

HAILEY ORDINANCE NO. 1001

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 PRIVATE STREET AND PUBLIC STREET AND TO AMEND A DEFINITION OF STREET; BY AMENDING SECTIONS 6A.7.1.1, 6A.7.2.1(A), 6A.7.2.1(D), 6A.7.2.2(A), 6A.7.2.2(D), 6A.7.2.3(A) AND 6A.7.2.3(D) TO CLARIFY SIDEWALK AND LANDSCAPING REQUIREMENTS AND TO REDUCE THE SIDEWALK IN LIEU FEE; BY AMENDING SECTION 6A.7.2.4.III.C.5 TO DELETE THE WORD RIGHT-OF-WAY; 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 "Right-of-Way", "Street", "Street: Private", "Street: Public", as follows:

Street. A strip of land which provides way for vehicular traffic which affords the principal means of access to abutting property.

Street: Private. A street which provides public and emergency vehicular and public pedestrian access, but is not accepted for a dedication or maintenance by the City and will be owned and maintained by a private entity, owners association or person(s).

Street: Public. Land, property or interest therein, usually in a strip, acquired for or devoted to public vehicular and public pedestrian access.

Section 2. Section 6A.7.1.1 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:

Sidewalks, curb and gutter shall be required ~~right-of-way~~ improvements for projects requiring Design Review approval in the B, LB, TI, A and SCI zoning districts. At a minimum, sidewalks and curb and gutter, where required, shall comply with the City Standards. Sidewalks shall be at least six feet (6') wide or as wide as adjacent sidewalks

on the same block, whichever is greater. Sidewalks shall be constructed along the entire length of a property adjacent to any public or private street in all zones, as well as in locations that provide safe pedestrian access to and around a building. New sidewalks shall be planned to provide pedestrian connections to any existing sidewalks adjacent to the site. Sites located adjacent to public or private streets that are not currently through streets, regardless whether the street may provide a connection to future streets, shall provide sidewalks to facilitate future pedestrian connections. Sidewalks and drainage improvements in the right-of-way shall also be required in other districts, except as otherwise provided herein. The requirement for sidewalk may be waived if the cost of the proposed project construction is less than twenty thousand dollars (\$20,000). For Single Family Dwelling and Duplex projects in the Townsite Overlay District, the requirement for sidewalk shall be waived for any remodel or addition; sidewalks shall be required for new primary dwellings. Sidewalks (and curb and gutter where required) shall be six (6) feet wide and shall meet the standards set forth in the City Standards.

The City may approve and accept voluntary cash contributions in-lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be ~~150%~~ a minimum of 110% of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in-lieu contribution shall be paid before the City issues a certificate of occupancy. In-lieu contributions for sidewalks shall not be accepted in B, LB, TI and SCI districts.

Section 3. Paragraphs (3), (4) and (5) of Section 6A.7.2.1(A) of Hailey Zoning Ordinance No. 532, are hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

3. The site should be designed to support pedestrian circulation and provide pedestrian amenities.

Pedestrian circulation should be an integral part of initial site layout and should be considered when planning the building layout and circulation patterns. Organize the site so that buildings frame and reinforce pedestrian circulation. It is preferred that pedestrians walk along building fronts rather than along or across parking lots and drives. Sidewalk design should incorporate pedestrian amenities. Wider sidewalks are encouraged to provide additional amenities such as seating areas and bicycle racks. Street trees are required within the public right-of-way; street tree species shall be approved by the City in accordance with the Tree Guide. Street lights at intersections are also required.

4. ~~Sidewalk, curb and gutter shall be required improvements. At a minimum, sidewalks shall comply with the City Standards, and be at least as wide as adjacent sidewalk on the same block. Conflicts between different circulation needs and uses should be minimized.~~

~~Sidewalk design should incorporate pedestrian amenities. Extended sidewalk is encouraged to provide additional amenities such as seating areas and bicycle racks. Street trees are required within the public right-of-way; street tree species shall be approved by the City in~~

~~accordance with plans on file with the Planning and Street Departments. Street lights at intersections are also required. Circulation patterns between customers/pedestrians and service/delivery vehicles should be conflict free. Delivery trucks should not interfere with public rights-of-way or obstruct required parking spaces. Where alleys are provided, they should be utilized for loading, deliveries, trash pick-up, etc. Pedestrians should be able to have safe access to the site without being forced to walk within any traffic lane. When developing more than one building on a site, it is important to provide pedestrian paths through the site.~~

5. Buildings should be sited in a manner that preserves significant vegetation. Existing trees greater than 6”in caliper are considered a resource and the removal of any such trees are subject to administrative review and approval.

New construction and landscaping should respect and be compatible with existing vegetation. Proposed site plans shall inventory and delineate to scale all existing plant material to be saved. Removal of trees larger than 6”caliper will require administrative approval and an arborist review. Any tree destroyed or mortally injured after previously being identified to be preserved, or removed without authorization, must be replaced with a large specimen of a species found in the Tree Guide.

Section 4. Paragraph 2 of Section 6A.7.2.1(D) 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:

2. Site landscaping plans should consider ~~T~~the urban environment should be considered in planning landscaped areas. A combination of ~~t~~Frees, shrubs vines, ground covers and ornamental grasses should be selected that enhance and soften the hardscape. For landscape plans having more than 10 trees, a minimum of 10% of the trees shall be at least 4-inch caliper, 20% shall be at least 3-inch caliper, and 20% shall be at least 2½ inch caliper. A maximum of 20% of any single species may be used in any landscape plan having more than 10 trees (excluding street trees).

A landscape plan should provide or create a pleasing site or landscape character for an area. A harmony and balance of all the various elements of a landscape must be retained or developed. Landscaped areas should be planned as an integral part of the site and not simply located in leftover space on site. New planting areas must be designed to accommodate typical trees at maturity.

Section 5. Paragraph 2 of Section 6A.7.2.2(A) of Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language as follows:

2. Conflicts between different circulation needs and uses should be minimized. ~~Sidewalks and other safe pedestrian walkways shall be located along streets in all zones, as well as locations that provide safe pedestrian access to and around a building.~~

Circulation patterns between customers/pedestrians and service/delivery vehicles should be conflict free. Delivery trucks should not interfere with public rights-of-way or ~~block~~obstruct required parking spaces. Where alleys are provided, they should be utilized for loading, deliveries, trash pick-up, etc. Pedestrians should be able to have safe access to the site

without being forced to walk within any traffic lane. When developing more than one building on a site, it is important to provide pedestrian paths through the site.

Section 6. Paragraph 2 of Section 6A.7.2.2(D) 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:

~~2. Site landscaping shall include a combination of trees and shrub species, vines and ground covers, all of which should be drought tolerant. In landscape plans having more than 10 trees, a minimum of 10% of the trees shall be at least 4-inch caliper, 20% shall be at least 3-inch caliper, and 20% shall be at least 2½ inch caliper. A maximum of 20% of any single species may be used in any landscape plan having more than 10 trees (excluding street trees). The urban environment should be considered in planning landscaped areas. A combination trees, shrubs vines, ground covers and ornamental grasses should be selected that enhance and soften the hardscape. Landscape plans having more than 10 trees, a minimum of 10% of the trees shall be at least 4-inch caliper, 20% shall be at least 3-inch caliper, and 20% shall be at least 2½ inch caliper. A maximum of 20% of any single species may be used in any landscape plan having more than 10 trees (excluding street trees).~~

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Section 7. Paragraph 2 of Section 6A.7.2.3(A) 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:

~~2. Buildings should be sited in a manner that preserves significant vegetation. Existing trees greater than 6" in caliper are considered a resource and the removal of any are subject to administrative review and approval.~~

New construction and landscaping should respect and be compatible with existing vegetation. Proposed site plans shall inventory and delineate to scale all existing plant material and note whether it is to be preserved, relocated or removed. Removal of trees larger than 6" caliper will require administrative approval and an arborist review. Any tree destroyed or mortally injured after previously being identified to be preserved, or removed without authorization, must be replaced with a large specimen of a species found in the Tree Guide "City of Hailey Tree Selection and Planting Guide".

Section 8. Paragraph 2 of Section 6A.7.2.3(D) 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:

~~2. Site landscaping plans should consider the urban environment. Trees, shrubs and ornamental grasses should be selected that enhance and soften the hardscape. The~~

urban environment should be considered in planning landscaped areas. A combination trees, shrubs vines, ground covers and ornamental grasses should be selected that enhance and soften the hardscape. Landscape plans having more than 10 trees, a minimum of 10% of the trees shall be at least 4-inch caliper, 20% shall be at least 3-inch caliper, and 20% shall be at least 2½ inch caliper. A maximum of 20% of any single species may be used in any landscape plan having more than 10 trees (excluding street trees).

A landscape plan should provide or create a pleasing site or landscape character for an area. A harmony and balance of all the various elements of a landscape must be retained or developed. Landscaped areas should be planned as an integral part of the site and not simply located in leftover space on site. New planting areas must be designed to accommodate typical trees at maturity.

Section 9. The third Guideline of Section 6A.7.2.4.II.C.5 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:

Guideline: Generally, the driving surface of alleys within Limited Residential and General Residential may remain a dust-free gravel surface, but should be paved within Business, Limited Business, and Transitional. The remainder of the City ~~right-of-way~~ alley should be managed for noxious weed control, particularly after construction activity.

- State law requires that noxious weeds be controlled.

Section 10. 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 11. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 12. 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 25 DAY OF February, 2008.



Rick Davis
Rick Davis, Mayor, City of Hailey

Attest:

Heather Dawson
Heather Dawson, City Clerk