI-SO and B Districts, fences shall not exceed six (6) feet in height.
- c. For all uses in the SCI-I District or for Public Uses or Public Utility Facilities in all zoning districts, fences shall not exceed eight (8) feet in height.
- d. Arbors, trellises, entry arches and similar yard or landscape features may be permitted within a required yard setback provided they are not more than eight (8) feet high, five (5) feet wide and three (3) feet deep.
- e. Multiple features shall not be placed in a linear fashion for the purpose of creating a fence-like barrier.
- f. Chain link material is prohibited except for Public Uses or Public Utility Facilities with an approved Conditional Use Permit.
- g. For the purpose of applying the above height standards, the average height of the fence along any unbroken run may be used, provided the height at any point is not more than 10% greater than the maximum height.

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

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

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

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

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2010

AGENDA ITEM SUMMARY

DATE: June 28, 2010

DEPARTMENT: Planning

DEPT. HEAD SIGNATURE: BL

SUBJECT: Second reading of Ordinance 1064

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On June 14, 2010, the Hailey City Council held a public hearing and considered the city initiated amendments to the Subdivision Ordinance, Section 4, General Standards. The Council approved the amendments and the first reading of Ordinance 1064 was conducted.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Safety Committee |
| <input checked="" type="checkbox"/> City Attorney | <input type="checkbox"/> Mayor | <input type="checkbox"/> Streets |
| <input type="checkbox"/> City Clerk | <input type="checkbox"/> Planning | <input type="checkbox"/> Treasurer |
| <input type="checkbox"/> Building | <input type="checkbox"/> Police | _____ |
| <input type="checkbox"/> Engineer | <input type="checkbox"/> Public Works, Parks | _____ |
| <input type="checkbox"/> Fire Dept. | <input type="checkbox"/> P & Z Commission | _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Authorize the Mayor to conduct the second reading of Ordinance 1064 by title only.

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date 6/28 - 2nd Reading
7/12 - 3rd Reading

City Clerk _____

FOLLOW-UP:

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

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

HAILEY ORDINANCE NO. 1064

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S SUBDIVISION ORDINANCE, ORDINANCE NO. 821, BY AMENDING SECTION 4.0, TO DELETE ANY STANDARD OF EVALUATION OR CRITERIA FOR REVIEW RELATING TO THE HAILEY COMPREHENSIVE PLAN; 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 Idaho Supreme Court in *Urrutia v. Blaine County*, 134 Idaho 355 (2000), has held that a comprehensive plan is intended as a general guide involving zoning decisions such as revising or adopting a zoning ordinance and that the comprehensive plan cannot be used to deny an application based completely on non-compliance with a comprehensive plan; and

WHEREAS, the Hailey City Council intends to amend Hailey's Zoning Ordinance to be consistent with the Idaho Supreme Court's decision in *Urrutia v. Blaine County*.

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

Section 1. Section 4.0 of the Hailey Subdivision Ordinance No. 821 is amended by the deletion of the stricken language, as follows:

4.0 General Standards.

The configuration and development of proposed subdivisions shall be subject to and meet the provisions and standards found in this Ordinance, the Zoning Ordinance and any other applicable Ordinance or policy of the City of Hailey.

Section 2. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

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

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

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

Richard L. Davis, Mayor
City of Hailey

ATTEST:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2010