

HAILEY ORDINANCE NO. 1072

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, AMENDING ARTICLE 2, DEFINITIONS, BY CHANGING AND ADDING DEFINITIONS OF TERMS RELATED TO COMMUNITY HOUSING; BY AMENDING ARTICLE 10 TO DELETE ANY REFERENCE TO SUBDIVISION ORDINANCE SECTION 4.11; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

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

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

WHEREAS, the proposed uses are compatible with the surrounding area; and

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

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

Section 1. Article 2, Definitions, of the Hailey Zoning Ordinance No. 532, terms Community Housing Unit and Local Housing Authority are hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

Community Housing Unit. Through a Deed Restriction, a Dwelling Unit that is restricted by size, type and/or cost, and that is for sale or rent exclusively to individual(s) meeting income, occupancy and/or other affordable community housing criteria established in a Community Housing Plan approved by the City of Hailey.

Local Housing Authority. An independent public body corporate and politic created under the Housing Authorities and Cooperation Law, Idaho Code Section §§50-1901, *et. seq.*, including the ~~Blaine-Ketchum~~ County Housing Authority or other entity created by the City of Hailey, providing oversight, review and general assistance in the provision of Community Housing Units to the City.

Section 2. Article 2, Definitions, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the terms as follows:

Community Housing Fund. An interest bearing account held in trust by the City for the creation of community housing for the benefit of the City.

Community Housing Plan. The plan that specifically describes the Market Rate Units and the Community Housing Units to be constructed in any development, or alternatives to Community Housing Units, and that is approved by the City in accordance with standards and criteria adopted by the Local Housing Authority or as otherwise allowed by the Council.

Deed Restriction. A method by which occupancy and resale of real property is controlled in a deed to create Community Housing Units.

Income Category. A grouping of household incomes based on a percentage of AMI.

Category 2: 51-60% of AMI

Category 3: 61-80% of AMI

Category 4: 81-100% of AMI

Category 5: 101-120% of AMI

Category 6: 121-140% of AMI

Market Rate Unit. A Dwelling Unit in a residential or mixed use development that is not a Community Housing Unit.

Section 4. Article 10, Planned Unit Development, Section 10.3.8 of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language:

10.3.8 Each PUD shall provide one (1) or more of the following amenities, commensurate with the size and density of the development, and commensurate with the modifications requested by the applicant, to ensure a public benefit:

a. Green Space. All Green Space shall be granted in perpetuity and the PUD agreement shall contain restrictions against any encroachment into the Green Space. Where a subdivision is involved as part of the PUD approval process, Green Space shall be identified as such on the plat. A long-term maintenance plan shall be provided. Unless otherwise agreed to by the City, the PUD agreement shall contain provisions requiring that property owners within the PUD shall be responsible for maintaining the Green Space for the benefit of the residents or employees of the PUD and/or by the public. Green space shall be set aside in accordance with the following formulas:

1. For residential PUD's: a minimum of .05 acres per residential unit.

2. For non-residential PUD's: a minimum of 15% of the gross area of the

proposed PUD.

b. Active recreational facilities. Active recreational facilities include amenities such as a swimming pool, tennis courts or playing fields, of a size appropriate to the needs of the development. The PUD agreement shall contain provisions requiring that such facilities be maintained in perpetuity, or replaced with another similar recreation facility.

c. Public transit facilities. Public transit facilities include a weather-protected transit stop or transit station, and must be located on a designated transit route.

d. Preservation of Vegetation. Preservation of significant existing vegetation on the site must include the preservation of at least 75% of mature trees greater than 6-inch caliper on the site.

e. Wetlands. Protection of significant wetlands area must constitute at least 10% of the gross area of the proposed PUD.

f. River enhancement. Enhancement of the Big Wood River and its tributaries, must include stream bank restoration and public access to or along the waterway.

g. Community Housing. For residential PUD's, the provision of at least thirty percent (30%) of the approved number of dwelling units or lots as Community Housing Units affordable to households earning between 50% and 120% of the Area Median Income ~~(the 30% would include the 20% community housing required for a subdivision established by Section 4.11 of the Subdivision~~

Ordinance), or the provision of at least twenty percent (20%) as Community Housing Units affordable to households earning less than 50% of the Area Median Income.

h. Real Property. Dedication or conveyance of real property or an interest in real property to the City.

i. Sidewalks. Off-site sidewalk improvements shall be constructed according to City Standard Improvement Drawings and provided (in addition to sidewalk improvements that are required by ordinance adjacent to the subject property) in accordance with the following formulas:

1. For residential PUD's: a minimum of 100 linear feet per residential unit.
2. For non-residential or mixed-use PUD's: a minimum of 100 linear feet per 1000 square feet of gross floor area.

j. Underground Parking. Underground parking must be provided for at least 50% of the required number of parking spaces in the PUD.

k. Energy Conservation. All principal buildings within the PUD must comply with sustainable building practices, as follows:

1. For residential PUD's: buildings comply with local "Built Green" standards for certification, federal EPA "Energy Star" program, or Leadership in Energy and Environmental Design - Homes (LEED-H) standards for basic certification.

2. For non-residential or mixed-use PUD's: buildings comply with Leadership in Energy and Environmental Design (LEED) standards for basic certification.

l. Other Amenities. Other project amenities and/or benefits to the community that are found, by recommendation of the Commission and approval of the Council, to promote the purpose of this Article and the goals and objectives of the Comprehensive Plan.

Section 5. Article 10, Planned Unit Development, Section 10.4.1 of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language:

10.4.1 Density Bonus. The following maximum increases in density may be granted only if one of the following conditions are met, and if no other density increase has been granted (~~e.g., for Community Housing Units under Section 4.11 of the Subdivision Ordinance~~):

a. Ten percent (10%): Solar, wind, geothermal, or other alternative renewable energy source will provide at least fifty percent (50%) of the total energy needs of the PUD.

b. Ten percent (10%): At least twenty five percent (25%) of the property included in the PUD is located in the floodplain and no development occurs within the floodplain.

c. Ten percent (10%): The developer of the PUD provides or contributes to significant off-site infrastructure benefiting the City, (e.g., water tank, fire station).

d. Twenty percent (20%): The developer of the PUD provides or contributes to significant multi-modal infrastructure providing both vehicular and non-vehicular amenities benefiting the City and Wood River Valley.

e. Ten percent (10%): The non-residential or mixed-use PUD complies with Leadership in Energy and Environmental Design (LEED) standards for Silver certification. The bonus unit(s) shall not be constructed until a later phase, after actual certification for prior phase(s) is achieved.

f. Fifteen percent (15%): The non-residential or mixed-use PUD complies with Leadership in Energy and Environmental Design (LEED) standards for Gold certification. The bonus unit(s) shall not be constructed until a later phase, after actual certification for prior phase(s) is achieved.

g. Twenty percent (20%): The non-residential or mixed-use PUD complies with Leadership in Energy and Environmental Design (LEED) standards for Platinum certification. The

bonus unit(s) shall not be constructed until a later phase, after actual certification for prior phase(s) is achieved.

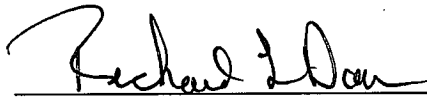
h. Density bonuses for project amenities and benefits to the community other than those listed here may be granted by unanimous vote of the Council, following a recommendation by the Commission, in order to carry out the purpose and intent of this Article and the land use policies of the City.

Section 6. 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 7. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

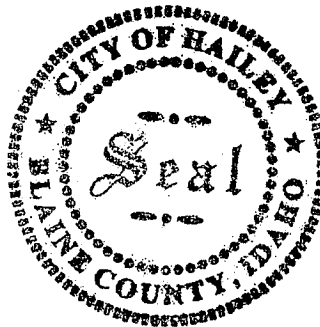
Section 8. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 25<sup>th</sup> DAY OF October, 2010.

  
Richard L. Davis, Mayor, City of Hailey

Attest:

  
Mary Cone, City Clerk



Summary  
Publish: Idaho Mountain Express \_\_\_\_\_, 2010