

HAILEY ORDINANCE NO. 1012

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE 8A, WIRELESS FACILITIES, SECTIONS 8.A.1, 8.A.2, 8.A.5 and 8.A.7, BY ADDING REQUIREMENTS FOR PUBLIC SAFETY COMMUNICATION EQUIPMENT; 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 8A.1(b) of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

8. Provide necessary public safety radio communication infrastructure to ensure the health, safety and general welfare of the public.

Section 2. Section 8A.2 of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

Applicant. A person or entity who submits an application under this Ordinance for a PWSF or WCF Master Plan and/or a Wireless Permit and shall include both the owner of the real property upon which the PWSF or WCF is proposed for location and the owner of the proposed PWSF or WCF, which shall be a Licensed Carrier or entity operating a Public Safety Communication Center.

Licensed carrier. A company authorized by the FCC to construct and operate a wireless service or entity operating a public safety communication center. In addition, any carrier operating under the Federal Communications Commission Regulations, Part 15 (Unlicensed Carriers) is, for purposes of this Article, a "licensed carrier." A licensed carrier must be either the applicant or the co-applicant for every PWSF or WCF application.

Public Safety Communication Equipment. Radio transmitters, antennas, mount and ancillary equipment used to receive and transmit essential public safety radio communications using VHF, UHF, 700 and 800 MHZ frequencies.

Public Safety Communication Center. A call taking and dispatch center whose primary

function is to receive and transmit public safety emergency radio and telephone communications.

Section 3. Section 8A.5.1(b) of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as a new subparagraph 2, as follows, and by renumbering the subsequent subparagraphs:

2. Public Safety Communication Center.

Section 4. Section 8A.5.2 of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

- h. In the case of Public Safety Communication Equipment, existing towers or structures do not satisfy requirements for public safety communication accreditation

Section 5. Section 8A.7.2 of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

PWSFs or WCFs shall not exceed forty (40) feet AGL or the maximum permissible height of the zoning district where it is sited, whichever is lower, with the exception of facade and roof-attached PWSFs or WCFs or Public Safety Communication Equipment as described below:

- a. Roof attached PWSFs or WCFs shall not exceed five (5) feet above the highest portion of the roof membrane, or continuous parapet wall. The antenna and support system for whip antennas shall not exceed ten (10) feet above the highest portion of that roof, including parapet walls.
- b. Facade attached PWSFs or WCFs shall not exceed five (5) feet above the facade to which it is attached.
- c. If the height of the building is in excess of the maximum height allowed within the zone and was legally established, then the combined height of the building and antenna shall not exceed the maximum height allowed by such approval, unless determined to be suitably camouflaged.
- d. Street pole attached PWSFs or WCFs may only extend six (6) feet above the existing street pole. A maximum extension of ten (10) feet from the top of the street pole, may be permitted pursuant to standards provided in Section 8A.7.9 of this Ordinance, if a utility disturbance can be clearly demonstrated.
- e. Public Safety Communication Equipment located on the same property as a Public Safety Communication Center the height of the support structure may be allowed a maximum of seventy five feet (75') AGL.

Section 6. Section 8A.7.3(d) of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

- d. Freestanding Tower. Setbacks shall be measured from the ~~base~~ centerline of the tower to the property line of the parcel on which it is located. Towers shall be set back from all property lines one hundred ~~twenty five (125)~~ percent (100%) of the height of the tower as measured from ~~ground level~~ the base of the tower to the highest point of the tower including antennas. ~~In addition, no buildings (other than those utilized~~

~~exclusively for the PWSF or WCF) shall be constructed within this setback to protect against damage to persons or property due to collapse of the structure and/or due to falling debris or ice from the structure;~~

Section 7. Section 8A.7.4(b) of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

b. Landscaping or Screening Standards.

~~The following standards shall apply to all PWSFs or WCFs (if the antenna is facade or roof mounted, and other equipment is located inside the existing building, landscaping shall not be required):~~

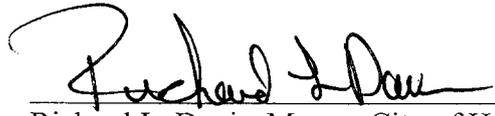
1. Support structures and equipment enclosures shall be installed so as to maintain and blend with existing mature landscaping on-site, including trees, foliage and shrubs, whether or not utilized for screening;
2. Additional landscaping and screening shall be installed to visually screen the ~~support structures and~~ above ground equipment enclosures. Landscaping and screening shall consist of a combination of trees, foliage and shrubs of dense spacing in one of the following designs:
 - (i) A screening wall or fence and a five (5) foot wide landscape planter located in front of the wall or fence;
 - (ii) A ten (10) foot wide landscape planter; or
 - (iii) Any combination of existing vegetation, topography, decorative walls/fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping described above.
3. No PWSF or WCF shall be at a height (~~see definition~~) greater than ten (10) feet above the average height of the existing, mature trees located on site within the landscape screening buffer described above.
4. Where mature trees or landscaping does not exist, the appropriateness of siting support structures and equipment enclosures shall be determined by considering the context of the surrounding topography, buildings or other vertical structures.
45. Upon completion, the permittee(s) of the facility shall be jointly and severally responsible for the continued maintenance and replacement of all required landscaping and screening materials.

Section 8. 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 9. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

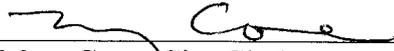
Section 10. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE
MAYOR THIS 30th DAY OF June, 2008.



Richard L. Davis, Mayor, City of Hailey

Attest:



Mary Cone, City Clerk

