

AGENDA ITEM SUMMARY

DATE: July 26, 2010

DEPARTMENT: Planning

DEPT. HEAD SIGNATURE: 

SUBJECT: Second reading of Ordinance 1066

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On July 12, 2010, the Hailey City Council held a public hearing and considered the city initiated amendments to the Zoning Ordinance, Article 7, Supplementary Bulk Regulations to clarify standards for detached and attached accessory structures. The Council approved the amendments and the first reading of Ordinance 1066 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 1066 by title only.

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

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

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

HAILEY ORDINANCE NO. 1066

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE 7, SUPPLEMENTARY LOCATION AND BULK REQUIREMENTS, TO CLARIFY REQUIREMENTS FOR DETACHED AND ATTACHED ACCESSORY STRUCTURES AND CHICKEN COOPS; 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 with 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 7.1.8 of Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

7.1.8 Accessory Structures with a floor area of 120 square feet or less:

A. Detached Accessory Structures

a1. Except as otherwise provided herein, Detached Accessory Structures with a floor area of 120 square feet or less are required to be setback a minimum of 3 feet from either: 1) the side and/or rear property line, or 2) the Principle Building and any other Accessory Structure.

1-a. On Normal Corner Lots, Detached Accessory Structures with a floor area of 120 square feet or less shall have a minimum side yard setback of two thirds (2/3) the front yard setback requirement for the zoning district in which the lot is located.

2-b. Within the Business District, in the case where an alley is located along the side or rear lot line of the property, Detached Accessory Structures with a floor area of 120 square feet or less shall be setback a minimum of six (6) feet from the alley.

b.2. Detached Accessory Structures with a floor area of 120 square feet or less ~~and are located a minimum of three (3) feet from the side and/or rear property line located within the side and/or rear yard setback shall have not exceed~~ a maximum bearing wall height of eight feet and a maximum building height of 12 feet.

3. Detached Accessory Structures greater than 120 square feet are required to have a Building Permit and shall comply with the required setbacks of the Zoning District within which it is located.

B. Attached Accessory Structures

1. Attached Accessory Structures, regardless of size, are required to have a Building Permit and shall comply with the required setbacks of the Zoning District within which it is located.

Section 2. Section 7.1.10 of Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

7.1.10 Chicken Coops. Lots with Single Family Dwellings are allowed up to three (3) hens (roosters are prohibited), for Urban Agriculture purposes only, provided the following Chicken Coop requirements are met:

- a. A predator-resistant Chicken Coop is provided which shall include, but is not limited to:
 - i. A roof or cover that fully encloses the coop.
 - ii. Construction made of sturdy and durable materials that prohibit predator access.
 - iii. A door or opening to the coop that can be secured shut.
- b. Any Chicken Coop shall be located in the rear yard only and is subject to the setback requirement for the zoning district in which the lot is located.
- c. The Chicken Coop or the property must be fenced in some manner that the hens are confined to the boundaries of the property.
- d. Chicken Coops shall be detached and separated from the Principle Building, or any Accessory Structure, by a minimum of one (1) inch.

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

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

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

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

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2010

AGENDA ITEM SUMMARY

DATE: July 26, 2010

DEPARTMENT: Planning

DEPT. HEAD SIGNATURE: SR

SUBJECT: Second reading of Ordinance 1067

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On July 12, 2010, the Hailey City Council held a public hearing and considered the city initiated amendments to the Zoning Ordinance, Article 10 Planned Unit Development, Article 11 Conditional Use Permit, and Article 12 Variance to delete Comprehensive Plan compliance from the evaluation criteria. The Council approved the amendments and the first reading of Ordinance 1067 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)

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|---|--|---|
| <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 1067 by title only.

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: Record

Copies (all info.): _____

Instrument # _____

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

HAILEY ORDINANCE NO. 1067

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.
- ec. 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

Publish: Idaho Mountain Express _____, 2010

AGENDA ITEM SUMMARY

DATE: July 26, 2010

DEPARTMENT: Planning

DEPT. HEAD SIGNATURE: BR

SUBJECT: Second reading of Ordinance 1068

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On July 12, 2010, the Hailey City Council held a public hearing and considered the city initiated amendments to the Zoning Ordinance, Article 8B.1 Outdoor Lighting. The Council approved the amendments and the first reading of Ordinance 1068 was conducted.

Resolution 2010-11 adopted by the Council on July 12 was added to 8B.2.2.(d) (under section 1 of Ordinance 1068) for further continuity regarding the Street Lighting Mater Plan.

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 1068 by title only.

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

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

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

HAILEY ORDINANCE NO. 1068

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 Plan, referenced by Hailey Ordinance No. 7531057 and adopted by Resolution No. 2010-11, 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 Lights. All Area Lights 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 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)~~ 205 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

