

AGENDA ITEM SUMMARY

DATE: 12-08-08 DEPARTMENT: Planning DEPT. HEAD SIGNATURE: 

SUBJECT: Preliminary Plat Extension – Wood River High School Campus PUD Subdivision

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code Sub. Ord. 3.2.4
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The Wood River High School PUD received preliminary plat approval December 10, 2007. The School District requests an extension of the deadline for submitting an application for final plat.

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 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:

Approve an extension for 6 months for the applicant to submit a final plat application. The new expiration date of preliminary plat would be June 10, 2009.

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)

Beth Robrahn

From: Beth Robrahn [beth.robahn@haileycityhall.org]
Sent: Tuesday, December 02, 2008 11:59 AM
To: 'clpe2@aol.com'
Subject: RE: High School Plat - Extension of Final Plat Approval

Attachments: Subdivision_Final_Plat.doc



Subdivision_Final_Pl
at.doc (45...

John,

The findings approved last year are for preliminary plat. Final plat has yet to be submitted. The extension request will be for the preliminary plat approval. A final plat application will still need to be submitted within the extension period.

Beth

-----Original Message-----

From: clpe2@aol.com [mailto:clpe2@aol.com]
Sent: Tuesday, December 02, 2008 11:19 AM
To: beth.robahn@haileycityhall.org; steve@bma5b.com; mike@blaineschools.org;
Tom.Hellen@haileycityhall.org; Heather.Dawson@haileycityhall.org
Subject: High School Plat - Extension of Final Plat Approval

Dear Beth,

Please accept this e-mail as a request by the Blaine County School District to extend the recordation date of the 4-Lot High School Plat. There is one condition of approval outstanding (as recommended by Tom Hellen): chip seal of Fox Acres Road through the H.S. property.

This coming spring/summer we anticipate completing the work. Hopefully, we can again discuss with the city entering into an arrangement where the city would perform the work and we would reimburse costs. This was under discussion this past summer, however, the city chose to fog seal its roads and given the incredible jump in oil prices, we elected not to contract with a private party to have this chip seal work done.

If you would be willing to place this matter on the City Council's December 8th agenda, that would be appreciated. As you are aware our deadline for recordation is December 10, 2008

If you should have any questions, please let me know.

Sincerely,

John Gaeddert

Need a holiday helper this season? Get the AOL Holiday Toolbar
<<http://toolbar.aol.com/holiday/download.html?ncid=emlweusdown00000009>> for money saving offers and gift ideas.

STAFF REPORT

TO: Hailey City Council
FROM: Beth Robrahn, Planning Director 
RE: Zoning Ordinance Amendment – Section 14.6
HEARING: December 8, 2008

Staff analysis is in lighter type

Notice

Notice for the public hearing on November 24, 2008 was published in the Idaho Mountain Express and mailed to public agencies and area media on November 5, 2008 and continued on the record from November 24, 2008 to December 8, 2008

Proposal

Attached are amendments to Section 14.6 of the Zoning Ordinance proposed by the City. These amendments would add criteria for rezones to business, limited business and transitional districts.

Procedural History

The Planning and Zoning Commission discussed changes to the Transitional Zoning District on September 2, 2008. At that time the Commission discussed limiting the permitted uses to primarily residential in order to protect the residential nature of the transitional zone. Upon additional analysis, staff determined this approach may be problematic in terms of creating existing non-conforming uses. Staff recommends an amendment to Section 14.6 to establish criteria for applications to rezone a property to Business, Limited Business or Transitional.

The Planning and Zoning Commission held a public hearing on October 20, 2008 and recommended approval of the proposed amendments.

The Council requested the language under 14.6.1 be clarified prior to voting on the amendments.

Standards of Evaluation

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

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

5.8 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.

5.4 Land Use Districts

Goal: To provide for a balanced mix of land uses suitably related to each other and their natural setting. Include sufficient space in all types of districts to accommodate future growth. Direct density of development towards the community core, with increasing green space and generally decreasing density toward the edges of the community and within the Area of City Impact.

1. Policy: Encourage integration of compatible land uses in order to retain a compact City comprised of a central downtown with surrounding diverse neighborhoods, thereby reducing sprawl and traffic, increasing efficiency, and creating neighborhood and community character.

Implementation:

e. Review the Transitional District section of the zoning ordinance to ensure that residential uses remain in that district, while allowing limited commercial uses. The district should serve as a buffer between residential and intense business uses. Evaluate actual adjacent uses when considering any rezone from residential to transitional zoning.

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

The proposed amendment is not expected to create excessive additional requirements at public cost for public facilities and services.

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

The proposed amendments are intended to further ensure the surrounding area is considered prior to granting a rezone of a property from residential to commercial.

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

The proposed amendment is expected to promote the public health, safety and general welfare.

Summary

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

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

Motion Language

Motion to approve the proposed amendments to the Hailey Zoning Ordinance Section 14.6, finding that the amendments are in accordance with the Comprehensive Plan, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare.

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 14.6. TO ADD CRITERIA FOR REZONES TO BUSINESS, LIMITED BUSINESS AND TRANSITIONAL DISTRICTS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE.

WHEREAS, the proposed amendments are generally in accordance with the Comprehensive Plan;

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

WHEREAS, the proposed amendments will be in accordance with the 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 14.6, of the Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

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

- a. The proposed amendment is in accordance with the Comprehensive Plan;
- b. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;
- c. The proposed uses are compatible with the surrounding area; and
- d. The proposed amendment will promote the public health, safety and general welfare.

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

- a. Vacancy rates of existing buildings and land within the existing Business (B), Limited Business (LB) or Transitional (T) Zoning Districts.
- b. The distance of the parcel proposed for rezone from the Central Core Overlay District boundary.

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 _____, 2008.

Rick Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

STAFF REPORT

TO: Hailey City Council
FROM: Beth Robrahn, Planning Director *BR*
RE: Zoning Ordinance Amendment – Definitions
HEARING: December 8, 2008

Note: Staff analysis is in lighter type

Notice

Notice for the public hearing for December 8, 2008 was published in the Idaho Mountain Express and mailed to public agencies and area media on November 19, 2008.

Proposal

Attached are amendments to Section 2, Definitions of the Zoning Ordinance proposed by the City. These amendments would add definitions of curb cut, drive-through facility, Energy Star, and Leadership in Energy and Environmental Design.

Procedural History

These amendments correspond with recent amendments to various sections of the Zoning Code that related to these terms. The Planning and Zoning Commission held a public hearing and recommended approval on November 3, 2008.

Standards of Evaluation

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

- 1. The proposed amendment is in accordance with the Comprehensive Plan;**
The Council should consider how the proposed amendments relate to the various policies and implementation items of the Comprehensive Plan, particularly the following:
 - 5.8 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.
- 2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;**
The proposed amendment is not expected to create excessive additional requirements at public cost for public facilities and services.
- 3. The proposed uses are compatible with the surrounding area; and**
Not applicable.

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

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

Motion Language

Motion to approve the proposed amendments to Section 2, Definitions, finding that the amendments are in accordance with the Comprehensive Plan, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare.

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE 2, DEFINITIONS, TO ADD DEFINITIONS OF CURB CUT, DRIVE-THROUGH FACILITY, ENERGY STAR, AND LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN; BY; 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; and

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

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

Section 1. Section 2, Definitions, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language to the definitions of, "Curb Cut", "Drive-Through Facility", "ENERGY STAR", and "LEED", as follows:

Curb Cut. An interruption in a curb or street edge to allow vehicular access from a property to the street typically associated with a driveway or parking lot entrance or exit.

Drive-Through Facility. A structure where service associated with a principle use is provided to the customer from a service window or service area designed to accommodate motorized vehicle access.

ENERGY STAR. A joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy helping participants save money and protect the environment through energy efficient products and practices. Standards are set forth jointly by the U.S. Environmental Protection Agency and the U.S. Department of Energy

Leadership in Energy and Environmental Design (LEED) Green Building Rating System. The rating system adopted by the U.S. Green Building Council as established in the applicable current edition of LEED for New Construction, LEED for Multiple Buildings, LEED for Existing Buildings, LEED for Commercial Interiors, LEED for Core and Shell, LEED for Schools, LEED for Retail, LEED for Healthcare, LEED for Homes, and LEED for Neighborhood Development.

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 _____, 2008.

Rick Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

STAFF REPORT

TO: Hailey City Council
FROM: Beth Robrahn, Planning Director 
RE: Zoning Ordinance Amendment – new section 9A – Drive-Through Facilities
HEARING: December 8, 2008
Note: Staff analysis is in lighter type

Notice

Notice for the public hearing on December 8, 2008 was published in the Wood River Journal and mailed to public agencies and area media on November 19, 2008.

Proposal

Attached are amendments to the Zoning Ordinance proposed by the City by the addition of a new section to establish standards for drive-through facilities.

Procedural History

In the last year the Planning and Zoning Commission has reviewed two design review projects that included drive-through facilities that drew concern over adequate site circulation and conflicts with pedestrians. However, aside from one design review standard concerning minimizing conflicts between different circulation needs, there was little guidance on how to evaluate drive-through facilities. Staff had proposed a new section of the Zoning Code to establish standards for drive-through facilities. The Planning and Zoning Commission held a public hearing and recommended approval of the new section on November 3, 2008.

Discussion

Hailey has nine (9) businesses with drive-through facilities; three (3) restaurants, one (1) pharmacy and five (5) banks. All but one of these businesses are located on Main Street. Two new drive-through facilities have been approved by the Planning and Zoning Commission, one is under construction at the Pioneer Federal building and one has not yet to apply for a building permit (102 Empty Saddle Road).

The proposed definition of drive-through is as follows; a structure where service associated with a principle use is provided to the customer from a service window or service area designed to accommodate motorized vehicle access.

By definition a drive-through is accessory to a permitted principle use, such as a bank or restaurant and therefore is an accessory use. An accessory use is essentially a permitted use, i.e. no special permission is necessary.

A proposed chart designates the zoning districts in which drive-through facilities would be either accessory uses or conditional uses. One bank drive through exists in the Central Core Overlay – this would become an existing non-conforming use. All other existing facilities are located within the Central Business District (all properties lying within the Business and Limited Business districts on or adjacent to Main Street, River Street, and First Avenue and between the intersection of Third Avenue and Main Street and the intersection of McKercher Boulevard and Main Street) would also become existing non-conforming uses because most would not meet the new standards mainly due to curb cuts on Main Street and stacking lane requirements.

Standards of Evaluation

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

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

10.0 Transportation

10.1 Engineering

I. Goal: Create and maintain a pedestrian and bicycle-friendly community that provides safe, convenient and efficient multi-modal transportation for all Hailey residents, that moves people and not just cars, and that preserves and enhances our quality of life.

1. Policy: Provide adequate routes and accesses to accommodate different uses and circulation.

Implementation: Minimize potential conflicts between uses by planning for and designating separate areas, routes and accesses for pedestrians, bicycles, automobiles and trucks:

e. Discourage future curb cuts on Main Street where alternative access exists (that would accommodate on-site parking, driveway or drive-through access) in order to preserve the present sidewalk integrity for pedestrians.

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

Implementation:

a. Create clear entrances at our north and south to define Main Street and our community (where to slow down).

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

c. Encourage neighborhood service centers that serve the adjacent neighborhoods

d. Encourage or require transit shelters along designated transit routes.

e. Encourage multi-use development closer to or along transportation corridors.

13.0 Community Design

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

2. Policy: Encourage and require a Central Business District that adds to community character by maintaining general architectural standards and by retaining a human scale and pedestrian friendly atmosphere with decreased dependency on automobiles.

4. Policy: Promote human scale architecture in all single-family, multi-family, and mixed residential areas. Encourage architecture and land planning which, while accommodating the automobile, places greater importance on pedestrians. Use creative design to integrate multi-family dwelling units with single-family residences.

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

The proposed amendment is not expected to create excessive additional requirements at public cost for public facilities and services.

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

The amendments are intended to ensure drive-through facilities are compatible with the surrounding area by establishing standards that apply to their location and design.

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

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

Motion Language

Motion to approve the proposed new Zoning Code Section 9A, Driver-Through Facilities, finding that the amendments are in accordance with the Comprehensive Plan, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare.

HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY ADDING SECTION 9A, DRIVE-THROUGH FACILITIES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

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

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

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

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

Section 1. Section 9A., Drive-Through Facilities, of the Hailey Zoning Ordinance No. 532, is hereby added by the addition of the following language:

9A.1 Purpose

Drive-through facilities often conflict with the safe and convenient movement of pedestrians, bicyclists and motorists and can cause disturbance to neighboring properties. Of additional concern are emissions from idling cars and the preference toward automobile use inherent in drive-through facilities, particularly in areas of Hailey where pedestrian and bicycle use is intended to be prioritized. The specific purposes of this chapter are to:

- Minimize negative impacts on adjacent land uses and sidewalk and street infrastructure.
- Promote safe and efficient on-site vehicular and pedestrian circulation
- Reduce conflicts between automobile and pedestrian uses.
- Prioritize pedestrian use within the central business district.

9A.2 Applicability

These standards apply in all districts in which drive-through facilities are accessory or conditional uses.

Business (B)	conditional
Central Business District	conditional
Central Core Overlay	prohibited
Townsite Overlay	conditional
Limited Business (LB)	accessory
Transitional District (TN)	prohibited
Light Industrial (LI)	accessory
Technological Industry (TI)	accessory
Service Commercial Industrial (SCI)	accessory

9A.3 Standards

Drive-through uses shall comply with the following design standards:

9A.3.1. Site Location

- a. A drive-through facility shall be located on a site having a minimum frontage of one hundred feet (100') on a street.
- b. The site shall be adequate in size and shape to accommodate a drive-through facility and to accommodate all setback, on-site parking, landscaping and other required improvements of the drive-through facility and its principle use.

9A.3.2. Access

- a. No new curb cuts are allowed on Main Street. If a property on Main Street with an existing curb cut(s) is redeveloped those curb cuts shall be eliminated.
- b. Where there is a platted alley, both the ingress and egress to the drive-through facility shall be accessed from the alley.
- c. Where there is no platted alley and there is adequate area at the rear of a property, both the ingress and egress to the drive-through facility shall be accessed from the rear of the property, similar to an alley. In this case, the maximum width of a curb cut is 24 feet to allow for ingress and egress from the same curb cut.
- d. A curb cut that provides only ingress or egress shall be a maximum width of 12 feet.
- e. All vehicular entrances shall be at least 50 feet (50') from an intersection measured from the edge of the curb or edge of travel lane if no curb exists.
- f. Vehicular access shall be coordinated with existing curb cuts where it results in good site and traffic circulation.

9A.3.3. Stacking Lanes.

- a. Paved areas shall be minimized and water permeable surfaces maximized.
- b. Multiple stacking lanes are discouraged.
- c. The drive-through service window, bay or lane and all stacking lanes shall be located as far as practicable from any street or sidewalk. Stacking and access lanes shall not be located between the building and the street.
- d. There shall be adequate on-site maneuvering and circulation areas to ensure that stacking vehicles do not impede pedestrian or vehicular traffic on adjacent streets.
- e. A minimum of four (4) stacking spaces for one lane, two (2) stacking spaces per lane for multiple stacking lanes is required (20 feet per stacking space).
- f. The stacking lane(s) shall be independent of any on-site parking, circulation areas, sidewalks, streets or alleys.
- g. Pedestrians must be able to enter the establishment from the sidewalk or on-site parking lot without crossing the stacking lane(s).

9A.3.4. If stacking lanes and service windows, bays or lanes are visible from the sidewalk, landscaping shall be installed to screen the service windows, bays or lanes from view to the maximum extent practicable.

9A.3.5. Pedestrian circulation within the site shall be well marked, both for the operator of a vehicle and for the pedestrian, and shall comply with the requirements of the Americans with Disabilities Act.

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 _____, 2008.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

STAFF REPORT

TO: Hailey City Council
FROM: Mariel Platt, Planner *MP*
RE: Zoning Ordinance Amendment – Article 8.2
HEARING: December 08, 2008

Note: Staff analysis is in lighter type

Notice

Notice for the public hearing was published in the Wood River Journal and mailed to public agencies and area media on November 19, 2008.

Proposal

Attached are amendments to Section 8.2 of the Zoning Ordinance proposed by the City. These amendments would establish times for the display of portable signs and would allow the City the right to remove signs that are determined to be unsafe or hazardous.

Procedural History

Portable signs are a valuable advertising tool; however, they can become a safety hazard, impeding pedestrian access and blocking vehicular line of sight. Accumulation of portable signs, especially along Main Street, contributes to sidewalk clutter and has an aesthetic impact on Hailey. In addition, portable signs interfere with snow removal and pedestrian access. Signs located in the public right-of-way frequently get knocked over or buried in plowed snow. This creates pedestrian hazards and sidewalk access issues. In addition, signs that are covered by snow or have fallen down are not an affective means of advertising business and encumber pedestrians' access to businesses.

The Planning and Zoning Commission held a public hearing on the proposed amendments on November 3, 2008. The Commission recommended that City Council approve the proposed amendments to Section 8.2, 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.

Standards of Evaluation

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

- 1. The proposed amendment is in accordance with the Comprehensive Plan;**
The Council should consider how the proposed amendments relate to the various policies and

implementation items of the Comprehensive Plan, particularly the following:

Section 3.0 – Special Sites, Areas, and Features

1. Goal: The goal of this section is to retain and protect features of special interest to the community, and to protect the scenic value of the Wood River Valley.

2. Policy: Preserve the architectural and ambient quality of the Hailey Business district

By requiring the removal of portable signs after business hours the City will reduce sidewalk clutter and the number of fallen signs that are left unattended for long periods of time. This would likely enhance the ambient quality of the Business District and promote foot traffic to downtown businesses.

13.0 - Community Design

2. Policy: Encourage and require a Central Business District that adds to community character by maintaining general architectural standards and by retaining a human scale and pedestrian friendly atmosphere with decreased dependency on automobiles.

5. Policy: To enhance visual aesthetics and beautification of the community with specific efforts directed to the central core.

By de-cluttering the sidewalks and enhancing pedestrian safety, the amendments would help maintain a pedestrian friendly atmosphere and enhance aesthetics.

10.0 – Transportation

1. Goal: Create and maintain a pedestrian and bicycle friendly community that provide safe, convenient and efficient multi-modal transportation for all Hailey residents, that moves people and not just cars, and that preserves and enhances our quality of life.

The amendments would allow for the immediate removal of signs that pose a threat to pedestrian safety. The amendments would also help ensure safety, convenience, and efficiency for pedestrians by requiring business owners to remove signs in the evening and possibly during weekends, depending on the business' hours of operation. This will de-clutter the sidewalks and promote a more pedestrian friendly city, in hopes of enhancing the quality of life for the residents of Hailey.

9.0 – Public Facilities, Utilities, and Services

1. Goal: Maintain or improve service levels of all City utilities and facilities to adequately and efficiently provide for the health, safety, welfare, and conveniences of the City.

The amendments would require portable signs to be removed nightly, after a business closes. This would help the Street Department's ability to effectively and efficiently remove snow, particularly along Main Street. In addition, it would eliminate the problem of fallen and buried portable signs due to snow removal activities, thereby providing for the "safety, welfare, and conveniences of the City." The amendments would also allow for the City to remove any signs that have fallen down or threaten public safety (currently, the City cannot remove signs and the owner of such signs are given 10 days to make the subject sign safe).

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

It is not anticipated that public facilities and services will be impacted and the proposed

amendments will not create excessive additional requirements.

3. The proposed uses are compatible with the surrounding area; and
The proposed amendments would not affect uses. This criterion is not applicable to Sign Ordinance amendments.

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

The proposed amendment will help enhance and ensure public safety and general welfare by allowing for the City to remove hazardous signs affecting public right-of-ways and by requiring business owners to tend to signs on a regular basis, removing them when businesses are not operating to reduce clutter and improve pedestrian access.

Summary

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

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

Motion Language

Motion to approve the proposed amendments to Section 8.2, finding that the amendments are in accordance with the Comprehensive Plan, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare.

HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 8.2.6.1, REMOVAL OF ILLEGAL OR UNSAFE SIGNS, TO ALLOW FOR THE IMMEDIATE REMOVAL OF UNSAFE SIGNS BY THE CITY AND SECTION 8.2.8.5., PORTABLE SIGNS, TO ESTABLISH HOURS, WHICH PORTABLE SIGNS CAN BE DISPLAYED; 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 amendments will promote the public health, safety, and general welfare.

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

Section 1. Section 8.2.6.1., Removal of Illegal or Unsafe Signs, 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:

8.2.6.1 Any sign which has been determined to be unsafe by the Building Official, Planning and Zoning Administrator, Public Works Director, or their designee, or which has been constructed, erected or maintained in violation of this Section or any permit, must be repaired, made safe, made in conformance with this Ordinance or permit. ~~or removed within ten working days after receipt of certified notice from the City. Failure to respond to remedy the violation after notification by the City is unlawful, and the person having charge or control over the sign will be guilty of a misdemeanor. The City reserves the right to remove any sign placed in, projecting into, or otherwise impacting the public right-of-way, without notice and at anytime, if the sign is determined to be unsafe or hazardous to the public.~~

Section 2. Section 8.2.8.5, Portable Signs, 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:

8.2.8.5 Portable Signs.

- a. Portable signs are limited to eight (8) square feet per side, and limited to two sides.
- b. Portable signs shall be weighted or anchored in some manner so as to prevent them from being moved or blown over by the wind.
- c. Portable signs may not be located ^{so as to} obstruct pedestrian or vehicular traffic, or

visibility for vehicles at intersections.

d. Portable signs in the public right-of-way shall be displayed only during the associated business' hours of operation (they shall be removed after hours).

~~d.e.~~ Any Sign Permit application for a portable sign to be placed within the public right-of-way shall include an additional inspection fee as set forth by separate ordinance. Sign permits for portable signs in the public right-of-way shall also be subject to an annual application renewal and inspection, for which a fee shall be charged as set forth by separate ordinance.

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.

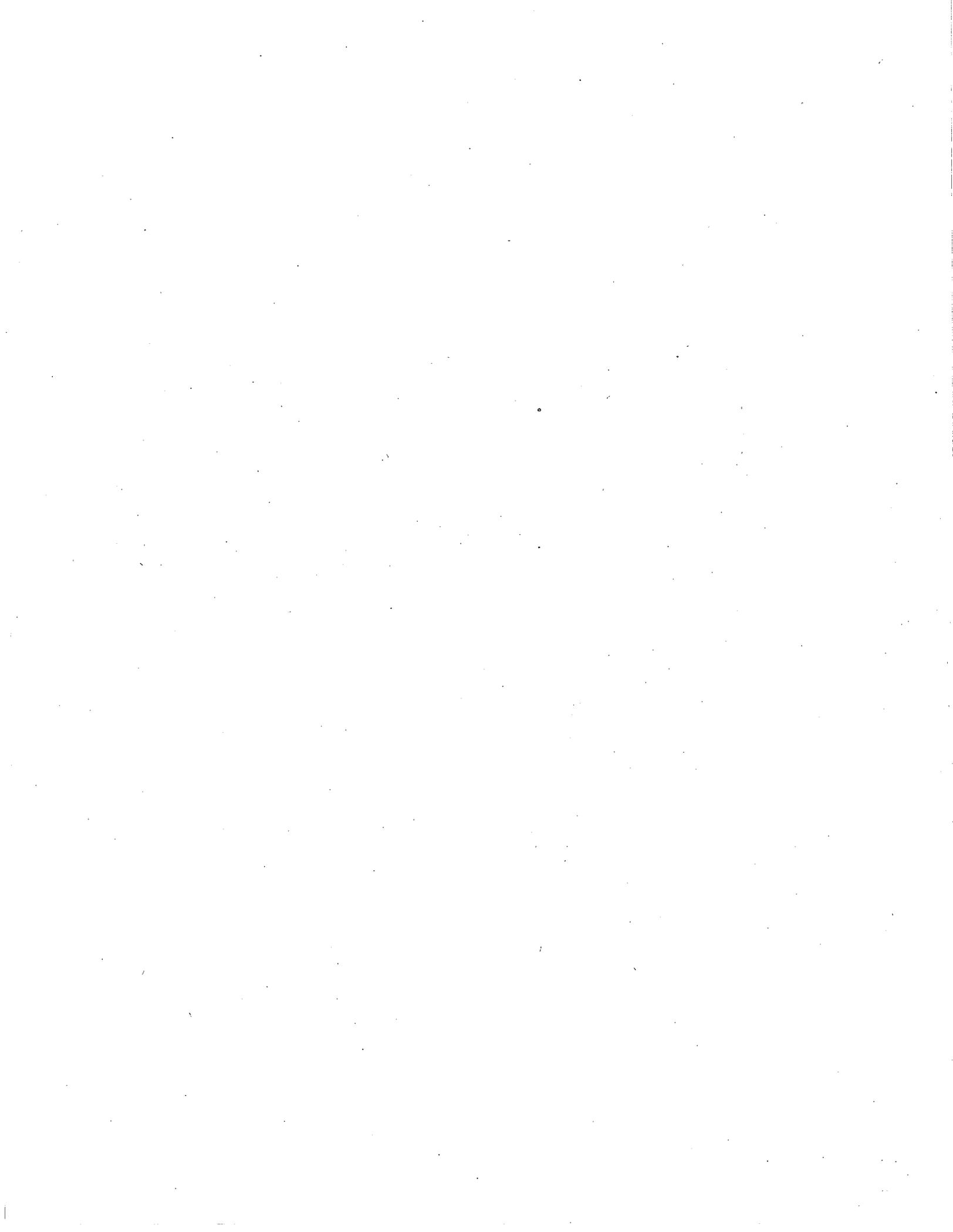
Section 5. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2008.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk



AGENDA ITEM SUMMARY

DATE: 12-08-08 DEPARTMENT: Planning DEPT. HEAD SIGNATURE: 

SUBJECT: 2nd reading of Ordinance 1020 – text amendment to Hailey Zoning Ordinance Article 4.6

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The Council held a public hearing and first reading of this ordinance on November 24, 2008.

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 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:

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. 1020

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 4.6.1 TO CLARIFY THE PURPOSE OF THE TRANSITIONAL DISTRICT, BY AMENDING SECTION 4.6.2 TO KEEP THE USE OF THE TERM MIXED USE BUILDINGS CONSISTENT WITH THE DEFINITION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE.

WHEREAS, the proposed amendments are generally in accordance with the Comprehensive Plan;

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

WHEREAS, the proposed amendments will be in accordance with the 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 4.6.1, of the Zoning Subdivision Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

4.6.1 Purpose. The purpose of the TN District is to provide a buffer zone between residential and business areas within the Townsite Overlay District. The zone provides for restricted business activities within residential areas which are directly adjacent to or across a street or alley from established business zones. Uses shall be limited to those that generate relatively little traffic. The residential integrity character of the area shall be maintained by preserving the existing buildings and requiring new building designs in keeping with the residential nature of the area, and requiring adequate on-site parking. The term "Transitional" does not imply that the properties within the district will be transitioning from residential to business zoning.

Section 2. Section 4.6.2, of the Zoning Subdivision Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language

- 4.6.2 Permitted Uses. Permitted uses for the TN District are limited to the following:
- a. Single Family Dwellings.
 - b. ~~Dwelling Units within~~ Mixed Use Buildings.
 - c. Home Occupations.
 - d. Professional Offices
 - e. Day Care Homes.
 - f. Day Care Facilities.
 - g. Manufactured Homes.
 - h. Churches.

i. Parks.

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 _____, 2008.

Rick Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

AGENDA ITEM SUMMARY

DATE: 12-08-08

DEPARTMENT: Planning

DEPT. HEAD SIGNATURE: DR

SUBJECT: 2nd reading of Ordinance 1021 – text amendment to Hailey Zoning Ordinance Article 3.8.5

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The Council held a public hearing and first reading of this ordinance on November 24, 2008.

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 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:

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. 1021

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 3.8.5 TO ADD PROJECTS PROVIDING COMMUNITY HOUSING, AND PROJECTS ELIGIBLE FOR ENERGY STAR OR LEED CERTIFICATION TO THE APPLICATIONS ELIGIBLE FOR FAST TRACK STATUS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE.

WHEREAS, the proposed amendments are generally in accordance with the Comprehensive Plan;

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

WHEREAS, the proposed amendments will be in accordance with the 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 3.8.5, of the Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

3.8.5 Fast Track

Applications for projects providing Community Housing Unit(s), projects eligible to be certified as an ENERGY STAR project, projects eligible to be certified according to the Leadership in Energy and Environmental Design (LEED) Green Building Rating System or projects within the Central Business District may be eligible for Fast Track status and scheduled for the earliest reasonable meeting of the appropriate reviewing body, regardless of its submission relative to other applications (except for public school facilities). In no case shall an application for which legal notice has been published be rescheduled to allow for priority scheduling of another application subject to the Fast Track process.

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 _____, 2008.

Rick Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

AGENDA ITEM SUMMARY

DATE: 12-08-08 DEPARTMENT: Planning DEPT. HEAD SIGNATURE: BR

SUBJECT:
2nd reading of Ordinance 1022 – text amendment to Hailey Subdivision Ordinance Article 4.11

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The Council held a public hearing and first reading of this ordinance on November 24, 2008.

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 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:

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./Agrmt./Order Originals: Record *Additional/Exceptional Originals to: _____
Copies (all info.): _____ Copies (AIS only)
Instrument # _____

HAILEY ORDINANCE NO. 1022

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S SUBDIVISION ORDINANCE, ORDINANCE NO. 821, BY AMENDING SECTION 4.11.2, TO DELETE THE INCLUSIONARY HOUSING REQUIREMENT FOR THE CONVERSION OF RENTAL UNITS TO CONDOMINIUMS OR TOWNHOUSES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE.

WHEREAS, the proposed amendments are generally in accordance with the Comprehensive Plan;

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

WHEREAS, the proposed amendments will be in accordance with the 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 4.11.2, of the Hailey Subdivision Ordinance No. 821, is hereby amended by the deletion of the stricken language as follows:

4.11.2 Establishment of Inclusionary Community Housing. Except as otherwise provided herein, all residential subdivisions, ~~including conversion of rental units to condominiums or townhouses,~~ new condominium and townhouse subdivisions, and amendments to plats that convert non-residential units or lots to residential units or lots, resulting in five or more lots or Dwelling Units shall provide Community Housing Units equivalent to a minimum of twenty percent (20%) of the total number of lots or Dwelling Units approved, unless alternatives are otherwise approved. If this Section results in requiring a fraction of a Community Housing Unit, a full unit shall be built or an alternative to provision of an on-site unit shall be provided in compliance with Section 4.11.5 of this ordinance.

If one of the applications described in this section is made and if a subsequent application described in this section cumulatively results in five or more lots or Dwelling Units on the Original Parcel, then the subsequent applicant shall be subject to the provisions of this ordinance and shall construct the required Community Housing Units and/or alternatives in accordance with this ordinance for all the lots or Dwelling Units on the Original Parcel.

If one of the applications described in this section is made and it is apparent that a subdivision of five or more lots may be further subdivided, any approved plat or other recordable instrument describing the entire Original Parcel shall contain a note or

provision (unless the Original Parcel is subject to a recorded restriction prohibiting future subdivision), advising future owners of all or part of the Original Parcel that a subsequent application described in this section cumulatively resulting in five or more lots or Dwelling Units will subject all or part of the Original Parcel to the requirement of providing Community Housing Units or alternatives in accordance with this ordinance.

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 _____, 2008.

Rick Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

