

HAILEY ORDINANCE NO. 994

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY’S SUBDIVISION ORDINANCE, ORDINANCE NO. 821, BY AMENDING SECTION 1, DEFINITIONS, TO REVISE THE DEFINITION OF HISTORIC STRUCTURE; AMENDING SECTION 3 – PROCEDURE, SECTION 4 – DEVELOPMENT STANDARDS; SECTION 5 – IMPROVEMENTS REQUIRED, AND SUBSECTIONS THEREOF TO PROVIDE FOR REVIEW AND RECOMMENDATIONS BY HEARING EXAMINERS; AMENDING SECTION 3 AND SUBSECTIONS THEREOF TO CHANGE COMMISSION ACTION ON REGULAR PLATS TO A RECOMMENDATION; AMENDING SECTION 4.3.8.3 TO CLARIFY STANDARDS FOR SNOW STORAGE; AMENDING SECTION 4.5.5 TO CLARIFY STREET FRONTAGE FOR TOWNHOUSE SUB-LOTS AND DEVELOPMENTS; AMENDING SECTION 4.11.2 TO CLARIFY PROVISION OF COMMUNITY HOUSING UNITS UPON SUBSEQUENT SUBDIVISION; AMENDING SECTION 5.1 TO PROVIDE FOR ALTERNATIVES TO MINIMUM IMPROVEMENTS; AMENDING SECTIONS 4.11.4.1 AND 7.1 TO MAKE GRAMMATICAL CORRECTIONS; 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 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 1, Definitions, of the Hailey Subdivision Ordinance No. 821 is hereby amended by the addition of the underlined language to the definition of “Historic Structure”, as follows:

Historic Structure. Any building or structure that was originally constructed, in whole or in part, prior to 1941, regardless whether the building or structure was constructed or relocated within the Townsite Overlay District, unless the Hailey Historic Preservation Commission has recommended that the building or structure does not maintain the historic architectural qualities, historic associations or archeological values of other Historic Structures within the Townsite Overlay District or does not comply with the “congruous” definition in the Townsite Overlay Design Review Guidelines.

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Section 2.

Section 3 of the Hailey Subdivision Ordinance No. 821 is hereby amended by the deletion of the stricken language as follows:

SECTION 3 – PROCEDURE

No plat shall be recorded or offered for record with the County Recorder until the final plat has been approved by the Council, or in the case of a Lot Line Adjustment, the Administrator or Hearing Examiner, and shall bear thereon the approval of the Mayor and Council, as attested by the City Clerk, and the City Engineer.

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Section 3.

Sections 3.1 of the Hailey Subdivision Ordinance No. 821 is hereby amended by the addition of the underlined language and the deletion of the stricken language as follows:

3.1 Commission or Hearing Examiner Preliminary Plat Review.

In seeking to subdivide land or other property into building lots or other parcels and to dedicate streets, alleys, or other land for public use, the Developer shall submit six (6) copies of a preliminary plat to the Commission or, in the case of a Short Plat, two (2) copies to the Hearing Examiner. The Administrator shall place the application on the next Commission or Hearing Examiner agenda for which space is available and when all notice requirements can be met.

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The Administrator shall place public notice of the application and public hearing in a newspaper of general circulation, and to owners of property located within three - hundred (300) feet of the boundaries of the proposed subdivision, and all easement holders within the subject property, no less than fifteen (15) days prior to the scheduled date of hearing. The applicant shall provide the mailing addresses of all property owners within 300 feet of the outer boundaries of the parcel proposed for subdivision.

Section 4.

Section 3.1.4 of the Hailey Subdivision Ordinance No. 821 is hereby amended by the addition of the underlined language and the deletion of the stricken language as follows:

3.1.4 The Commission shall hold a public hearing and recommend to approve, conditionally approve, or deny the preliminary plat application, or in the case of a short plat the Commission or Hearing Examiner shall hold a public hearing and approve, conditionally approve, or deny the preliminary plat. The Commission or Hearing Examiner may table or continue the application, when specific information has been requested from the applicant. A denial of the proposed short plat by the Commission or Hearing Examiner is a denial of the application, and,

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unless appealed to the Council, the application will be terminated and the application fee forfeited.

Section 5.

Section 3.2.1 of the Hailey Subdivision Ordinance No. 821 is hereby amended by the addition of the underlined language and the deletion of the stricken language as follows:

3.2.1 Following the recommendation for preliminary plat approval, conditional approval or denial by the Commission, the applicant shall re-submit drawings, as necessary, showing modifications to the plans required by the Commission,

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Section 6.

Section 3.3.4 of the Hailey Subdivision Ordinance No. 821 is hereby amended by the addition of the underlined language as follows:

3.3.4 The Council shall hold a public hearing and approve, conditionally approve, or deny the final plat application. In the event that the Council finds that final plat does not substantially conform to the approved preliminary plat, the Council shall consider the plat an amended preliminary plat and remand it to the Commission or Hearing Examiner for preliminary plat review.

Section 7.

Section 4.2.1 of the Hailey Subdivision Ordinance No. 821 is hereby amended by the addition of the underlined language as follows:

4.2.1 Sidewalks. Sidewalks adjacent to public streets shall be constructed on both sides of a public street, shall be a minimum of six feet (6') in width and shall be constructed of concrete installed to City Standards or of a superior material as approved by the Council, following a recommendation by the Commission or Hearing Examiner. Sidewalks adjacent to private streets within and adjacent to all subdivisions in the Business, Limited Business, Service Commercial Industrial and Light Industrial districts shall be constructed on at least one side of the street, shall be a minimum of five (5') in width and shall be constructed of concrete installed to City Standards or of a superior material as approved by the Council, following a recommendation by the Commission or Hearing Examiner. Sidewalks with curb and gutter shall be provided in Business, Limited Business, Technological Industry, Service Commercial Industrial, and Light Industrial Districts. Sidewalks shall accommodate anticipated pedestrian traffic, and shall include street trees (with irrigation) and other pedestrian amenities where required by the Council upon recommendation by the Commission or Hearing Examiner, and shall be in accordance with established City standards and sidewalk master plan, if available.

Section 8.

Section 4.2.3 of the Hailey Subdivision Ordinance No. 821 is hereby amended by the addition of the underlined language as follows:

4.2.3 The Developer may, at Developer's option, propose alternatives to either the standard sidewalk configuration required in Section 4.2.1, or the planned non-vehicular pathway required in Section 4.2.2. The Hearing Examiner or Commission and Council shall ensure that the alternative configuration shall not reduce the level of service or convenience to either residents of the development or the public at large.

Section 9.

Section 4.2.4 of the Hailey Subdivision Ordinance No. 821 is hereby amended by the addition of the underlined language as follows:

4.2.4 After receiving a recommendation by the Hearing Examiner or Commission, the Council may in its discretion approve and accept voluntary cash contributions in-lieu of the improvements described in this Section 4.2, 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% 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 signs the final plat. In-lieu contributions for sidewalks shall not be accepted in Business, Limited Business, Neighborhood Business Technological Industry and Service Commercial Industrial districts.

Section 10.

Section 4.3.8.3 of the Hailey Subdivision Ordinance No. 821 is hereby amended by the addition of the underlined language as follows:

4.3.8.3 To provide for the storage of snow, drainage areas or the conduct of irrigation waters. Snow storage areas shall be not less than twenty-five percent (25%) of parking, sidewalk and other circulation areas. No dimension of any snow storage area may be less than 10 feet. All snow storage areas shall be accessible and shall not be located over any above ground utilities, such as transformers.

Section 11.

Section 4.5.4 of the Hailey Subdivision Ordinance No. 821 is hereby amended by the addition of the underlined language as follows:

4.5.4 A single flag lot may be permitted at the sole discretion of the Hearing Examiner or Commission and Council, in which the "flagpole" projection is serving as a driveway as provided herein, providing connection to and frontage on a public or a private street. Once established, a flag lot may not be further subdivided, but a lot line adjustment of a flag lot is not considered a further subdivision. The "flagpole" portion of the lot shall be included in lot area, but shall not be

considered in determining minimum lot width. The “flagpole” shall be of adequate width to accommodate a driveway as required by this ordinance, fire and other applicable codes. Flag lots within the Townsite Overlay District are not allowed, except where parcels do not have street access, such as parcels adjacent to the ITD right-of-way.

Section 12.

Section 4.5.5 of the Hailey Subdivision Ordinance No. 821 is hereby amended by the addition of the underlined language, and the deletion of the stricken language, as follows:

4.5.5 All lots shall have frontage on a public or private street. No frontage width shall be less than the required width of a driveway as provided under Sections 4.1.11.1 and 4.5.4 of this Ordinance. Townhouse Sub-Lots are excluded from this requirement; provided, however, that Townhouse Developments shall have frontage on a street.

Section 13.

Sections 4.8.1.1 and 4.8.1.2 of the Hailey Subdivision Ordinance No. 821 are hereby amended by the addition of the underlined language as follows:

4.8.1.1 A preliminary soil report prepared by a qualified engineer may be required by the Hearing Examiner or Commission and/or Council as part of the preliminary plat application.

4.8.1.2 A preliminary grading plan prepared by a civil engineer may be required by the Hearing Examiner or Commission and/or the Council as part of the preliminary plat application, to contain the following information:

- Proposed contours at a maximum of two (2) foot contour intervals;
- Cut and fill banks in pad elevations;
- Drainage patterns;
- Areas where trees and/or natural vegetation will be preserved;
- Location of all street and utility improvements including driveways to building envelopes; and
- Any other information which may reasonably be required by the Administrator, Hearing Examiner, Commission and/or Council.

Section 14.

Section 4.10.3 of the Hailey Subdivision Ordinance No. 821 is hereby amended by the addition of the underlined language as follows:

4.10.3 Parks and Lands Board. The Parks and Lands Board shall review and make a recommendation to the Hearing Examiner or Commission and Council regarding each application subject to the provisions of Section 4.10 of this ordinance. Such recommendation will be based on compliance with the Master Plan and provisions of this ordinance.

Section 15.

Section 4.11.2 of the Hailey Subdivision Ordinance No. 821 is hereby amended by the addition of the underlined language and 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.

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If one of the applications described in this section is 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.

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Section 16.

Section 4.11.4.1 of the Hailey Subdivision Ordinance No. 821 is hereby amended by the deletion of the stricken language as follows:

4.11.4.1 Except as otherwise provided herein, the number of Community Housing Units shall be constructed on-site equivalent to a minimum of twenty percent (20%) of the actual number of lots or Dwelling Units approved, unless one or more alternatives under ~~Section 4.11.5 of this ordinance are approved.~~

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Section 17.

Section 5.1 of the Hailey Subdivision Ordinance No. 821 is hereby amended by the addition of the underlined language as follows:

5.1 It shall be a requirement of the Developer to construct the minimum improvements set forth herein and any required improvements for the subdivision, all to City Standards, which are attached hereto as Exhibit “A.” Alternatives to the minimum improvement standards may be recommended for approval by the City Engineer and approved by the City Council at its sole discretion only upon showing that the alternative is clearly superior in design and effectiveness and will promote the public health, safety and general welfare.

Section 18.

Section 5.7 of the Hailey Subdivision Ordinance No. 821 is hereby amended by the addition of the underlined language as follows:

5.7 The Developer shall improve all parks and Green Space areas as presented to and approved by the Hearing Examiner or Commission and Council.

Section 19.

Section 7.1 of the Hailey Subdivision Ordinance No. 821 is hereby amended by the deletion of the stricken language as follows:

7.1 Plat Procedure. The Developer of a condominium project shall submit with the preliminary plat application as required by this Ordinance a copy of the proposed by-laws and condominium declarations of the proposed condominium development. The documents shall adequately provide for the control (including billing where applicable) and maintenance of all common utilities, common area, recreational facilities, and Green Space. The Developer may submit a final plat application following inspection and approval by the Building Inspector of the footings and setbacks of the condominium building. Prior to final plat approval, the Developer shall submit to the City a copy of the final by-laws and condominium declarations ~~to be recorded with the County Recorder, including the instruments number(s) under which each document was recorded.~~

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Section 20.

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 21.

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

Section 22.

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 24th DAY OF September, 2007.

Susan McBryant, Mayor, City of Hailey

Attest:

Heather Dawson, City Clerk

Publish: Summary - Wood River Journal, October 24, 2007

| [sub amends CC 09-10-07 #994](#)